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Kyrgyz Republic

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U N D P D E M O C R A T I C G O V E R N A N C E

CHRONICLES / STORIES / ACHIEVEMENTS



PEACE, JUSTICE AND STRONG INSTITUTIONS

Content

c h r o n i c l e s

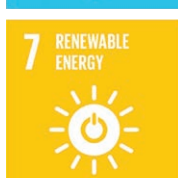
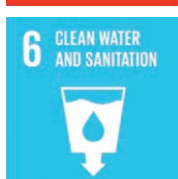
Modernization of court buildings is planned, in order to create appropriate conditions for people with disabilities	5 p.
Web-based map of legal service providers has been launched	5 p.
Civil society for the systematic monitoring of the judiciary reform process	6 p.
Information campaign on the judiciary reform process	6 p.
March: “We do not need flowers, we need rights”!	7 p.
The number of early marriages is growing in Kyrgyzstan	7 p.
Congress of lawyers commends work of the UN Peacebuilding Fund and UNDP	8 p.
Training on ensuring budget transparency for the members of the Public Councils	8 p.
Public discussion of the suggested law on non for profit organizations and political parties	9 p.
The role of media in protecting vulnerable groups’ rights	10 p.
“Early cranes”	11 p.
Knowledge of rights determines performing responsibilities in good faith	11 p.

s t o r i e s

Open data is a guarantee of transparency of democratic governance	12 p.
I has not improved my qualification last 15 years	13 p.
Legal aid to the benefit	14 p.
Accessible environment is fundamental for the integration of persons with disabilities	16 p.
Highly qualified lawyers offer free legal aid	17 p.
Students as trial observers	19 p.
Legal education through street theaters	20 p.

b l o g s

No one has the right to leave a child in a disenfranchised state	22 p.
Jamila and the strength of Kyrgyz women	24 p.
Let us together improve the quality of public service delivery!	25 p.
Early Response to Early Marriages	26 p.
Lucky accidents are not accidental: How Nastia joined Public Councils	28 p.
Widening access of citizens to justice and legally empowering the most vulnerable	29 p.
What benefits can the lawyers receive from Pro Bono Service?	30 p.
Pro Bono Center website has launched	31 p.



SUSTAINABLE DEVELOPMENT GOALS

17 GOALS TO TRANSFORM OUR WORLD

193 member states of the United Nations have reached a consensus at the UN Summit on Sustainable Development and adopted the agenda of sustainable development: "Transforming our world: the 2030 Agenda for Sustainable Development". The agenda includes 17 goals and 169 tasks, defines conditions for their implementation as well as control mechanisms.

Consistent implementation of three components is crucial in order to ensure sustainable development: economic growth, social integration and environmental protection. All these components are interrelated and crucial for the wellbeing of individuals and societies at large.

Environmental sustainable development means that the humanity must learn to live within the limits defined by the capacity of the biosphere, reduce the amount of extractions of natural resources as well as its waste.

Economic sustainable development involves structural and territorial shifts in the global economy; increase its intensity and productivity and achieve optimal economic growth by also maintaining balance in the society.

Sustainable social development is a balanced solution of demographic, employment problems, increase the level and quality of life, ensure civil rights and safety of people as well as improve access to quality education. One of the primary requirements for a sustainable social development lies in the eradication of poverty in all its forms. This is to be achieved by encouraging sustainable, inclusive and equitable economic growth that creates more opportunities for all, reduces inequality, increases the basic standard of living and stimulates complex and sustainable management of natural resources and ecosystems.



Modernization of court buildings is planned, in order to create appropriate conditions for people with disabilities

Photo credit: Meri Bekeshova



More information is available here: <http://kabar.kg/rus/society/full/103633>

The state program on the “Development of the KR judicial system for 2014-2017” envisages stage-by-stage modernization of court buildings in order to make them physically accessible for people with disabilities. This information was also confirmed by the press service of the Supreme Court to the National News Agency “Kabar”.

In 2014 Parliament of the KR with

support UNDP “Widening access to justice in the KR” project has conducted monitoring of 25 court buildings in Osh and Chui oblasts in terms of their accessibility for people with disabilities according to 52 parameters. The results of the monitoring has revealed that 90% of local court buildings do not meet necessary standards and are not accessible for people with disabilities.

On December 29, 2014, based on the results of the monitoring, the Parliamentary committee on human rights, constitutional legislation and state structure of the KR has decided the following:

To the Council of Judges: Within 8 month before the start of the 2016 fiscal year to provide and approve funds in the budget of the judicial system for the construction of new court buildings and installation of ramps, elevators and handrails along the corridors of court houses and so on.

The Supreme Court gave the following response to the aforementioned request:

The state program on “Development of the KR judicial system for 2014-2017” envisages step-by-step modernization of court buildings, including creation of necessary conditions for people with disabilities (installation of ramps, handrails, tactile signs with information in Braille script).

Web-based map of legal service providers has been launched

The electronic map can be accessed via computer or mobile phone with Internet connection.

Interactive web-based map of legal service providers has become available to the public in the Kyrgyz Republic. The main goal of the map is to make the process of searching for legal services for the citizens of the country more simple.

The map contains database of all legal aid suppliers in the republic including both state (courts, prosecutors, police, lawyers and others) and non-state (NGOs, pro bono lawyers, crisis centers, courts of elders, women councils, private law firms, private attorneys, and others).

Mapping process was conducted from June 2015 to December 2015, which involved creation

of questionnaires, collection of data from seven oblasts, 500 rural districts, all rayons, including cities and the capital.

The map contains legal aid providers’ information such as name, address, nature of legal aid services provided, structure, way of providing services - paid or free, work schedule of staff, targeted groups and geographical reach. In addition, the map allows adding information about new providers of legal services in the Kyrgyz Republic or new services of existing legal aid providers once they expand their activities. Any legal service provider can add its information in the map. The Ministry of Justice is entitled

In order to use the map one may visit the website at www.minjust.gov.kg and click the “Map of Legal Service Providers” icon.

to verify this information through field monitoring.

Interactive map was developed by ACTED in the Kyrgyz Republic with the support of UNDP and the Ministry for Foreign Affairs of Finland joint project “Widening Access to Justice for Legal Empowerment in the Kyrgyz Republic” and the project of European Union “Promotion of Rule of Law in the Kyrgyz Republic”. Web-based map was handed over to the Ministry of Justice of the Kyrgyz Republic and is now available on its website. The Ministry of Justice will provide further service and support of the web-based map.

Civil society for the systematic monitoring of the judiciary reform process

Photo credit: Arslan Saabyrbekov



The main objective of the dialogue platform lied in the public presentation of the preliminary and complex public monitoring results of the judiciary reform by the "Institute for Public Analysis". The monitoring was conducted with the UNDP's Rule of Law project technical assistance, financed by the British

Embassy to the Kyrgyz Republic.

In words of R. Karasartova, Director of the Institute for Public Analysis, "Kyrgyz President's Decree from August 8, 2012 has paved the way for the current phase of the judiciary reform process. Up to this date, civil society organizations did not carry

out a comprehensive monitoring on what was undertaken, whether we are meeting the goals stated in the Decree, to which extent and what needs to be done further. With assistance of an international expert from Moldova as well as prominent national experts, we have developed a special methodology to carry out the monitoring and can now present our joint preliminary findings."

Establishment of a network of civil society organizations based on a special cooperation memorandum has further marked the forum. A number of national as well regional organizations have agreed to cooperate with one another in their effort of carrying out the monitoring in a systematic manner.

Information campaign on the judiciary reform process

Photo credit: Arslan Saabyrbekov



To raise the public's and that of the law enforcement's officials' awareness on the upcoming novelties within the package of draft laws, UNDP's Rule of Law project has launched a large-scale public information campaign.

- 40 articles in both Kyrgyz and Russian languages on the key novelties within the suggested package of draft laws, published in leading national and regional newspapers;
- Organization and launch of a series of prime time television discussions on key aspects pertinent to the ongoing reform process with a

participation of key decision makers, experts as well as civil society representatives;

- Two days training to national as well as regional journalists on the proper coverage of judiciary reform related issues with participation of leading legal and civil society experts as well as professional trainers;
- Launch of publication's competition on the issues pertaining the ongoing judiciary reform process with an award ceremony at the UN House
- Series of lectures and seminars

to law students of national as well regional Universities on the novelties within the package of new laws delivered by drafters of the legislation themselves.

All the publications, series of discussions, special reportages produced within the framework of the information campaign for the ongoing phase of the judiciary reform process are available under the following links:

<http://analitika.akipress.org/sottor>
<https://www.facebook.com/groups/sottor/?ref=bookmarks>



March: “We do not need flowers, we need rights”!

To commemorate International Day for the Protection of Women’s Rights, Bishkek Feminist Initiatives has launched a special march in Bishkek to attract the public attention to the situation of women in the Kyrgyz Republic. Around 80 participants, among them women MPs have walked with posters from the Parliament building to the monument of Urkuya Salieva.

The march was also marked by the participation of feminists from the Almaty feminist movement “Kazfem”. “Unfortunately in Kazakhstan we cannot hold such marches that is why we came here to express our solidarity. This is a celebration of the struggle for equal rights, and not the holiday of femininity as they say now,” - stated Arina Sinovskaya, guest from neighboring Kazakhstan.

The march became a starting point for a series of events held throughout the month of March to inform the public and decision makers on the rights of women, on the ways to overcome gender stereotypes, discrimination as well as violence against women and girls.

Short video of the flash mob can be accessed under the following link:

<https://www.facebook.com/undpkg/videos/vb.116487388447179/974266746002568/?type=2&theater>

The number of early marriages is growing in Kyrgyzstan



Television discussion on “Early marriages”
<http://nts.kg/zhasny-zhete-elekterge-nike-kyjuu/>

“The number of underage girls entering into marriage with “nikah” is increasing in Kyrgyzstan. Only last year, around 1000 underage girls became mothers, 170 of them practiced abortion. The suggested law is one of the needed mechanisms to solve this problem”, - stated Vice Prime Minister for Social Affairs of the Kyrgyz Republic

Gulmira Kudaiberdieva during the session of the Parliamentary Committee on social issues, education, science, culture and health of the Kyrgyz Republic in Osh city, on March 14-15, 2016.

A group of MPs have presented and discussed with the participants the suggested law on early marriages,

which if endorsed, would toughen penalties for those, who are engaged in arranging marriages for underage girls. The suggested legal initiative also envisages “nikah” to be conducted only after the official registration of the marriage, i.e. at the full legal age (18 years old).

To raise public’s awareness of sexual and gender-based violence, UNDP has also established cooperation with the Kloop media. As a result of series of trainings and seminars, young Kloop School of Journalism participants wrote series of works on various SGBV topics, available under:

<http://kloop.kg/blog/2016/04/04/pohitit-i-brosit-kak-nasilstvennye-braki-gubyat-kyrgyzskie-semi/>



Photo credit Altyrnai Akmatova

Congress of lawyers commends work of the UN Peacebuilding Fund and UNDP

In Bishkek, at the extraordinary congress on March 3, our national partner – the Bar Association of the Kyrgyz Republic presented a letter of gratitude for significant contribution to the establishment and development of the Bar. In cooperation with the Bar Association of the Kyrgyz Republic, the UN Peacebuilding Fund and UNDP Project “Improving the rule of law and access to justice for sustainable peace” assists provision of free qualified legal aid to particularly vulnerable categories of the population: women, children, young people in risk group, ethnic minorities in rural areas and residential areas. It

should be noted that the project provides legal aid through interaction with local authorities and regional representatives of Ombudsman. This has fruitful effect on solving problems of the rural population enhancing residents’ feedback to local authorities, promotes legal awareness and legal culture, and strengthens trust relationships of the rural population toward the local authorities and state bodies. Fifteen settlements in Chui, Osh, Jalal-Abad and Batken oblasts were selected as pilot regions. Fourteen qualified lawyers were hired under agreement to work in the regions exposed to various types of conflicts. The lawyers provide

comprehensive legal services 2 days a week: oral and written counselling, representing people’s interests in the courts.

Works on creating Pro Bono Center under the Bar were launched in the pilot regions of the country concurrently with operation of the offices of free legal aid. The Latin term “pro bono publico” means “for the public good” and is associated with the provision of free legal services. These obligations are not imposed by law and are based only on moral principles of the lawyers. Such practice is thriving globally since the late 1970s. Pro Bono Center promotes social responsibility of legal and advocacy community, enhances capacity of the Bar and creates an independent system for providing free legal aid, protecting human rights and supporting citizens.

Training on ensuring budget transparency for the members of the Public Councils



Photo credit Altyrnai Akmatova

budgetary law in the Kyrgyz Republic, normative and legal acts related to the budgetary legislation as well as the civil budget.

Development of practical skills among the members of the Public Councils in terms of the state budget analysis will facilitate deeper understanding of the role of these Councils in the budgetary hearings and the resulting role in ensuring efficiency of public finance.

The training was a two day event held on March 4 – 5, 2016. During the training the participants worked in groups, listened to the presentations on the drafting of programmatic budget of the state agencies, optimization of public expenditures and procurements.

The training was conducted within the framework of the project “Improving the rule of law and access to justice for sustainable peace”, the project is financed by the UN Peace building fund.

On March 4, 2016 Bishkek hosted the training “Ensuring budget transparency” for the members of Public Councils with the state agencies of the Kyrgyz Republic.

The purpose of the training was improved capacity of the members of Public Councils in evaluating the state budget, ensuring transparency and accountability of the state agencies.

The platform was established for the exchange of experience in the budgetary process and public finance. The trainer was Mr. Azamat Akeleev, former chairman of the Public Oversight Council with the Ministry of finance (2011 - 2013), director of “Promotank” consulting company.

The training covered such topics as expert analysis in the area of public finance, general principles of the

UNDP project “Improving the rule of law and access to justice for sustainable peace”, financed by the UN Peacebuilding Fund.



Photo credit Alynai Akmatova

Public discussion of the suggested law on non for profit organizations and political parties

A round table was held on February 29, 2016 at Park Hotel to discuss the draft law “On amendments and additions to some legislative acts of the Kyrgyz Republic” with participation of independent experts, representatives of non-governmental organizations, members of the Jogorku Kenesh, representatives of the Office of the President and the Government, and representatives of international organizations.

The Committee on Constitutional legislation, state structure, judicial and legal issues and regulations of the Jogorku Kenesh of the Kyrgyz Republic held the round table to discuss the draft law “On amendments and additions to some legislative acts of the Kyrgyz Republic” (Law of the Kyrgyz Republic “On non-profit organizations”), “On political parties”, and the Code of the Kyrgyz Republic on Administrative Responsibility.

The round table was launched with the technical support of the UN Peacebuilding Fund and UNDP’s Project “Improving the rule of law and access to justice for sustainable peace”.

According to the initiators of amendments, the suggested draft law “On non for profit organizations» is aimed at ensuring transparency as well as openness of non for profit organizations’ activities, including structural units of foreign non-profit organizations and non-profit organizations that act as “foreign agent” in the Kyrgyz Republic.

The suggested draft has generated a great level of discourse and raised concern of civil society and international organizations. According to them, amendments are contrary not only to the Constitution of the Kyrgyz Republic, but also to its international obligations. The proposed measures that regulate the activities of NGOs and that ban the established of non-registered NGOs in Kyrgyzstan will significantly restrict their right to freedom of association guaranteed by international law.

The concept of the draft law of the Kyrgyz Republic “On political parties” and the Code on Administrative Responsibility is aimed at establishing control over the financial activities of political parties by introducing

legislative restrictions on their financing. This is done in order to ensure transparency and the rule of law, as well as to determine administrative responsibility for violating the law on financing of political parties.

The roundtable was further highlighted by the presentation of joint conclusions of the Venice Commission and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) regarding the proposed draft law. Representative of the Office of UN High Commissioner for Human Rights has also made a statement on the compliance of the draft law with international human right standards. Independent examination of the law of the Kyrgyz Republic “On political parties of the Kyrgyz Republic” was also brought to the attention of the participants.

This event was organized by the Jogorku Kenesh Committee with a primary objective of informing MPs of the new convening of the Parliament with the suggested concepts and amendments in order to prepare it for the second reading.

Photo credit Alynai Akmatova



Photo credit Alynai Akmatova





Journalists have been awarded in the categories: «Press», «TV», «Radio», and «Internet editions».

The role of media in protecting vulnerable groups' rights

On February 3, 2016, the Kyrgyz National Museum of Fine Arts named after Gapar Aytiev hosted an award ceremony for journalists for the best coverage of topics on access to justice for persons with disabilities, children, rural women, youth at risk, and ethnic minorities in the Kyrgyz Republic

The main objective of the competition was to promote legal empowerment of the vulnerable groups of the population.

This competition was conducted as part of a wider media campaign, which among others has also included trainings to journalists covering access to justice issues, creation of special columns in various media sources on legal issues, information stands and close cooperation with journalists reflecting this subject.

“We have already covered this topic, but in the framework of the media campaign, our team studied this problem more profoundly. In our materials, we clearly define the main factors that affect the violation of the rights of vulnerable people, we also give advice and tips on the

restoration of violated rights. We even covered the voting process for persons with disabilities and monitored implementation of their rights during the voting process” - said famous **TV journalist Baima Sutenova** in her speech.

During media campaign, journalists raised the main factors that affect violation of the rights of vulnerable groups of population such as: lack of access to qualified lawyers, lack of trust in the judicial system, far away location of justice institutions from the residence, frequent failure of judicial decisions, absence of available environment for persons with disabilities in the buildings of justice institutions and lack of legal documents.

“During the information campaign we had a great opportunity to work closely with a wide range of experts. We are interested to continue covering this topic in future as our journalists already have good knowledge and experience in this subject” - said one of the winners of the competition, the Chief editor of “**Politklinika**” **Dilbar Alimova**.

According to **Erkin Kasybekov, Assistant UNDP Resident Representative in the KR**, UNDP Access to Justice Project has earlier developed communications strategy to address the aforementioned issues. Media campaign, that came as a follow up, had two primary objectives: inform vulnerable groups about their rights as widely as possible; educate and train a group of journalists who can understand the causes, consequences and implications of the problem of access to justice for vulnerable groups and report on them to the public. Since the majority of vulnerable people live in rural areas, more emphasis was made on working with the regional media. The materials within the information campaign were thus prepared in Kyrgyz, Uzbek and Russian languages.

The competition was announced by the Public Association “Journalists” and the UNDP project “Widening Access to Justice in the KR” and “Improving the Rule of Law and Access to Justice for Sustainable Peace”.

More about this competition: <http://www.kg.undp.org/content/kyrgyzstan/ru/home/presscenter/articles/2016/02/08/-0.html>

UNDP project “Widening access to justice in the KR” supported by the Ministry for Foreign Affairs of Finland

“Early cranes”

Within the project framework, the documentary called the “Early cranes” was produced, portraying ever-increasing number of broken destinies, unreached life goals and thousands of children left without parents. These are the tragic consequences of early and forced marriages.

“Before filming the documentary, I could not have imagined that the

problem of early marriages is so widespread in our country. In each village, where we have traveled, it was easy to find heroes for our film. After all these stories and many of them were not even included into the film, I still have a lump in my throat. Young girls who are over 20, but look like old women, tears, children left without a livelihood-hopelessness,-” A. Kasymalieva, author of the documentary.



Full movie can be accessed at: <https://www.facebook.com/undpkg/videos/975004419262134/>

UNDP Rule of Law project, financed by the British Embassy in the Kyrgyz Republic

Knowledge of rights determines performing responsibilities in good faith

It is important to develop this knowledge since school age. This will help educate an adult person who is concerned with the future of the state, who is aware and confidently defends his / her rights and rights of other persons as well as demonstrates negative attitude towards violations of law. These were the tasks given to us at the inception of the project.

At the beginning 9 schools were selected with the 9th grade students where they had the opportunity to be trained in the subject “We and the law”. During six months the school children were attending the lectures that were delivered to them by students-trainers from the legal department of the Kyrgyz-Russian Slavonic University.

The idea of the training was not to use dry and formal language of jurisprudence, but rather give

the trainees the opportunity to participate in the process as the major stakeholder. The school children were learning the fundamentals of law; special accent was put on the rights of under-aged children, development of gained equality and tolerance.

The knowledge was expected to be demonstrated by the school children at the final event summarizing 6 months of legal training at school during the “Brain ring” competition. On March 5, 2016 building of the legal department of the Kyrgyz-Russian Slavonic University hosted the final round of competition among the 9th high schools grade students of Bishkek. Students amazed the jury with their in-depth knowledge of law, which can hardly be observed among certain first year students of a law institute.

The competition had three stages,

the first two were the qualifying ones and the third was the final contest among the teams which passed the preceding two rounds. Four teams became the finalists after two rounds: “Brain” (gymnasium school No 47), “Start with ourselves” (secondary school No 27), “Divergents” (secondary school No---), “Lustitia” (secondary school No 88), “Themis” (secondary school No 58). All schools demonstrated excellent knowledge and it took a long time for the jury to define the winner. The winner was the team from secondary school No 27 “Start with ourselves”. The students had deep knowledge of theory and also had perfect public speaking skill.

The victory of each participant in the competition is that he / she got an invaluable knowledge and can surely protect and claim rights.



UNDP project “Widening access to justice in the KR” supported by the Ministry for Foreign Affairs of Finland

Open data is a guarantee of transparency of democratic governance



Уголовный кодекс



Гражданский кодекс



Административный кодекс



Уголовно-процессуальный кодекс



Налоговый кодекс



Трудовой кодекс



Водный кодекс



Лесной кодекс



Семейный кодекс



Семейный кодекс



Уголовно-процессуальный кодекс

When it comes to discussion of “open data”, the majority of people either ask many questions or they think that “open” data is information publicly available in the Internet. The idea of open data is a comparatively new one and it experienced growing popularity during the last decade. It envisages providing free access to certain types of data in the machine-readable format. This format allows processing of data and creation of new products on their basis meeting the needs of broad population. According to the specialists, data in the network are mostly in the closed format which does not allow usage in developing new products.

– *So the users of the open data are rather software developers than ordinary people?*

– Absolutely right, but the products developed with the use of the open data are available to all. These can include applications for smart phones as well as computer software decisions.

– *Why are the software developers ready to create products free of charge?*

– There are some enthusiastic persons are ready to produce items needed by the people without remuneration. There is also a probability that they hope these products will become popular and then they can earn some money.

– *Why can free content in the open format become a source of income for someone?*

– The answer is that access to certain types of information, especially governmental data of public relevance should be fully open to the public.

It is the governmental data that arise interest of the society as this data is the main indicator of effective performance of the state. Therefore, recently the civil society has been active in ensuring that certain information held by the state is accessible in the open machine-readable format, they also strongly advocate the implementation of the e-government and the delivery of e-services.

One of the examples of publicly relevant information in the Kyrgyz Republic is the Central Data Bank of legal information (hereinafter referred to as the CDB) with the Ministry of Justice of the Kyrgyz Republic. This resource is free and has more than 79 thousand normative and legal acts of Kyrgyzstan i.e. laws, decrees, resolutions and ordinances. To improve the access of citizens to the resource, the CDB in the

open format was created within the framework of the UNDP project “Widening access to justice in the Kyrgyz Republic”. This event caused special interest of software specialists. In early 2016 the Kazakh developers using open data format created 11 new mobile applications with the Kyrgyz Codes.

The developers stress that all mobile applications have a friendly and simple interface, the “search” and “settings” functions, in addition, the applications support the Kyrgyz and the Russian languages. They can be downloaded by any mobile phone or tablet user with Android.

According to Mr. Aziz Abakirov, the developer of the CDB Open data of the Ministry of Justice of the Kyrgyz Republic, national affiliation of the developers is not of importance, more significant is the fact that the open data is on demand, the virtual world is expanding and offers more and more opportunities to us. “I contacted our Kazakh colleagues and asked only one question: why did they decide to create applications with legal information from Kyrgyzstan and not Kazakhstan? The answer was that the Kyrgyz Republic has open data and Kazakhstan regrettably does not.” He also says that open data is not only the possibility to involve the best talented people in solving the e-governance problems, but also the implementation and use of such data confirm the commitment of the country to the idea of openness and freedom, which in turn can positively influence the attractiveness of the country globally.

It should be noted that the Ministry of Justice of the Kyrgyz Republic has been for a couple of years engaged in ensuring the openness of information resources in the area of law. The CDB version for Android-based mobile devices was created, before that the data base was available only on the official web site of the Ministry. Currently this application is in active use by over 15 000 Internet users.

The advantages of open information are evident, globally there are many examples of using this data for socially important projects serving an impetus for the development in a certain sector, they also influence the quality of people’s life or contribute to solving social problems. Let us hope that once we would be able to fully rely on reliable and open information in solving the problems of any area of our life.

Meri Bekeshova,
UNDP project specialist

I has not improved my qualification last 15 years



Mr. Stalbek Kupeshov, defense lawyer from the Jeti – Oguz rayon, Issyk – Kul oblast

In early autumn last year I applied for a training program for young defense lawyers and soon was invited to the first training session. Within several months we have passed four stages of the training program.

During the first stage I received absolutely new knowledge of the international law. During the training we had a more detailed study of human rights norms. Of importance for me was to become acquainted with the human rights protection instruments existing at the international level. It turned out that these instruments are accessible practically to everyone; a person should be aware of them and know how to use them. We had an opportunity to read and study the real petitions to human rights organizations. Some international treaties resulted in the introduction of very important changes in the constitutional provisions; among these results is the establishment of the National Center on Prevention of Torture. Actually, this topic of the training was very important as it influences the daily life of people and some persons can receive real and high quality assistance.

I have very good memories of trainers in mediation. Frankly speaking, previously I did not pay atten-

tion to the underlying causes of a conflict. During the workshop the trainers helped us in “disassembling” the conflict and explained what was happening at every stage of the conflict. We were also told at what moment the parties to the conflict can be influenced, as well as situations when interventions can only deteriorate the situation. We are thankful to the trainers, as they helped us to overcome “stereotyped” thinking and gave us an opportunity to reflect on important issues such as whether all media can be trusted, how one should analyze the information and how life experience can be used in our work.

Another very useful aspect was the involvement of various specialists: practicing lawyers, specialists in strategic litigation, legal scholars with important achievements in science, specialists participating in the law making activity as well as former and acting judges.

Training in land legislation turned to be very useful. I received a lot of practical skills and now have good knowledge of normative and legal acts governing this area of law. Currently I am handling several cases related to land disputes and I managed to draft a lawsuit which should be helpful to my client.

The training was even more useful as it had many practical components. The knowledge which we receive in Universities is quite often not helpful in our daily work. During the last 15 years I never received any trainings and my qualification has not improved. Therefore I am thankful to the organizers for this effective training program offered to me.

The defense lawyers, while protecting the interests of citizens, very often are all alone confronted by the state machinery. Prosecutors, judges and investigating officers as well as civil servants are part of the system therefore they enjoy more corporate assistance and are entitled to material opportunities. The state provides them with premises, transport as well as training programs. During the last 25 years the defense lawyers have worked in isolation and to their capacity. In addition to knowledge and handouts, the defense lawyers and legal specialists created a community allowing active contacts between the members, as well as sharing problems and achievements. Active exchange of experience is on – going. As we were all from various regions and rarely have business contacts, such exchange of experience is more active and is not accompanied by fear of having strong opponents. After each stage of the training I was leaving home with confidence in my capacity, a certain enthusiasm and the desire to implement received knowledge in practice.

This training was organized by the Training center for the defense lawyers within the UNDP Project “Improving the rule of law and access to justice for sustainable peace”, financed by the UN Peace Building Fund.

The training also was co – organized by OHCHR and GIZ program.

Legal aid to the benefit



Ms. Gulnara Sheishekeeva, defense lawyer, deputy chair of the Council of lawyers of the Bar of the Kyrgyz Republic

Dear Ms. Sheishekeeva, could you tell us please what is the Pro Bono center?

Pro Bono Center is a good social project. Within the project we are able to provide free legal aid to vulnerable groups. At present not all defense lawyers are interested in free delivery of their services. Of course in the market conditions it is difficult to donate services – everyone has to earn his / her living, but from my experience I realized that doing business within the Pro Bono reminds us of a breath of fresh air, it is a pleasure when you see the results of your work, when a person in need of high-quality legal assistance after being consulted starts to believe in their own strength. Right now I am happy to be able to help a woman in depression. Now her eyes are shining and she is in a positive mood. Having provided such aid, I myself feel a surge of enthusiasm and energy in my daily work.

What case do you personally handle within the Pro Bono?

Now I consult a female resident

I PREFER TO KEEP THE DOOR TO THE LECTURE ROOM OPEN. DURING SEVERAL LECTURES, I NOTICED A SHADOW BEHIND THE DOOR AND REALIZED THAT SOMEONE WAS STANDING THERE

of Bishkek, who asked to help her with her divorce from 15 years' marriage. However, for 8 years she and her husband are living separately and do not have a common household. They have 3 minor children. Living together became impossible as her husband abandoned his family and became a follower of a non-traditional religious movement, regularly leaving for the so called «davaat». He constantly changed the place of his stay, has no job and does not take part in maintaining the family and upbringing of his children. The woman is highly worried that her husband might sell their house purchased in the marriage as he several times spoke about that saying that he would donate the money to the mosque leaving her and her three children on the street. As we all know, traditional Islam deplores such behavior

of a married person especially when it negatively affects the financial situation of the family.

How did you meet each other?

Our meeting is an amazing story. I teach in one of Bishkek's universities, the subject being the profession of a defense lawyer. I prefer to keep the door to the lecture room open. During several lectures, I noticed a shadow behind the door and realized that someone was standing there. This happened several times. One day after class, when I was collecting equipment and books a young woman came to me and said: «I was looking for you.»

She maintains her children with 6 thousand soms' salary of a cleaning lady. She said that for the sake of the family she also put on the hijab and went for «davaat», and left the children

with relatives. However, her mother convinced her to return back to her children, as they remained without parental care for a long time. As soon as she realized that keeping the family was impossible, she started looking for a defense lawyer. «I'm looking for someone who I can trust. When I heard your lecture I decided to ask for help», - she said.

first hearing of the case was scheduled for early February. The husband abstained from the sitting, he has not contacted his family for the last two years and seems not to be interested in children. My client is now living with their children in their home, which was bought during the marriage. Thank God, she has a title for the house therefore we decided not to claim for

change the job. She took out her diploma (laughs) and this is my victory. You know, she is a perfect mother, she is pleased to show pictures of her children, their own drawings and describes their achievements. Now she believes that the law is in place and that assistance can be provided even if one cannot afford a paid lawyer. The last time she came she looked totally different. Her eyes are now shining.

«...SHE WAS UNDER NERVOUS STRESS, SHE WAS TELLING HER STORY STARRING IN ONE SPOT WITHOUT RAISING HER EYES...»

Why did you decide to take the case?

You know, I saw that the person really needed help. During our first meeting she was under nervous stress, she was telling her story staring in one spot without raising her eyes. During our meetings I was telling her about her rights and that minor children can and must be assisted by their own father. Her complete trust in me touched me deeply. She has changed now – a totally different person comes to me. She is sure that there are people in this world who can help. Before the court hearings, we met again to discuss the position and our actions in court and suddenly she handed me a piece of paper from a notepad in an envelope with money. I felt a little hurt as people no longer believe that they can get qualified help free of charge.

What steps did you make to help this woman?

I studied the materials of the case, filed a petition of divorce and claimed alimony from her husband. The court honored the petition and accepted it for further proceedings, the

the division of property. If the husband were the owner, then we would have immediately requested the seizure of the house so that he could not sell or do something else with it. She is really worried that he can sell it, because he has repeatedly tried to convince her that one should get rid of all assets and live only the spiritual life. “I was told that he has been married five times and does everything according to religious rites “nikah” and “talaq”, another woman simply leaves as the official marriage is with me only”, my client said. I will continue the representation of my client's interests in court, the hearing is scheduled for March.

THE LAST TIME SHE CAME SHE LOOKED TOTALLY DIFFERENT. HER EYES ARE NOW SHINING

How do you think you will help your client?

I think that I have already did it, as she is a person with a higher education, a teacher in the elementary school, but after her marriage her selfesteem greatly decreased. Now she with confidence says that she decided to

You work Pro bono which means that you do not derive any money from the case. What are the benefits for a defense lawyer in occasionally handling cases free of charge?

First, I realized that I helped someone and this is for my own spiritual satisfaction. Some of the thinkers said that the being a defense lawyer is to serve the people and I think that this is true. The second reason is that I want to show by my own example that there are decent lawyers who can enjoy trust. What we have to do is raise the profile of our profession. There is a need to prove that the defense lawyers do not only take money, but they also work for the benefit of citizens. I cannot claim to be practicing lawyer, I am rather a theoretician with not many

clients, but I think that free legal aid should not differ from the paid one, it requires even more efforts.

**Altynai Akmatova,
UNDP media expert**



Photo credit Mari Bekeshova

Accessible environment is fundamental for the integration of persons with disabilities

In the modern world, the principle of social justice and equality forms the moral foundations of the societies and of equal vital importance are the principles of respecting human dignity despite the physical status of a human being.

The Kyrgyz Republic has about 168 thousand persons with disabilities and 27 000 of them are children. These people are unable to enjoy the life to the fullest, due to various obstacles, which prevent their successful socialization, while the society should be interested in solving these problems by identifying and removing the hardships in the life of people with disabilities.

One of the directions for the successful socialization of people with disabilities is to ensure conditions for their unimpeded movement. We all know that infrastructure in the country is designed for ordinary people, while disadvantaged members of the society often face insurmountable difficulties in accessing various objects and services.

The UNDP project “Widening access to justice in the KR” assisted in creating accessibility elements in four district courts: October district court of Bishkek, Osh city court, Nookat and Kara-Suu district courts of the Osh oblast.

These activities were aimed at promoting the interaction and establishment of sustainable links between the NGOs, state agencies, international and donor organizations in terms of providing PWDs with conditions, offering them equal opportunities in using social infrastructural objects, inter alia, buildings and facilities of formal institutions of justice.

“The fact that the court buildings became accessible is a significant achievement in the area of justice during the recent years. Justice has always been inaccessible especially for persons with disabilities, both physically and financially,” says Mr. Tolkun Isakov, head of the Public Foundation “Providing legal aid to PWDs”.

These buildings were provided with ramps, information stands in Braille, tactile ribbons, voice beacons etc.

According to Mr. Tolkun Isakov, many people think that these achievements are not significant, as persons with disabilities in our country must be accompanied by someone and these people can read and find out everything. “But when the PWDs have an opportunity to independently get acquainted with the information, their self-esteem increases and serves as a driver for self-realization”.

The legislation of the Kyrgyz Republic (СНП КР 35-01-99: <http://law.journalist.kg/literatura/>) contains clearly formulated norms and requirements in terms of accessible environment for persons with disabilities, including installation of ramps and stairs, sanitary and hygiene facilities as well as other public objects. The fact that in practice not all of these norms are observed, causes concern. New traffic lights in the cities do not have installed

voice informers. New buildings and facilities are constructed, but they are not equipped with ramps meeting the prescribed norms. Sometimes these elements are absent at all, not talking about additional facilities for disabled people like haptic strips on the sidewalks.

Removal of existing barriers will ensure free access of persons with disabilities to social infrastructure objects: housing, industrial and public buildings, constructions and facilities as well as places of leisure and recreation.

Integration of disabled people in social processes will bring benefits to the society from the use of their labor, capacities and talents. Therefore, equal



Photo credit: Meri Bekeshova

access to social objects and services is relevant and requires understanding by each citizen as well as active measures on behalf of the state.

Meri Bekeshova,
UNDP project specialist

Highly qualified lawyers offer free legal aid

Access of citizens to justice is one of the key principles determining the degree of development of a democratic country based on the rule of law. Availability of legal aid and legal literacy of citizens are inseparable and important components of access to justice.

The findings of the survey of access to justice among vulnerable population show that disadvantaged groups face specific obstacles in the enjoyment of their rights. Many representatives of such groups are exposed to discrimination, violence and economic dependence. Absence of experience and education as well as absence of necessary documents obstruct the possibility of appeal to official and non-official sectors of justice.



Five legal centers with the Ministry of Justice

In order to expand the legal opportunities of vulnerable population the Ministry of Justice created five centers of free legal aid in Bishkek, Osh, Tokmok, Kara-Suu cities and Belovodsk village in the last six months. Existing law "On the state guaranteed legal aid" envisages the right

of citizens to legal aid only in criminal cases, it should be noted that free legal aid is offered only to the defendants, while the victims of such crimes are not entitled to such right. At the same time, the majority of citizens, especially the vulnerable, need legal aid in civil cases as well as consultations», says Ms. Maripa Seidalieva, director of Department of notary and bar of the Ministry of Justice of the Kyrgyz Republic.

The main task of these centers is to offer free legal aid, legal enlightenment, increased legal protection of vulnerable population, ensuring the access to justice, assistance to the implementation of rights,

The addresses are available at:

<http://law.journalist.kg/2016/02/05/obem-predostavlyyaemoy-yuridicheskoy-pomoshhi/>

freedoms and lawful interests of citizens. Free legal aid is delivered in the form of legal counseling and informing by way of oral consultations on issues related to law as well as advice in drafting legal documents.

The number of clients in these centers is increasing daily. In 2015 there were 19, 934 persons who requested legal aid.

LBD Consulting in each rayons

Starting from March 2016, the lawyers of non-governmental organization LBD Consulting started to provide legal aid in each district of the Chui and Osh provinces, this includes representation of interests of vulnerable people in reviewing civil cases in courts. In addition, lawyers of this NGO will periodically arrange thematic information briefings for the population of remote regions in order to widen their access to legal information (contacts: <http://www.lbd.kg/>)

State agencies and NGOs work together

Following the initiative of the Ministry of Justice and with the assistance from the Project LBD Consulting and provincial departments of the Ministry in Chui and Osh provinces signed memorando of cooperation. According to these memorando, the coordinators of state guaranteed legal aid and the lawyers of LBD Consulting will complement each other in representing the interests of vulnerable population in civil and criminal cases. This initiative is a good example of effectiveness of close cooperation between the state and the NGOs, this is required for full-fledged operation of the national system of guaranteed



Opening ceremony of legal aid centre in Tokmok city

legal aid.

Four centers of legal empowerment

In accordance with the new draft law “On the state guaranteed legal aid”, which has already passed the second reading in the Jogorku Kenesh of the Kyrgyz Republic, primary legal aid will be also provided by the local self-governance bodies. In the light of an increased demand for qualified legal aid in remote regions of the country as well as in order to assist local authorities in designing the mechanisms of implementing the abovementioned provisions of the new draft law, the project assisted in establishment of four centers of legal empowerment of population with ayil okmotus (Burana, Kyzyl-Oktyabr, Kenesh, Kulatov).

These legal centers provide primary advice as well as legal information to the local population. Centers with the ayil okmotus are closely linked to the centers, of free legal aid with the Ministry of Justice of the Kyrgyz Republic. According to the centers such aid was provided during 4 months to more than 700 people. One of the pressing legal problems

faced by population in the remote regions are land and proprietary issues as well as issuance of title documents.

The draft law “On the state guaranteed legal aid by the state”

The new draft law “On the state guaranteed legal aid” highlights the introduction of guaranteed legal aid in civil and administrative cases.

A significant novelty will be the provision including the victims of criminal offences in the category of those entitled to legal services.

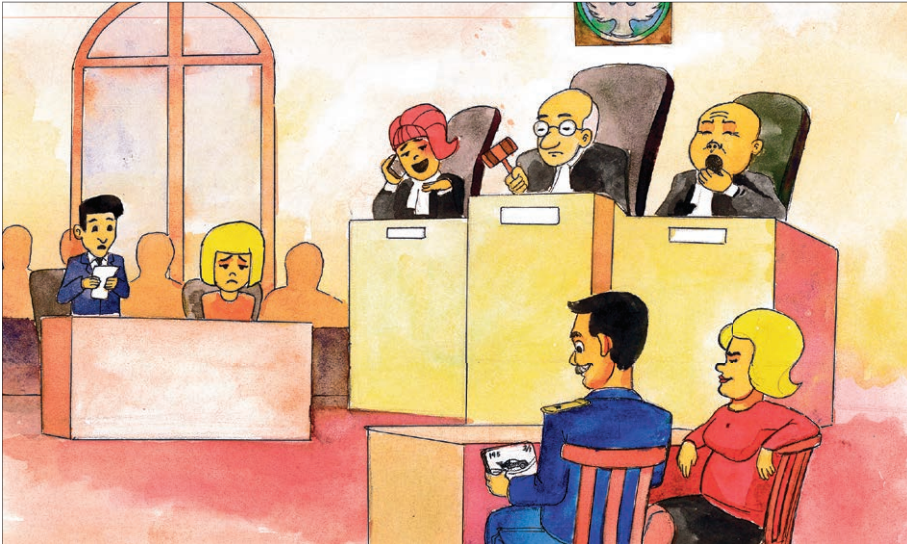
The new law also provides for the creation of an independent structure, that will ensure delivery of legal aid guaranteed by the state. The legal centers established with support of the UNDP project “Widening access to justice in the Kyrgyz Republic” will become the integral part of this larger structure of state guaranteed legal aid with the Ministry of Justice of the Kyrgyz Republic.

Meri Bekeshova,
UNDP project specialist

Students as trial observers

“Study without reflection is a waste of time; reflection without study is dangerous!”

Confucius (551-479 BC)



Since the beginning of October 2015 involvement of law students to monitor trials has been launched under the UNDP project on «Improving the rule of law to promote peace and stability in the Kyrgyz Republic» in collaboration with the Institute of Ombudsman of the Kyrgyz Republic. About 19 students had been selected to monitor ten courts in Bishkek, who instantly passed trainings and instructions for completing the questionnaires. According to international standards, monitoring of trials helps to identify violations, namely, of the right of access to justice, guaranteeing impartiality in the administration of justice, the principle of the adversarial parties, reasonable time of trial proceedings and ethics by judges.

Preliminary results of students' involvement as observers revealed interesting and intriguing facts. And maybe it's because students are yet «not absorbed by the justice system» and can still notice all those minor things that are already invisible by a skilled practitioner. In general, for the interim months students monitored 81 trial proceedings; in addition, besides these figures more than 90

ones did not take place, or have been delayed due to various reasons.

During monitoring the main obstacles for students are unavailable schedules of hearings in some courts and unmannerly conduct of hearings secretaries towards to students. Most trials are postponed for various reasons. Observers note that the court did not always explain the reasons for delays of the trial. The parties in the case also do not perceive the trial proceeding as a public service and are not used to require any clarification from the court! A large number of postponed trial proceedings are caused by the public prosecutor, defence lawyer, witnesses.

It is also interesting to note the important role of the defence party. The state guarantees every citizen a guaranteed free qualified legal aid if necessary. However, this guarantee is implemented partially. As noted by observers, mostly all defence lawyers assigned legally, performed their duties neglectfully, were not interested in protecting the rights of the accused, and were passive and indifferent to the accused. Besides, prosecutors are not always active in

trials; it was observed that sometimes the public prosecution could sit in silence the entire proceeding process.

Regarding the impartiality of the courts, observers have noted that in some cases, the court did not ask questions to the point or put unethical questions. Parties do not always aware of their rights, and in these cases did not protest on unethical behavior of the judge.

In ensuring the adversarial principle, the violation has been recorded in some trials, the judge reproached the representative claimant, the claimant did not always understand the judge or the court asked the opinion of only one party. It should be noted that in all of the hearings which were recorded violations of the above, the participants of the process have not filed complaints of violation of the adversarial principle and equality of parties.

The enjoyment of the right to assistance of an interpreter, observers noted that in many cases the assistance of an interpreter is not required. However, in some cases observers reported a low quality of translation.

Main violations in regard to proclamation of judgment, observers noted: unclear and vague proclamation. Violation of this standard indirectly negatively impacts on enforcement of the right of the convicted to appeal.

To summarize with the above facts it is evident that people do not fully enjoy their rights due to their low legal awareness, thus they do not complain, the justice system avails it and provides services improperly to the public. One question remains open – is there any trust among the population to the justice system.

Aida Bazarkulova,
UNDP consultant



Legal education through street theaters

There is a rural family of four people. Both parents are not working and there is not a single day without a quarrel in the family. The disability status of the elder daughter is not legally confirmed; otherwise, she would be entitled to a pension. Despite her great desire to learn, she cannot attend school and lives her life confined to a wheelchair. The younger daughter cannot get to the kindergarten. All this is due to the fact that the marriage is not registered and children do not have birth certificates.

To get state benefits for children, their mother decides to seek help from a member of a human rights organization recently opened in the village. Having applied to this organization she manages to solve all her problems and finally becomes a volunteer of this NGO helping other people with similar problems.

Senior class pupils from four rural schools present the most typical legal problems faced by the rural population and

show possible solutions within the law. By organizing such a unique event, schools of two ayil districts of the Nookat district of the Osh province try to simultaneously solve several problems.

Legal awareness does not come to a human being at once. When social and family life of people has been for centuries based on traditions rather than on the law, the implementation of any legal norms becomes even more complicated. In order to increase the legal awareness in the rural areas, expert of the UNDP project "Widening access to justice in the Kyrgyz Republic" Sharabidin Tairov has initiated the intervention in the form of street theaters being aware of this national specificity.

Firstly, in preparing street performances the participants themselves acquire knowledge and skills in legal matters, which they might need in their future. Secondly, the audience of the street theaters also receives relevant and practical knowledge in the legal issues. Thirdly, all the

problems and events presented in the theatrical performances were taken from the daily life of the rural population and were shown in conjunction with the traditions and mentality of the people, which ultimately may be an effective practice to raise the legal culture of the citizens.

The audience was shown four performances on addressing typical legal problems faced by villagers especially the vulnerable ones. The first presentation was called "The trap of indifference or unprotected rights".

The second performance entitled "The right of a child to education" shows a case when a father does not allow his child to go to school due to the need to work on the farm; this is typical for destinies of thousands of children deprived of their right to education. It describes ways and means of effective implementation of the legislation to solve the problems of thousands of children who do not attend school.

The third performance entitled

“The destiny of a young girl who was subject to kidnapping” demonstrates the life of the victim of this quite popular phenomenon in the society and its tragic consequences which resulted in a suicide. The fourth performance was entitled by the schoolchildren as “Protecting the rights of minors”. In a touching manner it demonstrates the destiny of a child whose parents went to work abroad and left the child with their relatives. The topics such as exploiting the under age child labor, deprivation of parental and custodian rights, the obligation of the state to protect the rights and freedoms of children constituted an attempt to find solutions to these urgent problems of the modern society in the realities of the rural life. The solution was found not in the law but in the national specificity which has the category of conscience. This means that the situation in the legislation is far from being perfect.

This performance covers the lives of hundreds of thousands of our young citizens, whose parents are forced to wander in foreign countries; it was given the first place by the special jury and the organizers were

awarded with a valuable prize. Actually prizes were given to all the participants. The main achievement of this initiative was that all people have accumulated certain experience,

and this allows the successful continuation of this endeavor in the future.

The organizers of street theaters applied a creative approach to the activities within the framework of the international project, all the problems were presented through concrete and typical facts of life of rural residents, taking into account their mentality and psychology, the presentations were accompanied by poetry and songs. This contributed to easier and more efficient perception of the conceived message, for many people the performances were rather a holiday than a formal action. Broad participation of teachers and senior class pupils in the organization can provide the proper impact on people's mindsets in the future.

Meri Bekeshova,
UNDP project specialist

Photo credit Meri Bekeshova



Photo credit Sharabiddin Tairov



Photo credit Sharabiddin Tairov



Irina Letova,
UNDP legal expert

Probably soon we can expect a new law which will assist a child not only to hope for the help "from above" but will ensure real aid from their closest relative

No one has the right to leave a child in a disenfranchised state

How to reduce conflicts and ensure the rights of the child in recovery of alimony?

Children cannot be former and they should not hope for the divine help if they can get such help from their father. According to official statistics, in 2015 the courts in the Kyrgyz Republic have reviewed 6300 cases of alimony. Currently, the bailiffs control about 5,000 enforcement orders. Methods and tricks to which non – payers resort to are similar to those in Kyrgyzstan, Kazakhstan and Russia and look like two drops of water. After the divorce, previously being quite successful businessmen, they are paying the former family every three months a miserable amount and even play entire shows. And how many women refused such a struggle to avoid humiliation and quarrels? Sometimes the parties manage to reach an agreement outside of court, but in fact it very often happens that mothers simply decide not suffer from further in-sults for the sake of minimum and untimely payments. Litigation, claims and hassles are not the best assistant when it comes to children. Today alimony is a painful subject for both of the parties, as the court awards a small amount, but for many mothers and children, even these sums are important and vital support.

At present alimony is not simply an amount of money paid from the father to support the child – they are tears, arguments, requests and pleas. At least thousands of women in the Republic say



bad words about their former husbands. Debt collectors are in search of non – payers, while women can barely make both ends meet. Is there really no opportunity to change the situation and expose negligent alimony payers?

Those women who bravely stand trials and get the writ of the court on the recovery of alimony for their children well understand that such decision is only half of the problem solution. The major challenge is to receive the money and this work falls on the shoulders of bailiffs. In order to provide children with the necessary material assistance, bailiffs shall take all measures envisaged in the law (from motivation to voluntary cancellation of debt to criminal liability for willful evasion from alimony payment).

As the practice shows, out of all available measures to recover alimony the most effective method of reasoning is the imposition of temporary restriction on departure from the country for the debtor. Limitation of debtor's right to leave the country is actively used in Kazakhstan, the Czech Republic, Slovakia, Finland, USA, Canada, Israel and the UK. The ban on travels abroad was introduced in the Law «On Enforcement Proceedings and the status of bailiffs in the Kyrgyz Republic» in December 2009.

At present there is a frequent discourse that restriction to leave the country is a violation

BIBIGUL, PLAINTIFF IN A CASE OF FAILURE TO PAY ALIMONY, THE OSH OBLAST:

“Our culture is as follows – if you are a woman, you are disenfranchised. Men do not assume responsibility for children. They forget about children after the divorce, it’s hard to find them. Sometimes they are found but they are of no use as they drink and have no job. Very often they pay nothing.

of the constitutional right of citizens to freedom of movement. This means that a debtor who must pay alimony for the support of his child is entitled to human rights which cannot be limited – then who will protect the rights of a child, which include right to decent standard of living adequate for physical, mental, spiritual, moral and social development? Many people also forget about the constitutional provision which envisages the restriction on civil rights by law in order to protect the rights and freedoms of others.

How a nonpayer can be entered in the “list of restricted persons”? If a debtor fails to satisfy claims in due time, then the debt collector upon the request of the claimant or at his / her own initiative has the right to issue a resolution on temporary restriction on departure of the debtor from the Kyrgyz Republic. Then the person in question shall be notified of the imposed measures in writing and the Border service shall receive relevant information. The list is regularly updated and new persons are included there. In 2015 only the subdivisions of the bailiffs’ service issued 3614 resolutions restricting the departure from the country. As statistics shows, more than 50 per cent of judicial decisions are not voluntarily executed and the bailiffs have to resort to an effective method i.e. impose a restriction on the non-payer. The leader in such re-strictions is the Osh oblast, where 1159 resolutions were issued, it is followed by the Jalal – Abad oblast with 1017 restrictions.

Currently we can state that the situation with alimony has

improved by 30 %, though some problems in this process still exist. The information from the bailiff reaches the Border service within 3 to 5 days, while the debtor can easily leave the country during this time period. To accelerate the process of notifying the Border service, UNDP Project “Improving the rule of law and access to justice for sustainable peace” assists the Judicial department in the development and implementation of the electronic data base of debtors.

S. V. NIKOLAEVA, DEBT COLLECTOR, ALAMUDUN RAYON:

– “The data base of debtors will improve the situation, raise the recovery rate as well as ensure prompt and actual execution. The combination of data base of bailiffs with the data base of the Border service is quite relevant and timely step. Restriction on departure will facilitate the recovery of alimonies. After the introduction of this measure the recovery has improved by 30 per cent and timely imposition of restrictions through the electronic data base will raise the percentage higher.

The data base allows the following:

- *Increased speed and quality of document work;*
- *On line (automatic) exchange of data with the Border service;*
- *Strengthened control over the enforcement of judicial decisions;*
- *Reduced costs of paper work and document exchange;*
- *Simplified access to information on arrears for the citizens of the Kyrgyz Republic.*

The data base will become an effective tool and will be of help in dealing with persons departing from the country, but what can be done with those who do not plan to go abroad and stays in Kyrgyzstan? We have information that there are quite

many cases of this kind and they require totally different methods of influence. One of such methods have already been found: the new draft Law «On Enforcement Proceedings and the status of bailiffs in the Kyrgyz Republic» which was produced with the assistance of UNDP experts, alongside with the restrictions on travels for debtors contains the proposals to limit the capacity of the alimony nonpayer to enter into certain transactions. These transactions include registration of movable or immovable property, banking operations, change of family name and other passport details, disbursement of lottery prizes, other cash amounts received as a gift, material assistance or inheritance. Such information comes to the bailiff within 48 hours from authorized agencies and institutions.

Failure to introduce such measures today would result in the situation when a debtor who forgets about his children for months, will easily receive a loan, enter into any other transaction and find any possible way to escape from performing his obligation. The enforcement of such provisions will put an end to the injustice and ensure the right of the children to a decent livelihood.

This draft Law is currently in the Jogorku Kenesh undergoing the procedure of the second reading, probably soon we can expect a new law which will assist a child not only to hope for the help “from above” but will ensure real aid from their closest relative.



Lucio Valerio Sarandrea,
UNDP Chief Technical
Adviser on Rule of Law

Over ten years ago, for my birthday, my childhood friend Piero gave me as a present the book the "White steamboat" from Chyngyz Aitmatov. In handing me over the present he explained that the author was the most famous Kyrgyz writer. Truly I didn't know Aitmatov before that day.

Jamila and the strength of Kyrgyz women

Over ten years ago, for my birthday, my childhood friend Piero gave me as a present the book the "White steamboat" from Chyngyz Aitmatov. In handing me over the present he explained that the author was the most famous Kyrgyz writer. Truly I didn't know Aitmatov before that day and the book seemed to me a great opportunity to learn more about the land of the Kyrgyz Republic, which I had already admired in its beauty in some photographic reportages.

I must confess I read the story in one day and was totally fascinated by the fantastic description of the landscape, the nature and the most humane story of the main character. The lake of Issyk Kul then became one of my dream locations to visit. Enchanted by the story, I decided to read more works of Aitmatov and came across the novel Jamila which, if possible, moved by imagination even more. The plot, construed in a perfectly harmonious manner, allows the author to powerfully describe the moral and physical strength, as well as the beauty of the protagonist Jamila. I will not give any spoiler of the story and invite everybody to read the book. To my mind Kyrgyz Republic became the land of natural beauty accompanied by very courageous and brave women.

Years after receiving Aitmatov's book as present I had the possibility to work in the Kyrgyz

ФОТО ИЗ КИНОФИЛЬМА «ЖАМИЛА»



Republic for the United Nations. In my heart I didn't hesitate for a second and the first images that came to my mind were the ones of the lake of Issyk Kul and the strength of Jamila.

For over two years now Kyrgyzstan has become my new home, where I moved with my family and where every day I enjoy the privilege of being surrounded with such a beautiful nature and people. While I truly enjoy living in this country, I am very much saddened by the still ongoing practice of bride kidnapping and early marriages. Statistics report a figure as high as 32 bride kidnapping a day.

In my daily work which is to support the state efforts in improving the rule of law of the country I am very pleased to see some tangible progress in this field yet the realization is still not easy to come. However, I truly feel that the biggest change should not happen through laws and Courts but through the national pride and powerful historical heritage. Early marriages and bride kidnappings should be indeed sanctioned through legislative measures but first of all they should be prevented by using the powerful example of Jamila so powerfully and immortally described by Chyngyz Aitmatov.



Ainura Kaparova,
Acting chief of the
UNDP Democratic
Governance
Programme

It is important to realize that improving the quality of public services depends on both of sides - state bodies as providers and active position of citizens as consumers who are using these services in daily life, i.e. we are. I am confident that only citizens themselves can regain a dignity. Join us to be an active citizen!

Let us together improve the quality of public service delivery!

Public service delivery system reform

The services have a vital part to play in sustaining and enhancing the social and economic prospects and environmental quality of towns, cities and countryside. When an ordinary citizen faces a public authority? If he applies for a public service: he meets with them in the passport offices, clinics, social fund departments, etc.

The public services can have a profound effect on the opportunities and quality of life of the people who live and work there. One of core issues of service system was lack of quality standards for services provided by the state, and therefore was not possible to assess them and appeal the actions of state bodies. The current system often provokes the appearance of corruption schemes in state agencies and municipalities.

The quality standards of services

As a taxpayer, can a citizen require from the government agencies to provide quality services? Can a citizen to carry out public monitoring services?

Answer: Yes, every citizen can and should demand the execution quality of service standards.



Within the reform of public service delivery system, which is aiming to improve quality of services and access to the population, the Government approved a template of service standard in 2012. It is a basis for quality evaluation of public services by citizens and their communities (Government Decree # 603, dated September 3, 2012). For today, there are approved approximately 200 standards of public services.

Public monitoring of service standards

In 2015, a public monitoring of the pilot 10 public services conducted by the initiative of the Government Office and in close cooperation with the Union of Local KR governments, local NGOs and activists in the regions. It was done under UNDP project "Capacity Development

Facility". This public monitoring based on a specially developed methodology and conducted in six targeted government agencies in the cities of Bishkek, Osh, Jalal-Abad, Karakol, Shopokov, and in Suzak and Sokuluk areas.

Control purchase method was used. The monitoring team studied the process of services obtaining in a live: an appeal to the civil servants, waiting in queue, documents gathering - all procedures faced by the consumer.

Meerim, member of monitoring team: «We went as customers and got state services, faced with the existing conditions, observed, studied and recorded what the difficulties on the ground. We paid for services if it was necessary and legitimate. We need to compare the existing

delivery of public services with the standards of public services, and identify inconsistencies, difficulties and obstacles for citizens.

During some visits, staff of government agencies realized that I was unusual consumer - I knew about standards and I can «lay down the law». They became much more professional and helpful - the effect was obvious. We have weak public services because we allow doing it, we do not have relevant information or afraid to demand rights. Information stands in the state bodies presented very little information or not existent. Everywhere queue, no schedule for clients, you can stand queue whole day and did not get a service. The ethics of civil servants frequently not respected. The buildings do not have the seats, chairs, even toilets for consumers.

By the service standard, there must be space for expectations and a place to fill in the documents. In reality, they are not present

Following the results of public monitoring, the average ratio of standard performance of 10 pilot services is 52.2% and the average level of citizen's satisfaction was 54.2%.

In December 2015, public monitoring results were discussed at Government's meeting with the participation of Prime Minister of the KR. The results of a pilot public monitoring has shown that the Government's efforts to optimize the system of public services, so far brought no tangible results for citizens, who are not aware of themselves as the actors of this sphere, and make no effort to change the situation.

This confirms the fact that now one of the most urgent and important task is to involve the population in the practical application of service standards, i.e. implementation in practice of mechanisms for public monitoring of the quality of public services. The citizens that know their rights and obligations of civil servants be easier to achieve quality service.

Public monitoring in the disposal of the authorities is the most powerful management tool - the initiatives and needs of citizens as final consumers of public services.

It is important to realize that improving the quality of public services depends on both of sides - state bodies as providers and active position of citizens as consumers who are using these services in daily life, i.e. we are. I am confident that only citizens themselves can regain a dignity. Join us to be an active citizen!



Elmira Shishkaraeva,
UNDP Gender
Mainstreaming
Country Coordinator

As such, most of these young mothers are likely to end up having limited social economic perspectives and their children may have health issues once born.

Early Response to Early Marriages

Every so often, browsing news feeds, I think about how the information life is short-lived. Daily news are being lost so much in other news and it seems that human mind can fit everything, nevertheless how is it analyzed and conclusions made after all, since there are in the queue dozens of other news?

Certainly, there are news that live in our environment of the discussions for several

days. Unfortunately, for the most part, these are the news that have negative content, where it is addressed to the consequences of any cruelty, violence or even maybe involuntary engagement in the marriage?

Why do we pay attention only when there happens something worse?

How to draw attention of the society to the problem long

before the consequences happen and perhaps preempt them?

These and other questions have been raised recently in Osh at the hearings dedicated to discuss the societal consequences of early marriages, which was attended by representatives of the Committee on Social Affairs, Education, Science, Culture and Health of the Jogorku Kenesh.



The event, of course, seems like ordinary meeting, where representatives of the Parliament, civil society and development organizations have been gathered, however, right there we touched upon the rights of all underage girls.

Imagine, that (according to the Ministry of Health) every year around 1000 underage girls become mothers, and the numbers have kept growing since 2008.

Who are those young mothers? Why are they giving birth at such a young age? In some conversations there were discussed several reasons: early pubescence of girls, strive for starting a family, irresponsibility of today's youth.

Law-enforcement institutions reported only three official cases of forced marriage as of last year.

Although, Vice-Prime Minister on Social Affairs, in her speech to the participants, announced that the reason for girls giving birth at young age are forced marriages. This is the first time that a high-ranking politician has acknowledged that it has become acceptable

in our society to arrange a marriage for girls at young age, a sad fact, that women's and youth's organizations are "proclaiming" on a constant basis. In the Kyrgyz Republic, according to the Children's Code and other regulatory and normative legal acts - the minors are envisaged those, who have not attained 18 years of age. The minimum age for marriage by the Family Code of the Kyrgyz Republic is set at 18.

«This is an organized sex exploitation, as 14-15 year old girls are still fragile both physically and mentally. Helpless, they are victims of the groom's wishes, the parents. The marriage of minors - a criminal offense. With regard to the registration of marriages in mosques, according to Muslim traditions, couple are married in the mosques. Imams issue a marriage certificate, which has no legal force. And spouses think they are legitimate partners", - says the representative of the "League of Child Rights Defenders" - Erkaiym Aliyeva.

Marriages are being arranged through a Muslim religious ceremony named "nikah"

without being officially registered. When I had a meeting with local committees in the city of Uzgen, they told me what happens after those marriages. The local authorities have witnessed cases where girls would be banished from their "new families" and would have no way of proving that they were ever a married and had rights. The body of those young girls isn't ready to carry a child, and as such, pregnancy comes with a lot of complications. As such, most of these young mothers are likely to end up having limited social economic perspectives and their children may have health issues once born.

We really hope that this meeting will serve as a step forward in improving girls' lives. We also hope that Jogorku Kenesh will adopt a Draft Law on restricting to conduct any ceremonies of "nikah" for underage girls and that the law-enforcements, police, and other institutions will prevent cases of forced marriage to happen. Marriage has to be consensual, and only when both parties are mature physically, socially, psychologically.



Jamila Arbanalieva,
UNDP project
expert

Each of us at some point in our life think about what exactly he/she has done for the country, and if there are some benefits for the citizens from these actions.

Lucky accidents are not accidental: *how Nastia joined Public Councils*

First reminders are the motivating words of John F. Kennedy (...ask what you can do for your country), inspiring and heartfelt poem of our Kyrgyz poet Alykul Osmonov (...do not feel the pain, let me feel it, Motherland), the activities of Mother Teresa, an international volunteer movement and behavior of known and unknown people in the protection of children, the preservation of peace etc.

And always in a situation like this, we wonder how the person can be motivated or what motivates him/her to spend time, effort, knowledge in social activities. There are tons of reasons, actually!

I want to share the story of Anastasia, who once came to the conclusion that she may be useful to people and society.

Just a year ago, concerns of Anastasia Bobrovskaya, a private veterinary physician from Tokmok, had been concentrated around the establishment of the private veterinary chemists shop. At that moment, she did not even think that besides her interests, she would be concerned about social affairs.

Having armed with advice, experience and recommendations of friends, colleagues, subject to the matter, how to obtain the permit for establishment of her own business, Anastasia have started preparing the required documents, and at the same time she applied for advice to Veterinary Chamber and the State Inspectorate on veterinary and Phytosanitary Security under the



Government of the Kyrgyz Republic (SIVPS).

Later on, as fate has willed, Anastasia became a member of the public council at SIVIPS.

However, Anastasia has faced with the fact that the information that she had received, was different. One of the officials informed about necessity to apply number of documents for opening of the pharmacy (license, certificate from the fire department, the Social Fund, tax, etc.), and other one did not confirmed that fact. In the result, Anastasia got finally confused but as a law-abiding citizen, she has collected all the necessary documents "on the safe side".

Anastasia understood that in such a situation due to the lack of clear information, misunderstandings, conflicts between staff members of state bodies and the citizens are usual.

We cannot even imagine how many citizens daily are confronted with such confusion in the collection of the required documents.

As you know, lucky accident is not accidental. In that moment when Nastia consulted with Veterinary Chamber, she was advised to apply for the membership in the public councils and there to voice her suggestions!

At one of the trainings (general conversations) where Nastia participated, we engaged in discussing about the role of public councils, I asked her why she wanted to be a part of this movement she said:

"Despite the fact that our council started to work recently, I can say that we have some ideas of interaction between state body and citizens. We had already planned activities to improve SIVIPS's website because of necessity to fill in with the useful and clear information for the citizens. In addition, I just want to be useful to society!"

Finally, I want to finish with a proverb - Bad things happen when good men do nothing!



Turat Azymbakiev,
UNDP project
expert

Citizens living in the rural areas, especially those representing vulnerable groups like rural women, children, youth and PWDs still have very limited access to justice and legal opportunities.

Widening access of citizens to justice and legally empowering the most vulnerable

Orok ayil aimak is located very close to the capital. It might seem that access to justice and legal opportunities of the residents of this municipality are much more favorable than in other localities like the ones in the remote districts of the Batken and Naryn provinces. But as we discovered, raising of the legal literacy and awareness of citizens of their rights is an extremely important and primary task of the state and citizens themselves, and this applies not only to the most remote regions.

Recently the staff of the group of family doctors in Orok ayil aimak came to me and asked whether there was any opportunity to provide financial assistance to a young lady named Nargiz, as her daughter aged 4 years urgently needed a liver operation. The girl was infected with echinococcus and she was several times operated but a new surgery was needed as her health condition was deteriorating. The drama was that Nargiz was from a disadvantaged family and in addition to two of her children, she had to look after several brothers and sisters. The only source of income was occasional work at the Dordoi market. According to Nargiz, doctors from children's hospital # 3 of Bishkek refused to make a surgery without payment, though previously they offered medical treatment to the girl. The price was KGS 30 000 and Nargiz's family had no money.

Initially I wanted to contact my colleagues from UNDP and ask them for help in collecting the necessary amount, because we had a good tradition to make targeted donations to those in need. However, later I recalled that in accordance with the state program of guaranteed medical help, all citizens older than 70 years of age and all children under 5 years are entitled to state medical help free of charge.

I failed to meet the doctor of the children's hospital department who requested the payment for the surgery as he was on leave at that time. Nevertheless, the chief doctor of the hospital met Nargiz and he was very much surprised that his colleagues asked for money. He carefully studied the medical records of the child and immediately ordered to admit her, as she urgently needed the surgery. Moreover, being a practicing surgeon, he promised to make the surgery himself. He also promised to make the doctor accountable, who has asked for money. Luckily, the surgery went successfully and Nargiz's daughter is recovering.

This case taught Nargiz that awareness of one's rights is not only useful, but rather vitally important specifically for the vulnerable population.

Citizens living in the rural areas, especially those representing vulnerable

groups like rural women, children, youth and PWDs still have very limited access to justice and legal opportunities. Rural areas, which accommodate the majority of the population of the Kyrgyz Republic, practically do not have qualified lawyers as well as providers of relevant legal services. The research conducted at the initial stage of the Project launch showed that the nearest professional legal services' providers are located in cities and district centers at a long distance and this significantly jeopardizes access to legal aid for vulnerable people.

During March - April 2016 within the UNDP project "Widening access to justice in the KR" trainings were conducted for the pilot Offices of Ayils' staff, members of the ayil kenesh, village headmen, members of the courts of elders, women's councils, youth committees, school teachers as well as representatives of the civil society and local NGOs. The purpose was to raise the legal literacy of the population. The participants were selected not by coincidence, as these persons are official and non-official local representatives whom the population will primarily ask for help. And these people, to the extent of their competence, try to consult and solve legal problems faced by their people.



Photo credit: Meri Bekeshova



Aziz Usupov,
UNDP legal
expert

Pro Bono Center is a coordinating center that acts as an intermediary between the law firms or private practitioners who are willing to offer their time to provide free legal aid and between those who are actually seeking such assistance.

What benefits can the lawyers receive from Pro Bono Service?

Assuming that many lawyers already know about the establishment of the “Pro Bono Center” under the Bar Association of the Kyrgyz Republic, in this article, I would like to share some of my thoughts on this new and unprecedented movement of lawyers in Kyrgyzstan. I would particularly like to address potential lawyers since their participation is of crucial importance in further promotion of Pro Bono services.

The term «pro bono publico» is Latin word, which means “for the public good” and in our particular case, it relates to the provision of free legal services. These obligations are not placed by law and they are in fact stemming from lawyers’ moral incentives to engage in the provision of free services for the ones in need. The world started to witness the ever growing development of such practices ever since the late 70’s.

Pro Bono Center is a coordinating center that acts as an intermediary between the law firms or private practitioners who are willing to offer their time to provide free legal aid and between those who are actually seeking such assistance. Without such a coordinating center, it would indeed be hard to implement Pro Bono services since the main objective of the center is about accepting applications for pro bono services and giving them out to

potential lawyers willing to take them.

Within a short time ever since the establishment of our Pro Bono Center, I heard different opinions among lawyers. Fortunately, there were more positive feedbacks. But I’m also oftentimes told that the lawyers do not need to engage in such services or those already from time to time giving consultations free of charge. Some even claim that we are trying to push an alien culture into our society. Yes, we must recognize the fact that our society still has a certain degree of phobia of Western culture since a number of lawyers a priori consider pro bono as something unacceptable to them. Others on the other hand wonder on the possible incentives for lawyers to engage in such activities and I would like to use this opportunity and offer a comprehensive picture of the benefits to be drawn

Engagement in Pro bono services are mainly guided by philanthropic considerations, or more simply put by the love for the mankind (love for mankind), since they are aimed at solving legal issues and difficulties of other people, therefore changing or at least trying to change their lives for the better. This means that pro bono is not an «imported» concept, and is deeply rooted in our culture. Since most of our people are Muslim, I think it is enough for me to mention the term

“sadaqa” (charity, donation), because even a simple smile to another person can be considered as sadaqa without even a word of giving free legal aid to someone in need... Pro bono as a corporate social responsibility of lawyers is thus not isolated from the Islamic view and is in fact one of the basic concepts of this religion. In this regard, “pro bono” can be the only new words, but even they are taken from the Latin - a language of our legal profession. This movement of lawyers offers just a new format for free legal aid, systemize it and extract useful things and benefits for lawyers.

Even if the legislation defines the lawyer’s activity as non-for-profit, there is a commercial basis in our work, because we work for a fee, we earn a living by selling professional services. Pro bono can serve as an additional sales tool. First of all engagement in Pro bono services widens the network and increases the lawyer’s level of visibility or in other words popularity. Providing pro bono services, we declare ourselves as an expert among a new group of people. When looking for a potential law, client usually follows the name of a certain legal professional, who in his or her turn defines appropriate cost of services. For example, for a simple company registration some lawyers in Bishkek can only get two thousand soms, but at the same time other

firms can earn one hundred thousand soms due to a larger network of its clients and popularity in the legal market. Other potential clients may also include international law firms that consider engagement in pro bono services as a distinct advantage when choosing a local lawyer. Being involved in pro bono services already defines your image and is also already considered in many parts of the world to be an inseparable part of the legal profession. Interestingly, one of the Bishkek based successful lawyers has also stated an interesting idea, that your today's pro bono client, who has received a high quality and free legal aid from you might improve his or her financial situation and come back to you later as a regular commercial customer.

Pro bono services can help recruit lawyers. Speaking about assets of lawyers we do not mean office appliances or other

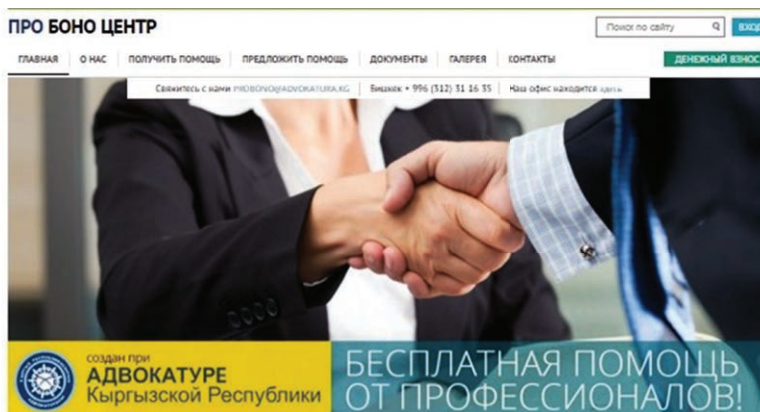
equipment, they are based only on human resources. We often hire other lawyers, assistants, who usually come to us as young professionals, and through pro bono services they may be able to improve their skills on real clients.

The most important benefit of pro bono practice I see in getting heartwarming satisfaction when a lawyer can see client's tears of happiness. Some lawyer from Ohio has compared it with the feelings of early Christmas morning, when children feel an indescribable joy seeing what brought Santa to them. It touched him deeply his soul. A moment like that can touch you deep inside.

I accept understandingly that legal services market of our country still have to strive for. Unfortunately, many lawyers' income is low enough, so interest in pro bono services may be small, but this is a temporary situation. In fact, this work does not take much time. In South Korea, for example, pro bono is strongly recommended and each lawyer must share 30 hours per year. We suggest to start with 10 hours per year, which is only 1 working day in a year. I think every lawyer is able to do it, because this work strengthens image of lawyer in society, and can later generate additional income.

For more information about work of Pro Bono Center can be found on website: <http://probono.advokatura.kg> or reach Pro Bono Administrator at: probono@advokatura.kg

Pro Bono Center website has launched



The Bar Association of the Kyrgyz Republic has launched a website of Free Legal Aid Center www.probono.advokatura.kg with the support of the project of the UN Peacebuilding Fund and UNDP. Information portal for the Pro Bono Center is based on the

website of the Bar Association and provides information on how the Pro Bono Center operates, to whom and when the legal aid can be provided, and how to become the program participant.

The Latin term “pro bono publico” means “for the public good” and is associated with the provision of free legal services.

The Pro Bono Center is a coordination center that acts as an intermediary between the law firms or private lawyers willing to give part of their time to provide free of charge assistance and those, who are in search of such assistance.

The Center under the Advocacy of the Kyrgyz Republic promotes social responsibility of legal and advocacy community, enhances capacity of the Advocacy of the Kyrgyz Republic, and creates an independent system for providing free legal aid, protecting human rights, and supporting citizens.



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