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United Nations Development Programme

GENDER EQUALITY AND WOMEN'S EMPOWERMENT IN PUBLIC ADMINISTRATION

# KYRGYZSTAN CASE STUDY





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# KEY FACTS

## KEY FACTS

<b>HUMAN DEVELOPMENT INDEX RANK</b>	126 out of 187 countries in 2011 <sup>1</sup>
<b>GENDER INEQUALITY INDEX</b>	66 out of 146 countries in 2011 <sup>2</sup>
<b>TRANSPARENCY INTERNATIONAL RANKING</b>	164 out of 183 in 2011 <sup>3</sup>
<b>% MEN AND WOMEN IN THE PUBLIC ADMINISTRATION</b>	42.4 percent in 2010 in public administration and 27.4 percent in 2010 in 'political and special positions' <sup>4</sup>
<b>AFFIRMATIVE ACTIONS</b>	<ul style="list-style-type: none"><li>• Policies of affirmative recruitment, promotion and training in the public administration</li><li>• 30 percent quota for women in the public administration</li></ul>
<b>NEED TO KNOW</b>	<ul style="list-style-type: none"><li>✓ Well developed regulatory framework, but gaps between legislation and practice</li><li>✓ Active and professional civil society drives change</li></ul>

1 <http://hdr.undp.org/en/statistics>

2 [http://hdr.undp.org/en/media/HDR\\_2011\\_EN\\_Table4.pdf](http://hdr.undp.org/en/media/HDR_2011_EN_Table4.pdf)

3 <http://www.transparency.org/cpi2011/results/>

4 Women And Men Of The Kyrgyz Republic, National Statistical Committee (2010).





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# EXECUTIVE SUMMARY

## EXECUTIVE SUMMARY

Kyrgyzstan has over 40 percent participation of women in the public administration, with women concentrated in the lower and administrative positions and in traditional sectors of health, education and social services. Women make up over half of Kyrgyzstan's population, but in 2005, Kyrgyzstan was the only country in the world where women were not represented in the National Parliament.

The women's movement in Kyrgyzstan, embodied in a network of NGOs, has achieved remarkable success for gender equality and continues to be a driving force. The women's movement started a nationwide advocacy campaign for gender quotas with the result that in 2007, despite resistance from most politicians, a 30 percent gender quota was introduced to the Election Code and Kyrgyzstan subsequently has 22 percent women MPs, as well as two female deputy speakers of the Parliament, four Heads of Parliamentary Committees and six Deputy Heads of committees (there are 16 parliamentary committees in total), as well as one woman Governor of a local self-governing province (LSG).

A combination of skilled advocacy and technical knowledge of gender issues has made the women's movement a respected partner for government and international organizations. Whilst the main focus of their efforts is political participation, they have also been instrumental in pushing for the inclusion of gender balance provisions for the public administration in the Gender Equality Law and National Action Plan, which then set a minimum target of 30 percent for women including at decision-making levels.

Kyrgyzstan also has a relatively robust policy framework in supporting areas, such as a law on sexual harassment and good support for maternity, although there is scope to introduce reporting requirements.

Following the collapse of the Soviet Union, the country's weakened public administration system has suffered various shocks, including economic and sporadic violent inter-ethnic conflict, and it is struggling to regain stability and function effectively. Endemic corruption and a high staff turnover result in a highly politicized executive branch of government and make it difficult for reforms to take root. This means that there is a large gap between policy and practice in the implementation of the 30 percent minimum target for women, especially at decision-making levels, as well as in many related areas, including implementation of international commitments and national policies for pregnant and nursing women.

Even special initiatives to recruit women to, for example, the police force, are undermined at the organizational level by weak implementation of such support policies. Patchy information systems within organizations also make it difficult to track progress.

Despite benefiting from higher education levels than men, young women are hampered in their career aspirations by lack of time due to domestic responsibilities, which are even growing under increasingly traditional tendencies and in the face of minimal and unstable social protection. The lack of support and gender stereotyping at home are replicated in the workplace, with even basic legal requirements such as breastfeeding rooms often not in place, and many women are afraid to exercise their maternity rights.



Technical support from the international community should focus on three areas:

- Strengthening both the gender policy and the content and the implementation of the new civil service code, which is currently being developed
- Strengthening oversight and implementation of existing legislation, including in work-life balance areas, through support to key public administration bodies, relevant parliamentary committees, the Prosecutor General's oversight function, etc.
- Supporting capacity-building mechanisms, which are genuinely accessible to women.



## METHODOLOGY

This case study was based on desk research and a series of consultative meetings with key institutions, including government agencies and departments, local self-governing authorities (LSGs) and civil society institutions.

Government key respondents are from both gender equality and the public administration. According to the Law 'On State Guarantees of Equal Rights and Equal Opportunities for Men and Women' the following bodies have responsibilities with regard to gender equality:

- President of the country (determines policy guidelines)
- Parliament (responsible for legal foundations of gender equality policy)
- Government and competent government agency particularly (implement gender policy)
- Local self-governing authorities (implement gender policy)
- Civil society institutions (promotion of equality policy).<sup>5</sup>

The Prosecutor General's Office is the principal agency responsible for overseeing and monitoring implementation of the legislation and making decisions on discriminatory practices based on sex.

The choice of institutions and authorities for consultations also took into account the findings of recent research in this area, especially a 'Functional Review' of the national gender machinery (UNDP, 2010), country gender assessment (ADB, 2005) and a gender assessment of USAID projects and programs (2009).

Consultations aimed to:

- Identify any progress/other issues in the policy framework since the Functional Review
- Understand the relationship between policy and practice, as well as underlying reasons and good practice
- Identify collaboration opportunities between government, civil society and international agencies.

Please see Annex 1 for a list of key respondents and interview summary.

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<sup>5</sup> Section 5, Art. 23-26.





## CONTEXT

This section gives a brief overview of the wider context in terms of gender equality, public administration and reforms as well as the socio-political and economic context.

### SOCIO-ECONOMIC AND POLITICAL CONTEXT

The disintegration of the Soviet Union and Kyrgyzstan's independence in 1991 triggered profound change in the political, administrative and economic systems, which moved from an authoritarian centrally planned economy to a democratic society and a market economy. The Kyrgyz economy has suffered a sharp economic downturn and deterioration of living standards and from the breakdown of the previous manufacturing-based division of labour between the Soviet Republics. The emergence of new borders for trade created a disruption of supply and demand, which led to the collapse of Kyrgyz industry and agriculture. The 2005 Human Development Report for Central Asia gives an example of the closure of an agricultural plant in Bishkek, which had previously supplied the entire Soviet Union.<sup>6</sup>

Opaque and often inequitable privatization of public property contributed to an already struggling economy with high unemployment and high poverty rates. Many social groups were sidelined and cannot access basic social goods and needs, such as those living in remote mountain regions, the elderly, persons with disabilities, ethnic minorities, youth, children and women. In parallel, an increasing polarization of wealth eventually led to widespread unrest and eventually to revolution in 2005 and 2010.<sup>7,8</sup>

### GENDER EQUALITY CONTEXT

Gender equality is a constitutional right and included in general conditions prohibiting all forms of discrimination on the grounds of sex, universal suffrage and other civil rights and liberties. However, the recent history of Kyrgyzstan as an independent republic is characterized by some negative changes for gender equality. There is increased discrimination and violence against women in social, economic and cultural life as a result of an increase in the influence of tradition and religion.

Increasing gender inequality has become a characteristic of the post-Soviet period in the Kyrgyz Republic. Unfair distribution of resources, patriarchal norms and values, reduced employment opportunities for women, closure of kindergartens, childcare facilities and social support institutions, and a deterioration of medical services exacerbate this situation. The feminization of poverty grew worse, levels of gender-based violence increased, and women were increasingly marginalized and excluded from decision making.<sup>9,10</sup>

6 In the future without barriers: Regional cooperation for human development and human security. UNDP (2005).

7 1998, the Gini index was 36, where the higher the index the greater the inequality. Source: Gini index website <http://data.worldbank.org/indicator/SI.POV.GINI?page=2> World Bank

8 [http://www.igpn.net/download/kyrgyzstan-is-fighting-for-gender-quotes%20\\_nurgul-asylbekova.pdf](http://www.igpn.net/download/kyrgyzstan-is-fighting-for-gender-quotes%20_nurgul-asylbekova.pdf)

9 UNDP Country website <http://www.undp.kg/en/what-we-do/cross-cutting-themes/gender>

10 Kyrgyz Country Case Study, Background paper for World Development Report 2012, World Bank (2011).



More women than men graduate from higher education institutions yet there is a gender bias in the labour market, where women are concentrated in the lower and poorly paid positions as well as in the informal economy, with its risks and lack of social protection.<sup>11</sup>

Patriarchal traditions make it difficult for women to access land and manage their households.<sup>12</sup> Violence in the home is a problem, as is the high incidence of bride kidnapping, where over 60 percent of marriages in rural areas are concluded in this way.<sup>13</sup>

### PUBLIC ADMINISTRATION CONTEXT

The public administration in Kyrgyzstan has been repeatedly reformed and an efficient, results-oriented administrative system was identified in the Country Development Strategy (2009-2011) as a key priority for good governance.<sup>14</sup>

To optimize public administration reform and institutional memory in the public administration (PA), the National Council on Public Administration Reform and Civil Service was set up in 2000.<sup>15</sup> Similarly, in 2007, the Prime Minister's Office created a special department to oversee public administration at the local government level and for local self-governing authorities. Subsequently, in 2004, the new positions of state secretaries in ministries and agencies were introduced in order to ensure implementation of policy, including human resources and gender equality policy, amongst other issues.

Public administration reform has been somewhat inconsistent and uncoordinated. For example, national local administrative structures (republic, oblast, rayon, municipality/local authorities) interfaced in a competitive rather than supportive way with the three-level structure of the state administration, i.e. government, ministry/government department and local representative offices of ministries/departments.

It is dogged by high staff turnover at all levels and by endemic corruption.<sup>16</sup> It is currently not fulfilling public expectations of a depoliticized civil service, as the national media often reflects in articles and stories. Despite numerous attempts to reform the public administration system, it provokes public resentment and is perceived not to deliver adequate services for women, men and children. There is widely acknowledged to be a substantial gap between policy and practice in the public administration.

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11 Women And Men Of The Kyrgyz Republic, National Statistical Committee of the Kyrgyz Republic (2010).

12 [http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID\\_Land\\_Tenure\\_Kyrgyzstan\\_Profile.pdf](http://usaidlandtenure.net/sites/default/files/country-profiles/full-reports/USAID_Land_Tenure_Kyrgyzstan_Profile.pdf)

13 Kyrgyz Country Case Study, Background paper for World Development Report 2012, World Bank (2011).

14 Country Development Strategy for 2009 – 2011 (Synthesis), Kyrgyz Republic (2009).

15 These functions are currently performed by the Council of the Civil Service, with a new structure including seven members, one of whom is a woman, Parliamentary Deputy Mrs. A. Altybaeva.

16 According to Transparency International Study in 2011, Kyrgyzstan ranked 164<sup>th</sup> out of 183 countries, with a score of 2.1/10.



## WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

In the executive branch of the government, as mentioned above, the civil service has a 30 percent quota for women, including for higher level politically appointed and administrative posts.<sup>17</sup> We will now look at the actual representation of women against this national target.

Historically, the number of women in senior administrative and political positions in general is very low, and this situation has persisted more or less since Kyrgyzstan's independence. For example, in 2003, women held only 21.8 percent of management positions in the Government at ministerial level (Minister/Deputy Minister) and these positions were in traditionally 'female' ministries, i.e. the Ministries of Education and Culture, Health and Labour and Social Protection. Out of 44 ministries and agencies in 2003, 26 (59 percent) of them did not have senior women.<sup>18</sup>

In 2010, women comprised made up 42.4 percent of all staff, 27.4 percent of 'political and special positions' and 39.1 percent of state employees.<sup>19</sup> This shows that representation in the top political positions is less than 30 percent, although the country has recently seen women in top positions such as President, Prosecutor General and as Governor in Talas province.<sup>20</sup> However, in the rest of the public administration, the situation has not changed significantly over the last few years. Even the number of politically appointed women in the civil service top management is rather volatile. It has sometimes reached critically low levels of just two or three women, for example, in President Kurmanbek Bakiyev's last cabinet.

We can therefore see that although women comprise over 40 percent of the public administration as a whole, their presence is weaker at the senior levels and weaker still in the very top, politically appointed positions. This pattern of a 'pyramid participation' is similar that found in many countries.

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17 In accordance with the Law 'On State Service', we distinguish between political and administrative positions. "The political public office – public post, the appointment (election) and the release which is made by the President, Parliament, Prime Minister of the Kyrgyz Republic in the manner prescribed by the law provided for the register of political and special public functions of the Kyrgyz Republic and the definition of the terms of reference assigned to them by the Constitution and the Laws of the Kyrgyz Republic, Presidential Decrees, Resolutions of the Government of the Kyrgyz Republic. Administrative public position - a position in the apparatus of the state legislature, executive and judicial branches of the Government, as well as in the Administration of the President of the Kyrgyz Republic, with established capacity for its authority and responsibility to implement the objectives and functions of public authority established by the Constitution and other normative legal acts of the Kyrgyz Republic." The Procedure for Nomination of Lists of Candidates for Deputies. Article 72, Section 3. Code of Kyrgyz Republic on Elections, unofficial translation provided by OSCE/ODIH, through LegislatiONline. <http://www.legislationline.org/documents/action/popup/id/15276>

18 Country Gender Assessment. ADB, 2005, p. 63.

19 Women And Men Of The Kyrgyz Republic 2005-2009 (National Statistical Committee of the Kyrgyz Republic, 2010), p.104.

20 Women And Men Of The Kyrgyz Republic 2000-2004 (National Statistical Committee of the Kyrgyz Republic, 2005), p.88.

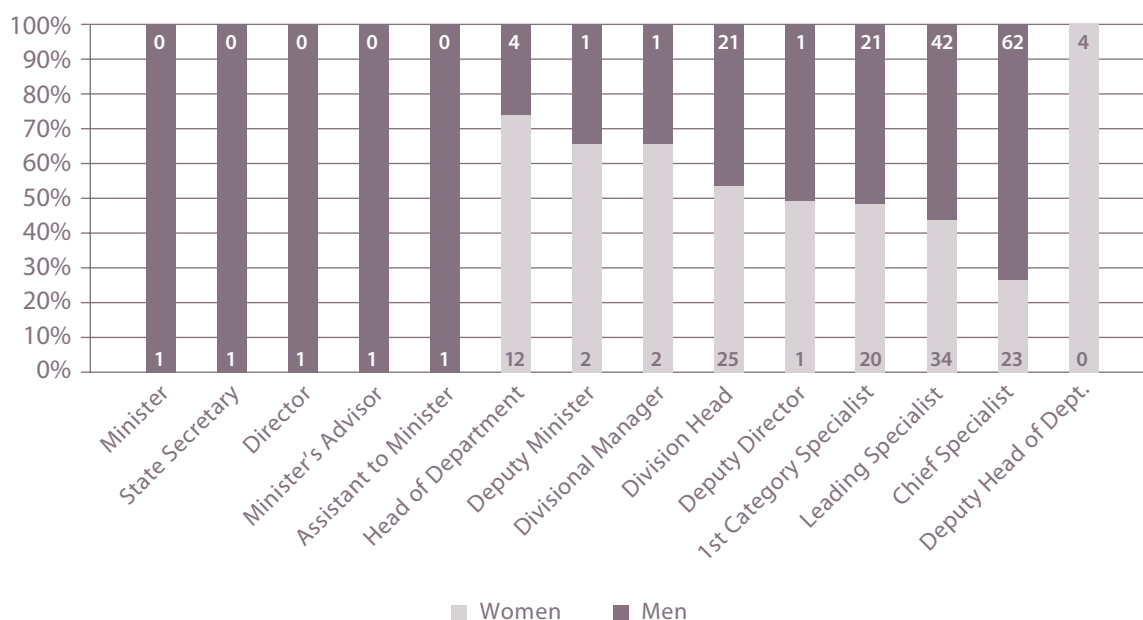


# WOMEN'S PARTICIPATION IN PUBLIC ADMINISTRATION

## GENDER SEGREGATION BY HIERARCHY AND BY OCCUPATION

There is a concentration of men in professional, higher administrative and in decision-making positions and of women in junior/middle administrative positions. This gender imbalance at various levels of organizational hierarchy in the public administration is reflected in the findings from research carried out by the Ministry of Economy and Finance in 2006, where men held the top positions in 2006.

**Table: Representation of women and men by type of position, Ministry of Economy and Finance, 2006**



Source: Data from Ministry of Finance, 2006.

The situation in the Ministry of Finance is typical of many public administration organizations, where men tend to hold the senior and strategic roles.

As discussed further on in this report, women are mainly found in the lower paid hierarchy levels of the public administration, which affects their economic empowerment.

As of January 2010 women did hold 'top positions', including in the Ministries of Finance and of Justice, the State Agency for Physical Culture and Sports, Youth and Child Protection, the Central Elections Commission, the Chamber of Accounts, the Supreme Court and the Constitutional Court, the State Personnel Service. As we can see, their presence is largely in sectors, which are traditionally highly feminized.<sup>21</sup>

<sup>21</sup> Source: Women and Men in the Kyrgyz Republic, National Statistical Committee (2010), pp.106-108.



Experience at the subnational level is discussed later in the report, and takes into account consultations in Talas province in May 2011.

## **WOMEN'S POLITICAL PARTICIPATION**

At the end of January 2009 there were 23 women in parliament, representing 25.6 percent of the total number of deputies - it had previously been 0 percent.<sup>22</sup> This huge leap in participation was the result of major efforts by civil society and international agencies.

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<sup>22</sup> Women and Men in the Kyrgyz Republic, National Statistical Committee (2010), p.27.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

## POLICY AND IMPLEMENTATION REVIEW

Having established an overview of the wider context and of women's participation in the public administration, we now turn to a review of key legislation and policies impacting on the public administration as well as their implementation.

### CONSTITUTION

The first Constitution was adopted on 5 May 1993 and reflected all the fundamental principles of the Universal Declaration of Human Rights as well as legal and institutional frameworks for their protection, including women's rights.

The Constitution of 2010 further advanced the principle of equality, including in Article 16 (4), which refers to not only equal rights and freedoms for men and women in Kyrgyzstan, but also equal opportunities for their realization, an important reference to enabling mechanisms and implementation. The same Article also prohibits discrimination based on sex, along with other factors.<sup>23</sup>

### NATIONAL DEVELOPMENT PLANS

*Country Development Strategy (CDS) 2007-2010 and 2009-2011*

The principle of gender mainstreaming was first included in Kyrgyzstan's Country Development Strategy for 2007-2010, creating fresh prospects for the development of state gender policy. There was also a major effort to make the following Strategy for 2009-2011 gender-sensitive. Both Strategies included a range of affirmative action measures in order to achieve the 30 percent target in the civil service at the local and national levels, in municipalities and local authorities.

### GENDER EQUALITY LEGISLATION

This section looks at policy and legislation impacting on women's participation in the public administration.<sup>24</sup>

#### International

*Beijing Platform for Action (BPFA), 1995*

The Fourth UN World Conference on Women in Beijing in 1995 led to the establishment of the Beijing Platform for Action. This important international framework builds on CEDAW and has clear recommendations for action to improve women's access to and full participation in power structures and decision making, and to increase women's capacity to participate in decision making and leadership. 'Actions to be taken' are suggested for governments.<sup>25</sup>

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23 See Kyrgyz Republic entry at <http://www.legislationline.org/documents/section/constitutions>

24 See the UN Gender Thematic Group website for links to major instruments: <http://www.un.org/kg/en/publications/list/Publications/6-UN%20Gender%20Theme%20Group>

25 See <http://www.un.org/womenwatch/daw/beijing/platform/decision.htm>





In Kyrgyzstan, the Beijing Platform for Action (BPFA) stimulated an understanding amongst government and civil society of the concept of human rights through gender equality. This in turn led to a recognition at national level of the relationship between the status of women, a democratic society, the rule of law and economic development. The BPFA was a key stimulus for the development and implementation of national gender equality programmes such as those outlined below.

## *Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)*

The subsequent ratification of various international agreements in Kyrgyzstan during 1996-1997 significantly helped to develop the national gender equality framework, and, amongst these, CEDAW (ratified in 1997) is particularly significant as the main 'bill of rights' for women.<sup>26</sup> CEDAW is a voluntary framework and requires states parties to remove discriminatory legislation and to support women's greater access to decision making, including through temporary measures such as quotas (Articles 4, 7). The Kyrgyz Government has already prepared four periodic reports and shadow reports, submitted by civil society organizations, that have proved an effective mechanism to share information.

The issue of women's representation is one, which the CEDAW Committee has repeatedly highlighted and in 1999, it made the following recommendations based on the periodic review and a shadow CEDAW report:

- Item 36. The Committee notes with serious concern the weak representation of women in decision-making bodies, as well as in non-traditional areas.
- Item 37. The Committee recommends to the Government to consider adopting a wide range of measures, including quotas, to increase the representation of women in politics and other non-traditional areas.<sup>27</sup>

The CEDAW wording appears to focus on elected decision-making bodies and the public administration or civil service is not specifically mentioned.

After considering the Kyrgyzstan 2004 report, the Recommendations of the UN Committee on Discrimination included the following paragraph:

- Item 166. The Committee urges the member state to strengthen and implement measures aimed at increasing the level of women's representation in the structure of elected and appointed bodies, on the basis of temporary special measures in accordance with Item 1 of Article 4 of the Convention in particular.<sup>28</sup>

This time the scope is wider, but the main body of the civil service again appears not to be included in the scope of the recommendation.

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<sup>26</sup> <http://www2.ohchr.org/english/law/cedaw.htm>

<sup>27</sup> Report of the Committee on the Elimination of Discrimination against Women, Twentieth session (4 May 1999).

<sup>28</sup> Ibid.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

## *Millennium Development Goals*

The Millennium Development Goals were adapted to the Kyrgyz Republic and the country joined the 'Millennium Challenge Pilot Program'.<sup>29 30</sup> National progress indicators for Goal 3 do not include direct indicators for strengthening the representation of women in public administration, although they do address the proportion of representatives in the supreme legislative body (Parliament). One recommendation to international committees could be to monitor gender representation in the whole of the executive arm of government under as well as in the legislature/elected government.

## **National gender policy and legislative framework**

The national policy framework for equality policies and, in particular, for gender balance in public administration is based on the concept of human rights, including fundamental constitutional rights and freedoms of citizens of both sexes, which are set out in international conventions, such as those above. The Functional Review (2010) referred to above also gives a good background on this.

The BPFA was a key stimulus for the development and implementation of national gender equality programmes: the 'Ayalzat' programme covered the period from 1996 to 2000, the National Action Plan (NAP) ran from 2002 to 2006, and the NAP 2 from 2007 to 2010.

### *'On the measures for improvement of gender policy' (2006)*

This decree required government bodies and local self-governing authorities to put in place mechanisms to ensure that women represent a minimum of 30 percent. According to the decree, governmental executive bodies should create equal opportunities for participation in open entry competitions at the governmental and municipal levels. One important point is that the decree provided for inspection by the Prosecutor General's office, which duly filed its official opinion on a number of governmental agencies and indeed highlighted instances of non-compliance with the 30 percent representation of women in leading positions. It would be interesting and helpful to file these reports publicly – online, if possible – according to standard reporting formats. This is standard practice in many countries and sectors and provides important public information for stakeholders including civil society and the media.

### *'On further improvement of human resources policy to support participation of women leaders in the Kyrgyz Republic administration' (2007)*

This is another key piece of legislation, which requires government bodies and local authorities to review their personnel policy and appoint highly qualified women to leadership positions. This decree is an important affirmative policy and specifically refers to the appointment of women to the positions of deputy administrators on social and other issues. Despite the discriminatory nature of the provisions – it specifies that opportunities are limited to 'deputy' positions and in traditional 'women's sectors' – the decree strengthened the legal basis of women in national and local authorities.

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29 See <http://un.org.kg/ru/publications/article/publications/un-agencies/50-united-nations-development-programme-in-kyrgyzstan/3314-second-periodic-report-on-the-millennium-development-goals-in-the-kyrgyz-republic>

30 "Millennium Challenge to Launch Reform - Institute for War and Peace Reporting - P34661." Institute for War and Peace Reporting. News Briefing Central Asia, 21 Aug. 2007. Web. 14 Aug. 2012. <http://iwpr.net/report-news/millennium-challenge-launch-reform>



## *'On State Guarantees of Equal Rights and Equal Opportunities for Men and Women' (2008 version)*

This is the main national policy on gender equality and defines the legal policy framework for gender equality for all sectors, including public administration. It clearly defines implementation mechanisms and institutional arrangements. Key provisions include gender discrimination, sexual harassment, and the prohibition of all forms of discriminatory practices in the workplace. This includes staff employment and responsibilities in government bodies, as well as definition and implementation of gender policy, provisions for affirmative action, and special measures to promote equality.

Article 21 of this Gender Equality Law provides that a public servant who was on maternity or childcare leave has priority rights to education. This provision recognizes that women who start a family often start to fall behind male counterparts in terms of accessing career development options, which are seen as not only useful in terms of content, but also in terms of offering much-needed visibility. This article could be even further strengthened to be more specific: for example, it could require that employers make efforts to organize professional updates for those newly returning from parental leave and that providers/organizers of such training should do so in a way that is accessible to parents with young children (e.g. accessible timings, locations, nursing facilities, etc).

Ideally, the Article would also specify oversight mechanisms, for example, regular reviews based on relevant information.

However, a number of factors combine to undermine the implementation of the law. Consultations showed that these factors include:

- lack of a culture of legal enforcement
- low priority in government institutions
- lack of budget for oversight and regulatory mechanisms.

The law therefore remains largely ineffective in practice. For example, consultations revealed that there is little if any formal adherence to the requirement to give women priority in education if returning from maternity leave. Even the *Jogorku Kenesh* Parliament is unable to observe mandatory gender quotas of no more than 70 percent of the same sex in institutions, where it approves top appointments. These include appointments in the Supreme Court and Central Election Commission. All the appointments approved by the Parliament in 2010/2011 in these institutions have a marked gender imbalance and are not line with principles of the law.

Consultations confirmed that, at the time of writing, the Parliamentary Committee for Equal Opportunities was about to discuss the amendment of wording in the 2008 Gender Equality Law to include women's right to be promoted as well as 'represented' in national and provincial government. This amendment could address the issue of women's representation at the lower levels of the public administration and would be a very positive development as it highlights processes as well as outcomes.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

*'On Normative Legal Acts of the KR' (2009), 'On Regulation of the Jogorku Kenesh of the KR' (2011)*

These call for a thorough review mechanism of new legislation and legislative proposals through five different lenses, including gender. However, this mechanism appears not to be fully operational; despite support to build capacity of civil servants responsible for this process, capacity is still low.<sup>31</sup>

## Gender machinery and public administration reform

The still-developing capacity of the national gender machinery is another issue. On the one hand, it is constantly in structural and functional transformation; currently it is a subdivision of the Ministry of Labour, Employment and Migration. On the other hand, the status of the Ministry does not allow it to integrate gender aspects into sectoral and territorial policies; although it has been delegated powers and authority to promote gender equality, it cannot do so in practice because of the complicated system of inter-agency coordination and monitoring of gender legislation.

The transformation of the national gender equality machinery illustrates how reforms have taken place over different stages of national development. In 1996, the State Commission for Family and Women's Affairs was created, followed in 1998 by the National Council on Gender Policy. Both were advisory bodies under the presidential administration and charged with developing strategic solutions.

In 2001, a presidential Decree Council replaced the State Commission with a National Council for Women, Family and Gender Affairs Development and its working body, the Secretariat. These were also under the president. The Secretariat is a structural subdivision of the president's administration.

In 2005, the gender machinery was further expanded due to lobbying by civil society in response to Kyrgyzstan's zero representation of women in Parliament. This involved the establishment of a presidential Special Representative for gender issues in Parliament. In 2010, responsibility for promoting national gender policy was again reassigned to the reorganized Ministry of Labour, Employment and Migration, which also looks after family and children's policies.

Each reorganization was accompanied by changes in the number of public employees from a minimum of two to three people up to five to six. The 2008 Gender Equality Law set out for the first time the mandate of the authorized state body for gender equality, which had previously been unclear.

The *Jogorku Kenesh* and government are also still developing their policy monitoring and oversight capacity, in particular in international reporting. The legal machinery is also in need of support; so far, there have not been any cases of non-implementation or violation of gender legislation, but the public needs to be assured that the legal system is ready.

In addition, a number of normative legal acts by definition cannot be operational tools for policy. According to Presidential Decree 'On measures to improve gender policy', responsibility for the implementation is assigned to two non-existent structures of the national machinery:

- the National Council for Women's issues, Family and Gender Development under the President of the Kyrgyz Republic
- the Institute of the Special Representative of the President of the Kyrgyz Republic in the *Jogorku Kenesh* (Parliament), government and juridical bodies.

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<sup>31</sup> According to consultations for case study.



National strategies for gender equality therefore risk a lack of coordination. At present, the work on new strategies for long-term national development is accompanied by parallel work on a new National Action Plan for Gender. It is hoped that both documents will be coordinated on the issues of implementation structures and budget. The development of the new National Action Plan for Gender is an important entry point to ensure the involvement of gender-sensitive staff and a good gender balance, representative of the national population.

UNDP's Functional Review of the National System for Gender Implementation in the Kyrgyz Republic (2010) supported the National Action Plan for Gender (see below), where one of the tasks was to assess the sustainability of the national gender mechanism and to make recommendations. Page 7 of this review also gives a helpful description of the public administration system. The review comments that 'a majority of the public administration and local self-government bodies have either overlooked gender aspects [...] or identified these quite superficially.'<sup>32</sup>

## PUBLIC ADMINISTRATION STATUTES AND POLICIES

Kyrgyzstan's public administration reform process has provided for relatively gender-sensitive legislation and policy, which aim to ensure women's representation in central government and local self-governments. In this sense, they complement and support the Gender Equality Law (2008) and the 30 percent target of women throughout public administration bodies and LSGs. It is encouraging that to some extent they also specify mechanisms to achieve this target and to enable women to access the same opportunities as men in terms of recruitment and training.

### *New civil service code*

A positive development that emerged during consultations is the drafting of a new civil service code, which aims to unite in one piece of legislation the various fragmented laws and decrees. The State Personnel Service (SPS) is keen to address the gender and age imbalances within the public administration and expressed openness to international support. This focus on youth as well as gender is potentially important, as there could be scope to target young women, who often are not attracted to the public administration in the first place or get left behind when they start families. Embedding work-life balance and decent work legislation into the civil service code could be an important step toward attracting and enabling capable young women to progress in their careers, as long as the code also includes provisions for regular monitoring and oversight in implementing bodies. In connection with this, the precise role and authority of the SPS with regard to requiring implementing public administration bodies to maintain and share data should be clearly set out, as currently some ministries can and do refuse to share data.<sup>33</sup>

Gender aspects of the regulatory framework in the public administration are further discussed under the following headings:

- policies to regulate gender representation
- regulation of working conditions for public officers.<sup>34</sup>

<sup>32</sup> Functional Review of the National System for Gender Implementation in the Kyrgyz Republic, UNDP (2010), p. 13.

<sup>33</sup> As highlighted in consultation meeting with SPS.

<sup>34</sup> In other words, policies explicitly specifying women's participation in the public administration as a priority, as well as policies addressing mechanisms to make this possible.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

## *Policies to regulate gender representation*

Despite the advances outlined above, when analysed in more detail, all legislation reveals costs and benefits for both genders. In the area of civil service working conditions, certain areas benefit men more than women. The government provides institutional support to public servants to improve professional knowledge and skills. The government has approved a training programme for state and municipal officials, and created two training centres at the Academy of Management under the president of the Kyrgyz Republic in Bishkek and Osh.<sup>35</sup>

## *'On the measures for improvement of gender policy' (2006)*

As mentioned above, this Decree was adopted by government by Resolution No. 325 (2006) and requires PA bodies and LSGs to implement measures to ensure that women comprise at least 30 percent in these bodies, including at the decision-making level. This piece of legislation is directly relevant to the central focus of this study and recognizes the importance of ensuring a gender balance in what should be the longer-term, apolitical implementation of public services, as well as in the legislature.

It is also very positive in that it specifies a gender balance also in decision-making levels, which is especially important in a country with a significant participation of women in the public administration – but not at the decision-making level. Similarly, the application of the quota to each public administration body is important, in that it foresees the building of a critical mass of women at all levels in each PA body. This is important and positive, as broad national quotas alone might result in women being scattered over many PA bodies and therefore being relatively isolated in their own institutions. This, in turn, could undermine efforts to press for a gender balance or indeed any gender issue. The requirement to specifically 'implement measures' aims to address and institutionalize the provision of the right conditions to increase women's access to equal opportunities in order to compete on an equal footing with men in competitions for vacant positions in government and local services. This explicit affirmative action directive supports the overall goal of minimum targets for women and is a positive step in moving beyond targets, which are recognized by government and civil society as being important, but not adequate, in the context of Kyrgyzstan, as they do not address underlying issues.

The above Decree may inadvertently have sent a message to busy officials that the current gender balance is acceptable, as it is still above the 30 percent minimum. With so many competing priorities, even officials, who are broadly supportive, may simply not have prioritized addressing the gender balance. For this reason, and in order to regain and build on Kyrgyzstan's former exemplary gender balance in the public administration as a whole, this report suggests updating the Decree and making gender parity, including at decision-making levels, a requirement – as in the case of some countries in Africa and Latin America.

## *Law No. 99 'On local self-governments and local state administrations' (29 May 2008)*

This law does not yet address gender equality rights and opportunities in public service. Both laws date from the time of or before the main gender equality legislation and have not yet caught up with it. They are 'gender-neutral', but, given women's historical lack of access to public administration decision-making, this effectively perpetuates gender inequalities.

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35 16 January 2004 No. 35, 'On issues of education, training and raising of skills of state and municipal officials of the Kyrgyz Republic'.





## Recruitment

Heads of state bodies and local authorities are obliged to ensure equal access for persons of both sexes to state and municipal service in accordance with their abilities and professional training and there should not be a pronounced dominance of any one sex on the staff list of state agencies and local governments. Government bodies and local self-government authorities are subject to the quotas referred to above – in other words, no more than 70 percent of staff of any one sex, including at the decision-making level (see ‘On State Guarantees of Equal Rights and Equal Opportunities for Men and Women’ (2008) above).

There is an important affirmative action policy in place, according to the State Personnel Service, which requires that, where several candidates have the required qualifications, the recruitment decision address the gender imbalance at that particular level. For example, if there were two qualified candidates for a position at a lower-level administrative grade, it could mean that the man would be appointed, as there is normally an over-representation of women at these levels. On the other hand, for a senior, decision-making and professional position, it would probably mean that the qualified woman candidate would be chosen in order to address their under-representation in such positions. This policy genuinely promotes gender equality, in that it supports men and women.

Recruitment competitions only for persons of the same sex are not permitted, and violations result in the cancellation of illegal decisions or results of the competition for vacant positions. In the event that the competition yields two candidates of different sexes, the candidate of the less represented sex should be appointed, all other things being equal.<sup>36</sup>

The State Personnel Service is responsible for monitoring that the competitive selection process by government agencies and local administrations complies with regulations. The first step is that the vacancy must be announced in advance of the competition. Those who pass the examination are then included on the state personnel reserve and, in theory, all vacancies should be filled from this reserve. The current SPS president is keen to improve the use of the national personnel reserve of pre-qualified candidates in order to ensure a minimum competence level, and the new civil service code will include a chapter specifying its use.

Many respondents commented on the overall challenge of attracting talented and capable young women and men to a public administration, which is perceived by many as corrupt, having low prestige and poor remuneration – and not even particularly secure. In order to achieve the 30 percent minimum targets for women’s representation and to translate the affirmative policy on priority recruitment of the under-represented sex at the level in question (see above), this is an important area to address. Most agencies commented on their desire to improve the existing haphazard and not always transparent recruitment system and agreed that more could be done to attract high-calibre women and men, especially at senior levels and in professional roles.

In almost all agencies interviewed, key respondents recognized that the personnel reserve had not been used for recruitment into the civil service except by the SPS (see box below).

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<sup>36</sup> SPS key respondent interview, 2011.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

## Box: Under-use of the national personnel reserve?

When Mira Karybaeva joined the Office of the President of the Kyrgyz Republic, there was an immediate and acute need for additional competent and motivated staff. When going through personnel files and employment records of employees, she could not find any appropriate people, to whom she was able to delegate ambitious tasks and objectives.

As soon as she arrived, Mira, who headed the department of ethnic development, was besieged by employment requests and recommendations from former official employees. However, the proposed candidates did not have the necessary competencies and skills – for example, they did not speak foreign languages, did not have required education levels, or did not have work experience in the public sector.

Mira therefore decided to look in the national personnel reserve, but when she made her official request to the State Personnel Service, she soon realized that she was almost the first person to have used this database. Following routine checks and investigation of qualified/non-qualified, experienced/non-experienced candidates from the database, one file attracted her attention. The civil servant had been in the personnel reserve for several years, worked in key ministries, had a foreign education, developed public programmes and policies, etc., and yet this was the first time that such a highly qualified and experienced candidate had been approached to apply for promotion.

The interview with this candidate was successful and she met requirements. Soon after that, she became a key member of this team and, after a few months, got her next promotion, this time to a political position. The career of this candidate is not a typical case, and only a few people have managed to get promoted through the national personnel reserve. Most government departments do not use this personnel reserve when looking to fill vacant positions. A number of agencies only use their own internal reserve lists – for example, promotion in the Ministry of Internal Affairs is at least formally based on the ministry's personnel reserve.

However, in most government agencies the personnel reserve is largely a formality. For example, “T” has been in the judiciary personnel reserve for several decades. She knows that her last name is at the beginning of the database, but she was never selected for the position of judge at any level or even for lower-level work. “T” appealed to the selection committee with a question about the selection criteria for candidates from the personnel reserve, but did not get any clear answer. “T” is sure that she has a competitive profile; she has a very good education and honours diploma. Some time ago, she held a good position and her employment record is good. She has worked at various levels and knows the work of a judge thoroughly. She feels therefore that the problem may not be her, but that the personnel reserve is not used as intended.

Source: Adapted from consultations, 2011.



The accuracy and integrity of these lists is also questionable; there have been cases of ‘accidental’ people – sometimes even high school graduates – being registered. Moreover, according to leaders of ministries and agencies, the personnel reserve alone will not achieve the gender balance target; they stressed that legislative quotas and strong political will are required for the appointment of women to senior positions (Key respondent interviews, 2011).

Careful thought needs to be given to using such a roster system to improve the gender balance, whilst ensuring transparency and a merit-based approach. One approach could be to prioritize and start with a strategic national or sector-based drive to include more potential women leaders on the database in order to address the gender imbalance at that level. This could be combined with gender-sensitive wording when looking to fill specific vacancies and ideally the new civil service code would require an appropriate gender balance on recruitment panels.

The concept of a gender balance (or any other form of representative diversity) within the competition commission itself is still a new one, as is that of calling on gender and diversity experts and specialists for technical support as needed. Civil service competition candidates themselves are not evaluated on their knowledge of gender legislation. The extremely complex legislation and discriminatory practices in administration of the civil service competition are widely held to be linked to corruption. This results in positions not necessarily being filled by the most suitable or qualified candidates, which is clearly not in the public interest. Given that more women have higher education than men and that they are nevertheless poorly represented in decision-making positions, it seems that strengthening the administration of the competition process may also have positive impacts on the gender balance.

The State Personnel Service informed the author that recent innovations such as publicizing open competitions and transparent evaluation mechanisms had resulted in more applications than ever before, but not from women, who they felt were still deterred by work-life considerations and the poor pay. The SPS was open to technical support in terms of how to improve advertising to attract women candidates, as well as provide support to women and other under-represented groups.

The State Personnel Service has considered the model of a centralized senior civil service human resources system encompassing other elements, such as career development and remuneration, in order to push for a depoliticized, stable top-level executive as well as make it easier to follow through on gender balance initiatives. However, there appears to be little incentive on the part of individual ministries to give up their autonomy in internal staffing decisions.

A related issue is the availability of data, which varies considerably between public sector bodies, and the general lack of adequate and comparable data on gender balance at the organizational level undermines decision making and makes oversight very difficult. For example, according to the State Personnel Service, the affirmative action policy to recruit qualified female candidates to address the gender imbalance at that specific level is in practice almost never implemented because many agencies do not have this data available. In addition, many agencies keep soft copy records, which are difficult to keep up-to-date, especially in a context of rapid staff turnover. A computerized human resources system is a priority, and one is currently being finalized for all public administration bodies. This is potentially a key entry point for the international community, which could share examples from other countries and ensure



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key data on gender balance and related issues are included. Training for the State Personnel Service and implementing public administration bodies on how to use this system for decision making would also be important.

The issue of statistics and data and their lack thereof is discussed further below.

To summarize, 'ensuring gender equality in hiring and promoting procedures is the most vulnerable aspect of the civil service and, therefore, requires development of more specific monitoring measures and the development of special measures [...].'<sup>37</sup>

## Promotions

The Law on Public Service (2004) gives detailed guidance about promotions in the civil service and criteria for assignment of civil service ranks. There are also detailed descriptions of the rights and obligations of civil servants with clear ethical principles and rules. However, there are no provisions that would formalize the *process* of decision making by the governing body on promotion of public servants, and this results in the absence of clear criteria so that the process remains subjective. For example, in the recent past (during the presidency of Bakiyev) there were several public cases when a civil servant at the highest level was arrested and even brought to trial, but 'promoted' to minister of a strategic industry sector just five days later.<sup>38</sup> Key respondents in almost all interviews said that, in their experience, women employees are consistently self-disciplined and responsible; they very rarely get a reprimand, compared to men.

## Training (and promotions)

Individuals who have not been promoted within three years and not been sent on professional training courses to improve their qualifications have the right to request and obtain a written explanation from the head of state and local authority. They also have the right to information regarding the experience and qualifications of those who have been appointed and promoted or sent on training. Candidates can apply for vacant state and municipal positions through competitions in which persons of different sex have equal rights and participate on equal terms.

Notwithstanding, no cases of improper implementation have ever been brought under review. Moreover, the main oversight authority, the Prosecutor General, makes recommendations, but has unclear authority to enforce the implementation of these recommendations.

The mechanism for career advancement in the civil service, in accordance with the Law on Public Service (2004), is a 'personnel reserve' or staff roster, which has two streams: national and internal (departmental). According to Article 18, the national reserve is formed by the State Personal Service through appropriate competitions for the following candidates:

- University graduates, who have passed a national competition to fill junior administrative state posts
- Government officials aspiring to the position, with a recommendation from the agency's leaders, taking into account their views

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<sup>37</sup> Functional Review of the National Gender Mechanism in the Kyrgyz Republic, UNDP 2010, p. 54.

<sup>38</sup> Key respondent interviews, 2011.



- Public officers, made redundant due to liquidation of the institution, staff reduction, prolonged disability or because of temporary health reasons
- Persons not presently employed as a public officer who have applied for a public position, but not been appointed through no fault of theirs.

There is no provision for any preferential treatment or affirmative action to promote under-represented sexes in the personnel reserve – indeed, this would be an important recommendation.

Career advancement in the civil service is also dependent on performance evaluations and recommendations for promotion. The committees responsible for monitoring the quality of civil service recruitment and certification are themselves not regulated in terms of gender diversity, nor is gender balance a criterion in their monitoring mechanism. Secretaries of state of ministries and agencies with responsibility for human resource and financial management play very key roles in terms of decision making on personnel promotion in the civil service.

## Maternity and paternity leave

Global research by the ILO in 2010 showed that Kyrgyzstan has comparatively supportive legislation and policies for pregnant women and working nursing women.<sup>39</sup> Traditionally in post-Soviet Union countries, this aspect is relatively well-regulated. Legislative guarantees include the requirement to provide special rooms for nursing mothers in government and other institutions as well as to provide nursing mothers with regular breaks. In Kyrgyzstan, women have the right to a 30-minute break every three hours, as well as to combine these breaks with lunch breaks or leave work one hour earlier. Also, women have the right to 126 calendar days of paid prenatal and postnatal maternity leave – 70 days before childbirth and 56 days after childbirth.<sup>40</sup> Furthermore the Labour Code prohibits exposing women to high-risk work and regulates maximum workload and working schedules. The Law on Public Service also makes provisions specifically for the public administration.

### *Law on Public Service (2004)*

Article 20 provides that the next performance evaluation is not applicable to these state employees:

- Pregnant women, if they have not expressed such a desire
- Women on maternity leave or leave to care for a child if they have not expressed such a desire.

Also, as we have seen above, Article 21 establishes that a civil servant, who was on maternity leave or childcare leave is given a priority right to education. The working conditions of women public officers are also protected and supported by:

- The Labour Code of the Kyrgyz Republic (2004), where Articles 303 through 310 regulate benefits for pregnant women and women with young children up to three years old in terms of recruitment and transfer, and guarantees in case of termination of the employment contract

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<sup>39</sup> Maternity at work: A review of national legislation, ILO (2010).

<sup>40</sup> Ibid.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

- The law 'On protection of breastfeeding and regulation of marketing products and tools for artificial feeding of children', where Article 4 ('Guarantees for the protection of breastfeeding') defines that, 'In order to create favorable conditions for breastfeeding mothers in public and local authorities, as well as in enterprises, institutions and organizations [...] special rooms for mothers and children are to be provided.'<sup>41</sup>
- Furthermore, Kyrgyzstan has ratified many global conventions in the area of labour rights for men and women, including ILO Convention No.156 concerning equal opportunities and equal treatment for men and women workers and workers with family responsibilities. The current national legislation provides a solid formal foundation and important guarantees for flexible working and paid leave women government officials due to reproductive functions. Despite this, consultations revealed that often these provisions are not in place.

Paternity leave is not provided and there is no policy mechanism to encourage men to take childcare leave. According to experts, despite the fact that the culture and gender regime are not conducive to the idea of paternity leave, the introduction of financial incentives have the power to change gender relations in the family and therefore to strengthen the role of women in their working life and public productivity.<sup>42</sup>

## Pay and benefits

The Labour Code of the Kyrgyz Republic (2004) includes the concept of equal pay for equal work. Despite this, there is sometimes a considerable gender gap in wages in all sectors of the economy, including in the public administration. In the public administration, the ratio of wages is somewhat more equal between men and women than in other sectors. In 2007, women's average salaries were 78.2 percent of men's average salaries and in 2006 it was 81.8 percent (source: Men and women in the Kyrgyz Republic, 2010). It appears that the pay gap between men and women is closing in the public administration; however, it still needs to be addressed.

Whilst various bylaws and other normative acts do not discriminate, they can nevertheless exacerbate income inequalities between employees because they are 'gender-neutral'. In other words, they do not take into account the different situation of men and women, and women are often disadvantaged. For example, the various policies on personal allowances of state officials and payments on promotion often have different impacts on women and men. Length of service as a factor for promotion can also impact on pension entitlements, and women may inadvertently be penalized for their reproductive function. This is because as women of childbearing age take breaks in their employment due to their reproductive functions, it may be harder for them to get promoted as they have less time in service than men. Pensions can also be impacted if these are linked to the salary earned, which is generally lower in the lower levels of the hierarchy.

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41 Law 'On protection of breastfeeding and regulation of marketing products and tools for artificial feeding of children' (17 December 2008).

42 See [http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1322671773271/lbraeva\\_Kyrgyz\\_case\\_study\\_final\\_Sept2011.pdf](http://siteresources.worldbank.org/INTWDR2012/Resources/7778105-1299699968583/7786210-1322671773271/lbraeva_Kyrgyz_case_study_final_Sept2011.pdf)





A general factor contributing to a difference in income and benefits between women and men is that women tend to be concentrated in lower levels of the hierarchy and in administrative positions. These positions offer lower salaries and fewer benefits. An improved gender balance in the more senior levels of the civil service will therefore also contribute to women's economic empowerment.

## Working hours

Long working hours are also common for junior and mid-level public officers, with up to 14-hour days and no leave granted.<sup>43</sup> This is clearly a serious problem for working mothers and they are effectively forced to choose between family and career. Women across government departments are adopting a range of strategies to address the issue of feeding, looking after and educating their children. Few women dare to demand their rights to reasonable working hours, safe working conditions, and all the other excellent provisions in the legislation and policies referred to above.

## Sexual harassment

It is widely acknowledged through informal feedback that (especially young) women government employees are exposed to sexual harassment in the workplace. The Gender Equality Law does state quite clearly that, 'The employer has no right to pressurize or persecute people of different sex on the grounds that they refuse the employer in sexual harassment or file a complaint against the employer for gender discrimination.'<sup>44</sup>

In the case of pressure or harassment of employees based on gender stereotypes, including sexual harassment, the employer is responsible for ensuring appropriate sanctions in accordance with the laws of the Kyrgyz Republic. The law also states that, once gender-based discrimination or sexual harassment is established, the employee shall be compensated for moral and material damage. The court may also order the employer to hire a person who was denied a position through gender discrimination or to reinstate any person dismissed for reasons of gender discrimination.

However, despite the legal provisions that, '[T]he employer must take steps to prevent sexual harassment [...] and will be prosecuted under the laws of the Kyrgyz Republic if s/he is guilty of unlawful actions, forcing the employee to resign,' there have been no cases brought to trial in either gender-based discrimination or sexual harassment.<sup>45</sup> In 2011, several women employees and teachers of the Diplomatic Academy who had been dismissed spoke out in a press conference about financial abuse of power by the Academy administration as well as systematic sexual harassment. However, neither they nor governmental oversight bodies applied to legal authorities and the issue was instead taken to the media.

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<sup>43</sup> From case study consultations, 2011.

<sup>44</sup> Article 21, "Prevention and suppression of gender-based harassment in the labour sphere and liability for gender discrimination". This article was added to the 2008 version of the Gender Equality Law as a result of lobbying of by groups and organizations of the civil society with the help of international organizations, particularly the USAID Project "Promotion of women to the Parliament", within the framework of the measures to promote progress in achieving MDG 3.

<sup>45</sup> Gender Equality Law (2008).



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Given that the Gender Equality Law was passed in 2008, it may now be appropriate to address this issue through advocacy, for example with trade unions and civil society, and support to oversight organizations in this highly sensitive area. Training for men and women lawyers in how to handle such cases, for example, as part of access to justice initiatives, could also be considered.

## **Lack of understanding of gender issues amongst public administration officials and staff**

According to consultations, some gender training for senior officials has been provided, but this has not been enough, is not compulsory and has yet to translate into implementation and gender-sensitive support for the rights of public servants. There is a need for continued sensitization, perhaps around positive examples.

## **Gender statistics and capacity building**

Personnel records are supposed to provide the basis for strategic human resources management and State Secretaries have a responsibility to ensure that appropriate training opportunities are provided, according to consultations.

The National Action Plan (NAP) for Gender Equality (2007-2010) included measures to increase women's representation in decision making, including the development of training programmes on leadership for women and awareness campaigns to promote women's equal participation in public bodies. However, no public administration agencies applied for these training programmes, largely because of the lack of appropriate budget allocation. It will be interesting to note whether, as the new NAP matrix for actions on AGE (Achievement of Gender Equality) is developed, this issue will be addressed and appropriate financial and other resources will be allocated. The NAP would also be helpful for international agencies that may wish to support gender equality, and it would also be helpful to reflect on international experience whilst drawing it up.

The line ministries interviewed did not appear to be aware of the policy provision for women under Article 21 of the Gender Equality Law (2008) on 'The education of public servants', which states that a public servant who was on maternity leave or childcare leave has the priority right to education.

The Ministry of Interior confirmed that, in practice, women in general were very well represented on training courses organized by them, although there was not yet any formal mechanism for ensuring a gender balance on a sustainable basis. They were open to addressing this through the gender task force recently set up (Key respondent interviews, 2011). Similarly, the State Personnel Service confirmed that, despite not having formal targets for a gender balance, women were well represented on training courses organized under the auspices of a major project to train civil servants, supported by the Russian Government.

The Functional Review indicates that, '[I]n order to facilitate the growth of women's representation in leadership positions, especially in the regions, the Batken, Issyk-Kul, Naryn and Osh State Administrations are planning to create a women's leadership school.<sup>46</sup> Consultations in Talas province indicated

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46 Functional Review of the National Gender Mechanism in the Kyrgyz Republic, UNDP (2010).



that they also had a similar plan. However, the regional consultations indicated that this was felt to be just rhetoric since there seemed to be no budget allocated or any concrete steps towards operationalizing the goal.

A special resolution made it possible to develop gender-based learning for the Academy of Management under the President as part of a sustainable programme over the last few years.<sup>47</sup> Training programmes such as 'Basics of Gender Policy', 'Gender mainstreaming in the public service' are specifically designed for different groups of public employees – State Secretaries, political appointments, heads of divisions, and experts in government agencies. The German Hanns Seidel Foundation has been a long-term partner of the Academy of Management under the President and has supported the training programme for national and subnational civil servants and representatives of local self-governing authorities.

The management team of the Academy of Management under the President took the initiative to start a training needs assessment among public officials and identified the need for strategic system of continuous professional development for civil servants. They also highlighted that gender perspectives in terms of statistical information are very important. For example, the disaggregation by sex of information produced by the Prosecutor General would allow for more in-depth analysis of how well gender equality and life-work legislation is being implemented and contribute to better implementation of existing statutory mechanisms.

Very often, an obstacle in the effective collection of disaggregated data from ministries and other agencies is the lack of persons with specific responsibility for gender issues and properly institutionalized structures within departments. Usually, functions are transferred to gender focal points or other employees. They are very often not knowledgeable about gender and may not even be especially interested in this role and this responsibility is frequently simply added to existing work. The result of not allocating appropriate human or financial resources is that gender policy remains largely marginalized and unimplemented in the public administration.

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<sup>47</sup> No. 35 'On the issues, related to training and improvement of qualifications of governmental and municipal workers of the Kyrgyz Republic'.



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The following box gives an example of efforts to improve gender-disaggregated data.

## Box: Collection of disaggregated statistics and gender focal points

By law, ministries and departments as well as state government authorities and local authorities need to collect statistics for planning and reporting in special formats, developed by the National Statistical Committee. This is then summarized and presented publicly in the form of government statistics.

A few years ago, it was proving difficult to access gender-disaggregated data, from the Ministry of Internal Affairs. Happily, the situation today has dramatically improved, thanks to the eager cooperation of the Ministry with support from civil society and international organizations, who helped the Ministry to develop effective initiatives. In fact, the collection of quality data became one of the main activities of the gender group and gender focal points in the Ministry.

In order to optimize human resource management through data collection and analysis, the Ministry promoted an initiative to conduct a gender analysis of its personnel policy. Partners from civil society attribute this very advanced step in what is in many respects a very conservative Ministry, to the extraordinary commitment of those responsible for gender policy in the Ministry. In this Ministry, at least, the gender focal point was given legitimacy and support from the highest levels, and not sidelined.

Of course, challenges remain. The Ministry of Agriculture has undergone extensive reorganization, during the course of which the gender focal point and its responsibility for implementation of gender policies were almost lost. By tradition, the Head of the Human Resources Department was responsible for gender issues and a former incumbent, whose gender knowledge was significantly strengthened through training, was released from these 'additional' gender activities – after which all gender statistics stopped.

Source: Interviews with Ministries, May-June 2011.

Clearly, there is variable experience of gathering sex-disaggregated data in general and of data relevant to gaining a better understanding of gender balance in the public administration in particular. A programming recommendation would be to review what data is actually required to track the extent and nature of women's participation in the public administration, perhaps as part of a regional or international initiative, and then support collection. It is important not only to track the obvious statistics, e.g. numbers of women and men at different levels and in various types of positions, number of women dropping out of the public administration when they occupy mid-level positions, but also to track and check processes of underlying factors. These could include:

- Number of sexual harassment cases reported and verdicts
- Gender balance of new recruits, promotions granted, training participants
- Number of women taking pregnancy and/maternity leave
- Number of appropriate breastfeeding rooms in place and/or alternative arrangements.



## Institutional memory and importance of leaders

Consultations confirmed that this is still an issue, as highlighted in the UNDP Functional Review in 2010, and that it impacts negatively on the individual public administration bodies' ability to achieve a gender balance in the executive. Very high staff turnover has a profoundly destabilizing impact, whereby policies cannot effectively take hold in what is usually expected to be a relatively stable executive part of the government. This impacts on the gender focal points (GFP) established in each body, who seem not to move from agency to agency in the same role, but into different roles – for example, in the Ministry of the Interior and the State Personnel Service, the GFPs were either relatively new or about to change role. This lack of institutional memory in terms of gender means that initiatives to embed and institutionalize implementation may start, but lose impetus when key people leave.

Ministers also change portfolio and, although they are not part of the permanent executive, like any leaders, they impact disproportionately on the extent to which policy on gender balance can be achieved. This is true to some extent in any country's executive, but the absence of established institutional mechanisms mean that it is all too easy for incoming ministers to set aside all achievements of the previous incumbent, including and change personnel in accordance with their preferences. For example, a nursing room for mothers established at the Ministry of Justice under the then female minister's support was closed down when she left.

Leadership can also be supportive and the first woman President of the Kyrgyz Republic was known to be a staunch supporter of gender equality, which helped to make it a priority amongst politically appointed heads of public administration bodies. It remains to be seen whether the new President will build on previous achievements, reverse this commitment, or simply de-prioritize the issue of gender balance in the public administration. Such a highly politicized public administration is a cause and a symptom of high staff turnover and, together with endemic corruption, combines to undermine many initiatives including gender equality.

## Experience at the subnational level

Consultations in Talas province were designed to help understand whether there were any key differences between national and subnational levels in terms of gender balance in the public administration.

The (elected) governor is a woman, the (public administration permanent staff) deputy is a man and Talas was chosen as it is the only province to have a woman governor. The gender balance currently in the public administration is indicated in the table below. Talas is just under the national average and the capital, Bishkek, in terms of the percentage of women in the civil service (or PA), but ahead of some provinces with male governors. These figures are from before the governor started and therefore it is too early to say whether having a women governor has either a positive or negative impact on the gender balance.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

**Table: Percentage of women employed in state positions of state administration bodies, 1 January 2010**

	PERCENTAGE OF WOMEN
Kyrgyz Republic	42.2
Batken	34.4
Jalal-Abat	39.7
Issyk-Kul	46.1
Naryn	40.5
Osh	35.1
Talas	40.9
Chui	51.4
Bishkek	43.6
Osh city	34.7

Source: Women and Men in the Kyrgyz Republic, National Statistical Committee (2010), p104.

Consultations confirmed that most women work in administrative and junior positions, which is consistent with the national pattern. Consultations in Talas also indicated that achieving the 30 percent target for women in decision making in the public administration is considered an important goal, not just as a means of ensuring more gender-responsive services, but because it is important in itself.

Consultations also revealed that barriers for women include limited time due to traditional gender roles in the family, lack of support from men in the home and the workplace, and a personal lack of confidence. All these combine to make it challenging for women to access the same positions and professional development opportunities as men.

Talas was the first province to have carried out a gender audit at the provincial level and is now embarking on a district-level gender audit, which will also review the gender balance at each level of the local public administration. According to the gender focal point in the Talas LSG, this positive step was supported by the governor, who is a woman and strong advocate of women's rights. Other initiatives included flexible working, nursing facilities and breaks according to the law, as well as networking activities and financial support for women. It was not clear to what extent these were institutionally embedded and sustainable, for example, under a new governor, or whether these were largely informal mechanisms.

Another initiative is to set up a leadership and training institute for women leaders in government and in politics, but this has not taken off yet due to lack of technical and financial support.





One issue is that of self-confidence. The box below demonstrates that external interventions are often needed in order to encourage women to build up the confidence to engage in public affairs. Although the nature of the public administration is quite different from politics, the issue of self-confidence and visibility is common to both. It appears that, at least at the subnational level, the pool of potential women leaders in politics and in the public administration is a small one, and therefore any training in the generic skills of leadership, advocacy, strategic planning and public speaking is likely to have benefits in the public administration, even if carried out in a different sector. However, impact is likely to be more long-term than immediate.

## Box: Leadership training for women in Talas province

Dilyara Moldogazieva has worked in the NGO Lavanda for over ten years, during which time she has worked on various problems faced by women in the community. These include domestic violence, bride kidnapping as well as the issues of women's representation and leadership in local decision-making structures. Dilyara is convinced that the key issue is to support women to believe in themselves.

In 2003, she started to work with like-minded people on the project 'From Equal Rights to Equal Opportunities'. Dilyara has lost count of how many women with leadership potential still hesitated to present their ideas to the community and express publicly their desire to go into politics. Just before elections to the local *keneshes*, her organization arranged training on leadership and electoral processes for 400 women from villages of the Bakai-Ata region of the Talas province. Dilyara had to repeat a dozen of times, "You can do that, a woman can do anything!"

Despite this, during the election campaign of 2004, many women still did not dare to put forward their candidatures as deputies of local *keneshes*. Every tenth woman was elected and, in general, the optimistic expectations were not met. If it were not for one case, Dilyara would probably be quite disappointed in the result: two years later, one of the women approached and thanked Dilyara. It turned out that she was one of the trained participants who took the message to heart and put forward her name as a candidate for deputy. Villagers were puzzled, "Why did this ordinary teacher decide to stand for election to the *kenesh*? Who does she think she is?"

She was not elected the first time, although, in her personal opinion, her campaign compared favourably with that of her competitors – but she did not expect or promise unrealistic results. All she wanted to achieve in the position of the deputy was transparency of the local budget and focus attention on the problems of schooling and preschool institutions. It turned out that people noticed her. Just a year later, when the question about appointment of the school director was raised, the school teaching staff unanimously put forward her candidacy and the district authorities approved it! The woman thanked Dilyara and said, "If it were not for your training, I would never be able to believe in myself and show my potential in public. Participating in elections gave me an invaluable experience and enabled society to see me as a capable leader".

Adapted from consultative meeting in Talas province, May 2011.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

The overall gender balance does not appear to differ greatly between the capital and in this province.

Nevertheless, attention should be given to understanding and improving the gender balance within senior and leadership levels, and initiatives should now be formalized and better institutionalized at the provincial level as part of an action plan and with dedicated resources. Entry points for donors include supporting this process with technical and financial resources to develop this plan based on an analysis of the gender audit, to build gender sensitivity and awareness of responsibilities of key officials, including oversight bodies, and to develop a sustainable model for training and capacity-building.

## Oversight

There are three main national bodies with oversight functions, as follows:

- The Ombudsman, responsible for supervision of the observance of human rights freedoms, fighting discrimination, facilitating legislation coherent with the constitution and international standards, and international cooperation
- The Prosecutor General, who is responsible for checking implementation of the Gender Equality Law, including the 30 percent minimum gender balance in public administration bodies and LSGs
- Parliamentary Committee for Equal Opportunities and Human Rights.

In addition, the Parliamentary Committee on Public Health, Migration and Social Protection oversees many issues impacting on women's ability to access equal opportunities in the workplace, and the State Personnel Service has a responsibility to regulate the civil service.

The actual role of the Ombudsman was not clear to the authors during the consultations, and they have no evidence that anything has changed since the evaluation in the Functional Review:

'The Institute of the Ombudsman should become an important link in the national mechanism for the protection of gender rights and freedoms. This is important ... due to the tendency toward the aggravation of gender stereotypes and women's rights infringement. However, over the seven years since Institute of the Ombudsman came into existence, this has not happened once.'<sup>48</sup>

The Prosecutor General's Office is responsible for supervising the accurate and uniform execution of normative acts, including those on gender equality, and, together with territorial subdivisions, carries out inspections of agencies accordingly.

However, the Prosecutor General confirmed that a key issue is that their recommendations for change could be and were often ignored. She expressed a need for more resources and technical expertise to carry out follow-up checks and strengthen their own capacity. The Prosecutor General was keen to follow international practice and publish their findings, following an update of their own procedures for checking and making recommendations on how to achieve this target; this public access to information could provide valuable information for the civil society and the media and help to increase public accountability for progress on the part of public administration bodies. Given Kyrgyzstan's relatively

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48 Functional Review of the National Gender Mechanism in the Kyrgyz Republic, UNDP (2010), p.16.



open media and civil society, this could be a powerful incentive to implementing bodies. This initiative would be an important entry point for donors.<sup>49</sup>

At present, the Prosecutor General can in theory instigate legal proceedings against bodies not meeting the 30 percent targets, but this facility has never previously been used. The concern is that, in any case, implementing bodies can explain that the recruitment process is competitive and that women are simply not applying. One option would be to include not just checking whether the 30 percent target including at leadership level has been achieved, but also whether enabling processes (e.g. legal obligations for pregnant and nursing mothers) are also in place. Special measures to attract capable women candidates are another option.

The Prosecutor General was frank about the need to ensure that this body was itself meeting these targets, for credibility reasons as well as legal ones. She has initiated a review of their workplan, which was found to be almost completely gender-blind. A gender focal point has been established and terms of reference are being finalized, but there is also a need to introduce such focal points at subnational levels, where infringements of the Gender Equality Law are more common (Key respondent interview, 2011).

The Parliamentary Committee for Equal Opportunities and Human Rights reviews all legislation considered to be within its remit and must be consulted on all legislation at the second out of three readings. A new regulation is being debated, aimed at ensuring that all legislation goes through a more formal review and approval process in terms of the gender, as well as environmental and other lenses.

The Committee was open to initiating special hearings on the implementation of ILO conventions for decent work and maternity provisions (Key respondent interview, May 2011).

## SUMMARY

The policy framework is developing and is now reasonably supportive of gender equality in the public administration. The driver appears to be as much a fundamental human rights-driven concern for equal opportunities as well as a desire for more gender-responsive services for women and men, and the government has responded to public calls for an improved gender balance in the public sector from civil society and the international community. The Beijing Platform for Action (BPFA) and Millennium Development Goals (MDGs) have also been influential in shaping gender policy, including in the public administration. There does not appear to be a major regional influence in terms of policy development and, indeed, some key respondents felt that linking countries beyond the region could be productive.

However, there is often a gap between policy and practice. The State Personnel Service and State Secretaries are mandated to ensure that civil servants' rights are respected, although in practice this is very hard to achieve. A key reason for this is the high level of politicization of the public administration. One consequence is high staff turnover: when the politically appointed head of a public agency changes, as a rule there are also accompanying dismissals of existing civil servants and recruitment of new 'loyal' personnel.

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<sup>49</sup> Key respondent interview, May 2011.



# POLICY FRAMEWORK AND IMPLEMENTATION ISSUES

'Under the old system the President had been untouchable, the Chief Executive in the country, who controlled everything, but did not bear any responsibility. The Head of the State appointed each and everyone from the Prime Minister to the Deputy Akim (local government leader), influenced the work of the Kyrgyz Parliament, disposed of public property, the economy and budget, and created new public authorities subject only to him.'<sup>50</sup>

The high staff turnover may also be a contributing factor to another gap between policy and practice, which is in the area of family-friendly workplaces. Annex 2 below considers a specific example of discriminatory practices against women government officials with infants. As a rule, mothers with babies face difficulties in the formalization of their rights to flexible working in the public service. Leaders of government agencies do not welcome 'special' operating modes for female public servants and their speeches often reflect a gender-blind attitude ("there are no women and men, only accountants, agro-specialists etc." are commonly heard phrases). Clearly, where gender-blind attitudes are in contradiction with national legislation, it can be a challenge to institutionalize gender equality.

It is generally difficult to access justice in cases where rights are not respected or if people feel discriminated against. Even if women are brave enough to break the silence and complain, there is usually no specific evidence to show at trial – no written refusals, no documented threats and harassment. It is fair to say that implementation of the Labour Code for pregnant women and nursing mothers is not a priority for heads of department, many of whom are male. Requirements like the allocation of space for a nursing mother and child are perceived as extremely absurd and far-fetched, possibly because the circumstances of their personal lives do not allow an understanding of the needs of women. Where mechanisms for protecting the legal rights of public employees do exist, and are institutionalized formally, they often do not function effectively or at all, according to consultations.

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<sup>50</sup> Sheripov N. 'Public Administration Reforms of the Kyrgyz Republic: Current Status and Perspectives', published in Russian magazine 'State and law' Moscow, 2011 #3, pp.95-104 (russian: Государство и право. – Москва, 2011. №3. - С.95-104.).



## INTERNATIONAL AGENCIES AND CIVIL SOCIETY

### UNDP AND INTERNATIONAL INTERVENTIONS

The UNDP is a major actor in the international community in terms of expertise and programming in the area of gender equality and public administration as well as the legislature. This has been driven by a detailed Gender Mainstreaming strategy (2008 – 2010), which ‘describes in concrete terms how UNDP Kyrgyzstan will contribute to gender equality outcomes defined for the organization as a whole in its global Strategic Plan (SP) and the parallel and complementary UNDP Gender Equality Strategy (GES) 2008-2011.’<sup>51</sup>

This section identifies interventions in the area of Democratic Governance and Kyrgyzstan was selected as a case study country partly due to the interest of the UNDP country office in future programming potential.

An EU-UNDP project on legislative reform mainstreamed gender extremely effectively and played a major role in achieving legislative quotas for women in parliament.<sup>52</sup> This in turn created a momentum in terms of aiming for a gender balance, especially in decision making and in public life and influenced the introduction of minimum targets women in the public administration. This is significant, as it highlights that entry points exist beyond the public administration and gender equality sectors alone. Parliamentary/legislative reform programmes could:

- Put the issue of gender equality in the public administration on the public agenda, alongside debates on women’s political representation
- Include components to increase numbers of women members of parliament, who then provide a pool of potential ministers and can act as role models for potential women decision makers in the public administration, as the top levels are often political appointments, and also increase role models of successful women, who have potential to tackle gender issues in their areas
- Support Parliamentary Committees on Gender Equality and Social Affairs to strengthen their oversight function.

The UNDP should consider further programming support to build on the achievements so far, through the governance team and specifically through public administration reform initiatives. These should continue to be supported by UNDP’s national, regional and global technical expertise in terms of mainstreaming gender. However, in order to kick-start stronger implementation and support the development of more sustainable models of gender balance in the executive branch of government, the baton should be handed over to rest with public administration experts, but with gender mainstreaming support.

Continued support from projects in the legislature is also important due to the potential influence of ministers and governors and other politically appointed heads of agencies on implementation of gender balance within their organizations – provided they remain in position long enough to see

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<sup>51</sup> Available at <http://www.undp.kg/en/resources/e-library/article/28-e-library/576-gender-mainstreaming-strategy-of-undp-kyrgyzstan>

<sup>52</sup> EU-UNDP Support to Constitutional and Parliamentary Reforms in the Kyrgyz Republic – 2005-2010.



through any changes.

It is worth noting that the UNDP's Gender Mainstreaming Strategy also addresses internal issues and that many of the measures proposed could usefully be shared with national public administration bodies. Annex 1 of the Strategy is a report from a consultancy on gender mainstreaming and is possibly highly applicable to many national agencies. In other words, the UNDP could be an example of what it is promoting in its country programmes. Strong leadership and highly skilled national and regional support are evident, and the author sees a clear correlation between this and providing high-quality support to national programming.

Other actors include UN Women, who are leading on the gender equality policy front, and UNFPA, who are active in the area of gender-based violence. The OSCE has been active in the security sector.

The Gender Thematic Group brings together key international actors and allows for a coordinated approach to gender in Kyrgyzstan. The representatives of some international agencies participating in the meeting of this group, convened for the purpose of validating findings of this case study, expressed the opinion that gender was separate from the sector work. This implies that the capacity of staff at these agencies needs building in terms of gender.

## CIVIL SOCIETY

Consultations at the national level with the Alliance of Women's Legislative Initiatives confirmed that, in addition to advocating for women's representation in parliament and elected positions, engendering public services – including increased gender balance in decision making in the public administration – is a goal. The name of the Alliance was established some time ago and could be updated to reflect this goal.

The Alliance was instrumental in recent achievements in increasing women's political representation, which is important for two main reasons. Firstly, they show an excellent capacity and track record in advocating for change through working together with the government and international agencies. Secondly, their achievements in terms of increased women's representation top public sector positions could have a catalytic effect on improving the gender balance in the public administration; as mentioned above, female ministers and other top officials have a disproportionate impact on the extent to which gender balance in their portfolio is a priority. This is even more so where there is sometimes not a major distinction between politics and the public administration. Successful women ministers and political appointments in the PA can also serve as important role models.

The Alliance confirmed that maintaining and increasing progress in the legislature is a priority, but that they were willing to advocate on specific issues in the public administration.

Interestingly, civil society in Kyrgyzstan is in some danger of becoming a victim of its own success. Now that their levels of expertise and skills as change agents are well-recognized, there seems to be an increasing dependence on them for implementation and oversight by a public sector, which is still developing adequate technical expertise.



## RECOMMENDATIONS

The recommendations below are aimed at strengthening the public administration and the gender policy framework, building on progress to date. The success of initiatives to develop the potential of women in the public administration depends on factors, such as the promotion of equal opportunities and challenging stereotypes. Resources are scarce and should be directed to initiatives with some potential for being sustainable, which could require some level of conditionality to funding of initiatives in terms of staff turnover or measures to take this into account. However, this needs to be balanced with the need to seize the window of opportunity in terms of national planning in gender and in the public administration, so as not to lose the momentum of the achievements of the last few years.

The recommendations also focus on short- to medium-term policy and implementation by institutions, but it is important to recognize that longer-term and sustainable change must also take into account entrenched traditional gender roles and cultural factors, which impact on the self-confidence of women themselves. It should be noted that it is sometimes difficult to distinguish between politics and the public administration in Kyrgyzstan, as there seems to be some overlap.

### **Recommendation: Support development and implementation of the new civil service code by the State Personnel Service.**

This is a key and very positive development and the international community could help to develop it and share examples from other countries. The code should reflect measures to follow through on relevant provisions in the Gender Equality Law and relevant labour law, such as for pregnant and nursing women, and for men and women with family responsibilities. As well as stating principle and targets, the code should specify the kinds of institutional processes required to deliver these.

An important element is also follow-through to develop and train key staff to analyse an effective IT-based human resources information system. This system should include gender balance and other sex-disaggregated data at each level, and it would also be useful to understand the age and ethnicity profile as part of a broader diversity agenda. The system should also enable better understanding of how far women are exercising their rights as pregnant/nursing mothers (e.g. taking time off and accessing nursing rooms) and help monitor gender balance on training and professional development opportunities.

The code should additionally specify data management and oversight measures for individual public administration bodies at the national and subnational levels, and consider incentives and support measures as well as penalties.

### **Recommendation: Provide several types of training for various target groups.**

- Specific training should be provided for women in the state and municipal service to increase self-confidence and develop leadership potential as part of a systematic and strategic human resource initiative, with the support of the State Personnel Service.
- Professional updating at the expense of an employer should be arranged for public servants, returning from leave in connection with birth or adoption of a child.





# RECOMMENDATIONS

- Training should be mandatory for all public servants on the regulatory framework, including on relevant regulatory acts; gender-sensitive strategic planning and the importance of women's representation in the public administration should be explained, together with factors commonly supporting it and factors commonly undermining it. Ideally, this training would also be mandatory for all candidates in the personnel reserve. Aside from the Academy of Management's course on gender equality, most initiatives are donor-led and *ad hoc*.
- A brief professional course should be introduced for State Secretaries on their responsibilities and accountability with regard to equality and to the State Personnel Service. Follow-up campaigns could be organized as part of the institutional communication strategy (e.g. emails regularly sent to all staff about gender equality issues)
- The provincial leadership schools referred to above have not yet been established, but these should be supported and it would be useful to consider some of the following questions:
  - i) Is the model of a separate leadership school for women the only one? Consider the financial sustainability, as well as a sustainable source of technical expertise to deliver courses. Consider also benefits to be gained from a general leadership school for men and women, but with gender balance targets, such as increased visibility and networking opportunities.
  - ii) Location – there are clear benefits to both men and women with family and professional responsibilities in having a locally based, more accessible venue. Could this be combined with online, flexibly paced learning options and access to study leave from work in order to reduce the need to attend too frequently?
  - iii) Timing – when are women and men with professional/family responsibilities likely to be able to attend?
  - iv) Content – only leadership and related skills, or also professional updates and gender mainstreaming for local officials?
  - v) Are there any existing courses in other countries that could be adapted?

## **Recommendation: Improve recruitment, evaluation and promotion procedures.**

- Entry into the public administration and promotions should be linked to at least passing special tests in equality policies, in the same way that promotion candidates in the UNDP in Kyrgyzstan must pass an online 'Gender Journey'.
- The State Personnel Service should continue to improve competency-based tests to choose the best candidate. These should also be transparently administered, for example through inviting civil society as observers.
- Establish 'open days' run by the State Personnel Service to promote upcoming opportunities to potential women applicants. This measure may be seen as discriminatory against men, but such measures are necessary to counterbalance the cultural lack of self-confidence of women.
- Evaluation committees should be regulated for gender balance and be strictly monitored to ensure their decisions are not discriminatory.



- A transparent and measurable evaluation system is needed that could take due account of feedback on performance from qualified and relevant stakeholders. Career advancement should take account of evaluations. Evaluations of senior officials and heads of agencies should also factor in feedback from public service consumers and this 'efficiency rating' could be the basis for career advancement.
- Inter-departmental communication should be strengthened within individual ministries/local self-governments as well as between them. These support networks would promote more effective knowledge sharing in gender equality, data collection and analysis of gender-disaggregated data. The UN Thematic Group on Gender Issues in Kyrgyzstan is a possible model; this includes those responsible for gender issues and members of national gender committees and commissions.
- Improve promotion procedures through institutionalizing and strengthening monitoring and implementation of enforcement mechanisms, including sanctions for inappropriate methods.
- Ensure that all of the above is underpinned by good quality data and reporting to enable the identification of gender trends and patterns in enough detail to be able to devise appropriate priorities and actions to address gaps and support initiatives.

## **Recommendation: Support institutionalization and implementation strategies.**

The government could focus on a few key agencies in the short and medium term that already have a gender action plan, including gender balance objectives, and support them through technical expertise and financial support to implement their plans and report on them. It is important to ensure that men and women themselves are involved in identifying barriers and solutions for change, for example through involving them on working groups and in consultations. It is possible that a supportive organizational environment and the chance to discuss common issues in a legitimate forum can release innovative and relevant bottom-up measures to guide policymakers and those responsible for implementation. A network of women civil servants, such as exists in other countries, could be a model to follow.

## **Recommendation: Address the issue of staff turnover.**

The government and relevant authorities need to address this issue, perhaps prioritizing some key ministries and public administration bodies to analyse patterns and develop and even pilot possible solutions. This process should ideally be participatory as far as possible, as the issues are likely to be different for people at different levels. For example, rapid turnover of top politically appointed ministers and governors is a slightly different issue that needs to be addressed separately from that of staff turnover of staff at lower levels. At all levels, but especially in decision-making positions, one possible model is the principle of replacing a competent woman with another competent woman.

## **Recommendation: Consider updating the 30 percent target in the Gender Equality Law.**

The target of 30% may be appropriate for the legislature, but in the public administration many institutions have achieved this threshold at the lower levels of the hierarchy. Kyrgyzstan could consider increasing the target to 50 percent in the public administration as a whole and keep the minimum of 30 percent at decision-making levels.



# RECOMMENDATIONS

- In the new National Action Plan for gender to follow on from the one that ended in 2010, keep and expand the previous Objective regarding the 30 percent target for women in leadership. The NAP should allocate or recommend implementing line ministries and other public administration bodies to allocate a realistic budget for objectives, including for the 30 percent target for women in leadership.
- The forthcoming Action Plan for Gender Equality is to include qualitative indicators and the issue of career development as well as purely quantitative indicators. This is welcome, and the international community could help develop these. It would also be useful to include reporting measures, such as publicly available information on:
  - gender balance by level
  - requirement for each public administration to develop an organization-level action plans with targets and institutional processes to achieve targets
  - publicly available reports on progress on these plans.

## **Recommendation: Strengthen oversight of implementation.**

The Parliamentary Committees for Equal Opportunities and Human Rights as well as for Public Health, Migration and Social Protection could call for special hearings on two areas:

- a) The implementation of maternity provisions in the public administration
- b) The progress in achieving 30 percent women at leadership levels (excluding ministers and governors and other political appointments) and Presidential Decree No. 240, which requires public administration bodies and local self-governments to review human resources policy in relation to women in leadership positions and nominate the most qualified women to the positions of deputy heads for social and other issues.

This focus on senior levels is due to the fact that the gender balance and implementation appear to need most support at this level. It should also impact positively on improving the gender balance at lower levels, as a sustainable gender balance at the top requires an adequate 'talent pool' to draw on further down. Ideally, these special hearings would inform the new civil service code, which could take into account the key issues identified during the hearings.

## **Recommendation: Step up advocacy for gender equality in the public administration.**

- Examples of successful women in the public administration should be promoted.
- Feedback should be sought from staff supervised by women to illustrate positive aspects of promoting gender equality and to challenge stereotypes.
- The national gender machinery should work with the media to develop and monitor guidelines to challenge gender-based stereotypes in the workplace and to ban gender-discriminatory media products.
- Specific awards and incentives should be considered for departments promoting gender equality in innovative ways.



## *Programming for UNDP and international donors*

In addition to supporting the measures above, three main opportunities are evident:

- Support to the Prosecutor General's office to enable it to implement its oversight function more effectively
- Provide key change agents access to international experience and networks of countries with similar issues in order to maintain momentum and build informal peer support for change – implying that donors should support this as part of a global agenda in order to ensure a comprehensive and updated expertise in this field
- Introduce a gender balance component to all projects. For example, an intervention in the area of rural development could include an element to improve the gender balance in relevant public sector bodies, such as the Ministry of Rural Development and provincial branches.

## **Recommendation: Support effective implementation for provisions on workplace harassment and sexual harassment.**

This recommendation is very much focused on ensuring that all officials understand their rights and obligations, the definition of these terms, and that women and men are encouraged to report violations. The whole initiative needs to be underpinned by strong advocacy and monitoring, which requires good quality data, including qualitative research.



## CONCLUSIONS

Kyrgyzstan is at an interesting moment in many respects, as it continues the state-building process following the collapse of the Former Soviet Union. The public administration is still developing to meet the needs of the country and is beleaguered by endemic corruption and infrastructure, which the government – together with support from the international community – is addressing. In terms of gender equality, the active women's movement and donors have aided the government to address some fundamental policy issues and the country now has some good foundations, on which to build. The country's legislation is liberal and democratic – however, as the revolutions in 2005 and 2010 underscore, this needs to translate into everyday life, and regulate the *de facto* relationship between different actors, including state and society. A considerable gap between the regulatory sphere and practice in gender equality has been built up over decades. This is consistent with findings in terms of gender mainstreaming in other areas, according to the Functional Review (UNDP, 2010) and according to the donor consultations.

In part this may be due to the relatively recent introduction of much legislation in the 1990s and in the first decade of the 21<sup>st</sup> century, and in part to the still limited availability of gender and public administration technical expertise, as well as financial and other resources. For example, more than one agency referred to the lack of an adequate IT support and lack of computers, with which to build the information base for decisions. Many countries have gaps between policy and practice and in Kyrgyzstan too, a results-based government culture has also to take root.

However, although gender equality is part of the public discourse on human rights and equitable development, it is often supported by politically correct lip service and 'rhetorical strategy' to avoid scrutiny.

In terms of gender balance in the public sector, the focus has largely been on ensuring minimum representation in the legislature. In the public administration, although important affirmative policy provisions for gender balance are in place, implementation is weak. Even the key policy tool – a minimum 30 percent quota for women, including in decision making – may have contributed to complacency as many public administration bodies already have over 30 percent, although rarely at leadership level.

Effective implementation faces many challenges at both institutional level, and in the home, where socio-cultural factors and gender stereotyping result in women lacking time and self-confidence to assert their rights in the workplace. The government, with the support of the international community, has an opportunity to support both policy and implementation but it is likely to be a very different process from that of ensuring progress in the legislature. The long-time frames required to track progress and the still unclear link between gender balance and better public services mean that there is little incentive for politically appointed ministers – or indeed donors bound by short to medium time frames and under pressure to show results in a tight economic global situation – to tackle this area. In comparison, addressing gender balance in the legislature offers prospects for more concrete and immediate impact, for example in terms of directly supporting legislative reform.



This is not to say that addressing the gender balance in the legislature is in any way less important. In Kyrgyzstan it has been critical in putting the issue of gender equality in the public administration back on the agenda, and the political will of the President clearly moved this agenda forward. It is difficult to conclude more generally whether women heads of public administration bodies or provinces can impact positively on the gender balance in their organizations, as there are still so few of them.

Political will is likely to remain critical in order to make progress in implementation, and the (male or female) politically appointed leadership of individual public administration bodies are potentially immensely influential in institutionalizing policies and processes – provided their successors are not able to overthrow these without good reason. That is where a strong oversight function is also essential for sustained progress.

Capacity-building seems to be mainly an issue for officials responsible for implementing relevant legislation and at entry level for public servants in general, rather than for women in particular, given that women have high education levels. The exception is the need for professional in-service training for young women returning to work after having children, and for women further along in their career in order to increase their chances of promotion and self-confidence. Here again, international experience in establishing and running public administration schools could be useful.

There is a window of opportunity for the government and the international community to build on policy progress and tackle the challenges in implementing it, as well as for civil society and the legislature to exercise their oversight powers and remain active as watchdogs respectively.



## ANNEX 1: KEY RESPONDENTS AND QUESTIONS

National machinery for Gender Equality, Ministry of Labour, Employment and Migration, Deputy Minister, Ms. N.K. Djoldosheva

What progress has there been on implementing gender policy? Are there plans to develop it further? What is the Ministry's own experience of implementation?

State Personnel Service, Director, Mr. Ch. Arabaev.

What is the experience of improving gender balance and implementing national affirmative action in line ministries at national and subnational levels? Any new initiatives in this area?

Parliamentary Committee for Equal Opportunities, and the Committee on Social Policy, members and heads of committees – Mr. Bekeshov D., Ms. Niyazalieva D., Mr. T. Bakir uulu, Ms. Aynuru Altybaeva

What is the contribution of Parliament and its committees to gender equality policy? What are the lessons learned from previous experience in this area? Is there any good practice? What are the plans for the future and are further developments in gender equality policy on the agenda? Do the Committees have any plans to use their oversight powers to call for a special report on implementation of work-life balance policies and/or civil service targets?

Prosecutor General, Ms. A. Saljanova and Assistant, T. Myrsakulov

What is your experience in exercising your oversight role for 30 percent gender balance of women in public administration and LSGs? Any good practice or lessons learned? Is there anything you would like to do differently in future? What is the experience of implementing the gender balance targets in your own office?

Ministry of Interior, Deputy Minister, K.A.Djunushaliev and Under-secretary, Ms. A.Osmonova

What is your experience in implementing policy measures to improve gender balance? Any good practice or lessons learned? Is there anything you would like to do differently in future?

Ministry of Rural Development

Meeting with responsible person on gender issues, Ms. Taranova E.P. and the HR Officer, Ms. A. Mukhtarova. Issues discussed: What is the experience of mainstreaming gender in the activities department? Any good practice or lessons learned?

Supreme Court, Deputy Chair, Ms. Aknazarova K.K.

What factors do you think are behind the 'inverse pyramid', where there are more women at national and top levels than in subnational and lower positions? What are the lessons from the judiciary on the implementation of gender balance in public service?





#### Academy of Management under the President of the Kyrgyz Republic

Meeting with the Vice-Chancellor Ms. A. Mamytova. Issues discussed: What is the institution's contribution to advancing the state policy of gender equality? What is your own experience in achieving gender balance within the institution? Are there any policies and practices in promoting gender equality in the PA, e.g. promoting gender balance as in course content and/or flexible delivery modes and/or courses especially for women or men? What lessons and conclusions can be drawn from the present experience?

#### State Regional Administration of Talas city – Meeting with the Governor, Ms. K. Kurmanalieva

What are your views on achieving the 30 percent target for women's representation in LSGs, including at decision-making levels? Is there any relevant experience from improving gender balance amongst elected representatives?

#### National civil society in Bishkek and in Talas province, representatives of the Alliance of Women's Legislative Initiatives, 18 leaders of Women's NGOs and representatives of local NGOs at community level

What is the view of civil society regarding its role in advocating for increased women's representation in public administration and in LSGs? Is there any experience in promoting policies of equality in public service? What lessons can be learned and how they can adjust work plans?

#### International agencies and donors, representatives of various UN agencies, UNDP governance and gender staff from Kyrgyz Republic, members of the Gender Theme Group, and representatives responsible for gender issues in country offices of the World Bank, ADB, OSCE Centre in Bishkek

Any inputs to the methodology? Is there experience in projects and programs to promote gender balance in public administration? Any successful practices from other countries that can be replicated, adapted to local conditions?

The UNDP and authors are extremely grateful to the support by the above organizations, evidenced by the seniority of those representing them at the meetings, as well as their openness and willingness to share their good experience and difficulties.



### ANNEX 2: SELECTED CASE STUDIES

#### WOMEN POLICE OFFICERS - MEETING BUSINESS OBJECTIVES THROUGH IMPROVED GENDER BALANCE

The Ministry of Internal Affairs has a special role in implementing national gender equality policy. The Law 'On Social and Legal Protection against Domestic Violence' (2003) identifies the Ministry as the key implementing agency. On the other hand, the Ministry of Internal Affairs – as in many countries – has always been dominated by men and a 'masculine' work culture prevails. A few women have worked in central administration and traditional departments such as accounting, general secretariat, and public relations. A number of women's NGOs have worked with the Ministry of Internal Affairs over at least the past 15 years:

- NGO 'Diamond'
- Crisis Centre 'Shans' and the Association of Crisis Centers (ACC)
- NGO Center of research of democratic processes (CRDP) and
- Others that helped to raise gender awareness and knowledge of employees and managers.

These contributed to policy development to combat domestic violence and to the psychological preparation of the police officers as well as to establish a dialogue between the police and the community.<sup>53</sup>

Women have faced many barriers in the police, including access to professional education. The police academy did not admit women at all about 15 years ago. But some women who wished to work in the police fought for their dreams and achieved their rights, thus opening the way for others.

Today, young women and female students at the police academy are an ordinary phenomenon, and already dozens of women work in different departments of the Ministry of Internal Affairs, including in the patrol service, traffic police and even Special Forces. According to Mr. K.A Dzhunushaliev, Deputy Minister of Internal Affairs, nowadays, the central administration has already achieved the target representation of women (30 percent), and some women occupy senior positions such as assistant minister, heads of departments, including some 'strategic' ones. The minister made an important move, and employed Talaykul Isakunova as a public advisor; she was a previous leader of a women's organization in Bishkek and brought with her technical expertise and good networks. In 2010, the association of women police officers was established.

Since 2008, the traffic police area has been a pilot in terms of introducing women police officers. Heads of departments were looking for solutions to three pressing issues:

1. To demonstrate commitment and the progress in the fight against corruption
2. To demonstrate commitment to gender equality and gender balance
3. Improve public relations.

The solution identified was to create a cadre of women traffic police officers.

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<sup>53</sup> Monitoring of Domestic Violence Law implementation (conducted by ACC in 2009-2010).



Society regarded this innovation quite ambiguously. The media carried stories, asking women traffic police officers about traditional things such as whether the work is dangerous, how they stand the cold or mud, being so delicate, etc. Rumours sprang up about women officers being even more expert bribe extortionists than male counterparts or, conversely, that women are afraid of rude drivers and never punish them. Some people said that women hold up, rather than help traffic flow, because they do not know the traffic rules. Despite all this, the MOI persisted and female traffic police officers continue to work on central urban roads.

The MOI has recognized that women can play a key role in specific areas, especially those where the police needs to interact with women in the community. Internally, it has gone further still, and a Ministerial Decree established a Gender Working Group within the Ministry, with representatives from senior management. Progress in promotion of the national gender policy is impressive.

Of course, challenges remain in terms of perceptions and gender stereotyping, but also at a practical level. For example how would a pregnant woman on traffic duty be treated? Would she automatically be temporarily reassigned according to national maternity legislation? Would she be regarded as a problem? Could she be promoted into other areas? Nevertheless, the MOI has demonstrated that, where there is a will, entry points exist for improving gender balance in even the most 'masculine' areas (Source: Key respondent interviews, 2011).

## NURSING MOTHERS IN THE MINISTRY OF ECONOMY AND FINANCE

The findings of a 2006 UNDP-supported study of gender aspects of the personnel policy of the Ministry of Economy and Finance revealed many *ad hoc* practices and that national labour law had often not yet been institutionalized. Working practices included long hours, with no weekends and limited holidays – a problem for male and female staff alike, especially if they have care responsibilities for children, the elderly or others.

The study identified a group of women employees with young babies who had to return to work immediately after four months of maternity leave. Most of them were forced to stop breastfeeding their babies, despite WHO recommendations to continue if possible. In other words, the flexible working provisions in the law were not implemented.

Interviews with women enabled researchers to better understand the human resource and gender culture of the ministry. One respondent, a nursing mother, described how she tried to exercise her right to a flexible working schedule. She received the following response: "You have to choose: either you stay at home and nurse your baby or you work." Another respondent, working in another department, was "luckier": her manager assured her that she could just let him know in advance when she needed to take time off, without formalizing any papers. However, in practice, the respondent was refused time off and failed to nurse her child.

There are two problems here. First, it was difficult to ask for time off each time it was needed, as she always felt hidden reproach and disappointment in his voice, because there always is so much work. Second, after several absences, she was accused of hardly ever being at work and of abusing the time off.



## ANNEX 2

A third respondent felt she had to continue to nurse her weak baby, whom doctors had strongly recommended nursing for a year. Her mother brought the baby to the young woman's office several times a day, but, as the ministry has no breastfeeding room according to the law, she was forced to feed her baby on a park near the ministry. The cold weather put a stop to this *ad hoc* practice, so the baby was breastfed for just two months. Almost all mothers of young babies interviewed mentioned stress: on the one hand, they constantly felt guilty towards their children and, on the other hand, they constantly felt guilty for any taking time off. This was intensified by statements from managers, such as, "Remember, here we are not men or women. We are all at work – we are economists."

The study showed an interesting fact: women managed to reach management level at an average age of 45 years, whereas men managed it at the age of 39 years. Furthermore, 54 percent of women staff at the time of the study were unmarried and their age was considerably higher than the average age of married women. Just 27 percent of men were unmarried. It seems that having a career and a family is still a challenge for women, despite the excellent legal provisions. Important affirmative action or gender-sensitive legislation is not institutionalized and is even in practice undermined by gender-blind implementation of personnel policies (Author's summary of research on the Ministry of Economy and Finance, UNDP (2006).

### NURSING ROOM IN THE MINISTRY OF JUSTICE

When Aida Salyanova, a young and already well-known politician, was appointed the Minister of Justice of the Kyrgyz Republic, one of her first managerial decisions was the opening of a nursing room for mothers and babies in the Ministry. This decision was so far unprecedented, although such a room is as mandatory by law. In many other ministries, her ministerial colleagues had only allowed one measure to meet human needs of public servants – a prayer room, which was in fact not permitted by law.

The ceremonial opening of the room was a highly publicized event. Journalists interviewed Ministry employees, who shared how hard it was for them to juggle work and young children, especially when they were delayed at work and children had finished at kindergarten or how they would welcome meeting their maternal responsibilities and breast-feed babies during official breaks in a dedicated space. Ms. Salyanova remembers how difficult it was to change attitudes and gain support for the decision to open such a room, and how she found a cost-benefit analysis to be the most effective strategy. She informed colleagues of the costs of lost productivity compared with the minimal implementation cost.

Within a year, Aida Salyanova was promoted to Prosecutor General of the Kyrgyz Republic and the room was abolished. During our interview, she regretted that women's organizations did not even notice that the room had been abolished and that there was a lack of a systematic and popular movement for these rights. Of course, whilst civil society is in many ways more free to raise these issues, there is still an urgent need for an effective oversight and implementation mechanism within government, within the public administration sector, and within individual bodies/LSGs (Key respondent interview, May 2011).



## **WOMEN IN DECISION-MAKING POSITIONS – GLASS CEILINGS AND GLASS WALLS**

Aida Salyanova is one of the few representatives of the younger generation of successful women politicians in Kyrgyzstan. Currently Prosecutor General, she has also served as Special Representative of the President in Parliament, Minister of Justice – but her impressive career has not been without obstacles.

In 2006, her career was at a crossroads – she had passed the competitive selection process for the position of Secretary of State of the Ministry of Justice, but she could not take up her position for almost a year. The former Minister of Justice did not want to accept Ms. Salyanova on the basis of his personal opinions – he was known for his support of conservative policies. Ms. Salyanova was supported by civil society and leaders of opposition political parties. One of the strongest advocates was R. Otunbayeva, a Deputy of the Parliament. Thanks to this support, Mrs. Salyanova eventually succeeded in occupying this very senior position.

Looking back, Ms. Salyanova is convinced that the regulatory framework does provide for women to be promoted in public service and to occupy any position – and that problem is in the implementation, due to the ability of senior officials to understand, accept and implement the law (Source: Key respondent interviews and author's knowledge).



### ANNEX 3: ABBREVIATIONS AND ACRONYMS

ADB	Asian Development Bank
CEDAW	Convention on the Elimination of Discrimination against Women
GFP	Gender Focal Point
JK	<i>Jogorku Kenesh</i> ; national parliament in the Kyrgyz Republic
LSG	Local self-governing authority
NAP	National Action Plan on the achievement of gender equality in the KR for 2007-2010
NGO	Non-governmental organization
NSC	National Statistics Committee
OSCE	Organization for Security and Cooperation in Europe
PA	Public Administration
SPS	State Personal Service
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund



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*Note: all websites were consulted during 2011 and early 2012.*





## NOTES





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