



ACCESS TO JUSTICE ASSESSMENT FOR VULNERABLE GROUPS IN THE KYRGYZ REPUBLIC

INFOGRAPHICS

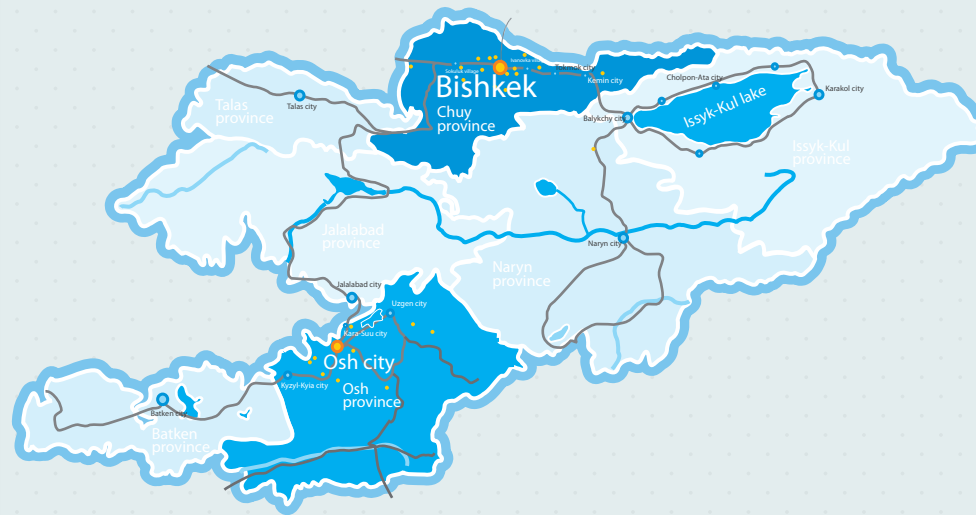


ASSESSMENT METHODOLOGY



6 STEPS OF ACCESS TO JUSTICE ASSESSMENT

1. LEGAL FRAMEWORK
2. LEGAL KNOWLEDGE
3. ADVICE AND REPRESENTATION
4. ACCESS TO JUSTICE INSTITUTION
5. FAIR PROCEDURE
6. ENFORCEABILITY OF DECISIONS



8

FOCUS GROUP DISCUSSIONS

15

IN-DEPTH QUALITATIVE INTERVIEWS



150
PWDs



420
WOMEN



180
YOUTH

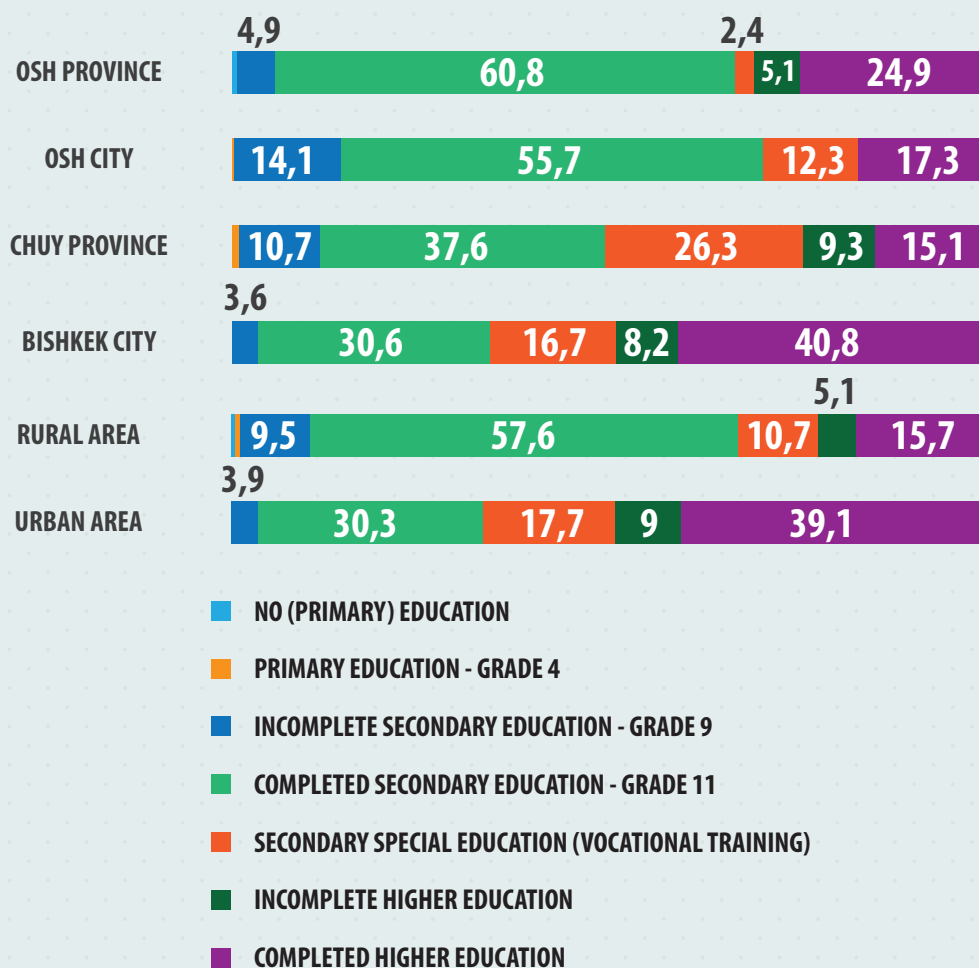


IN-PERSON SURVEYS

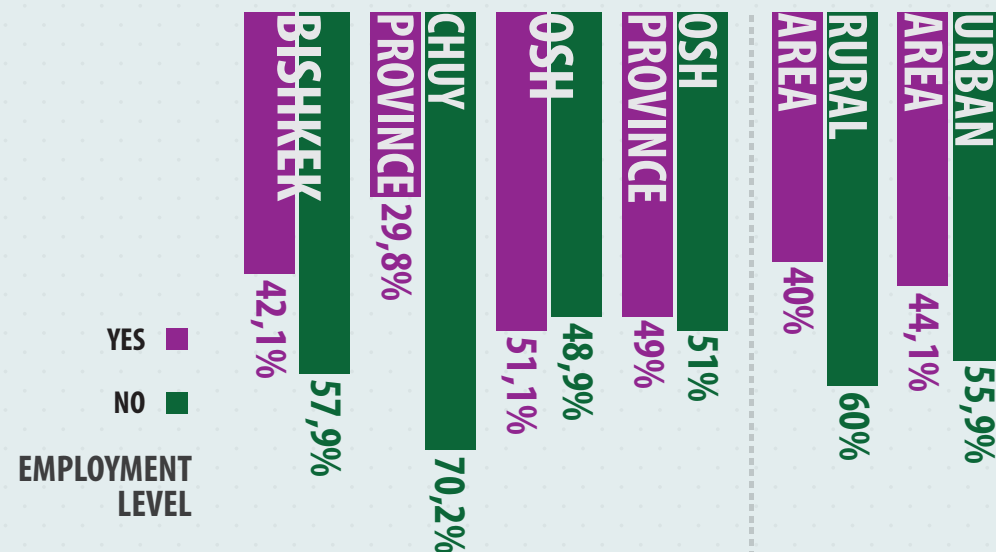
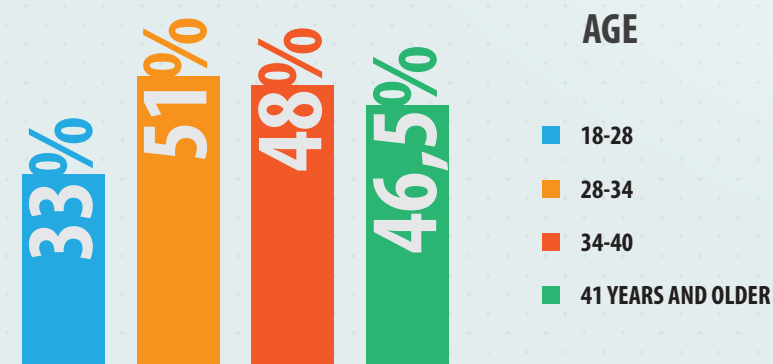


SOCIO-DEMOGRAPHIC INFORMATION: WOMEN

WOMEN'S LEVEL OF EDUCATION



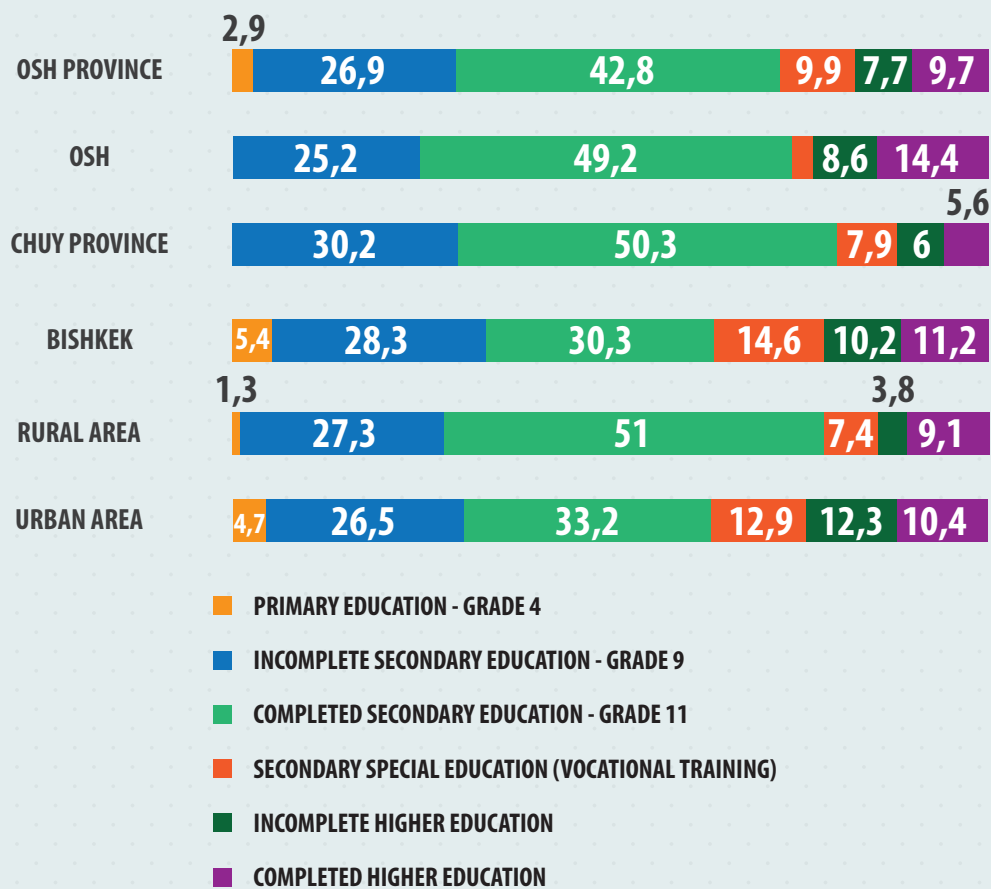
EMPLOYMENT



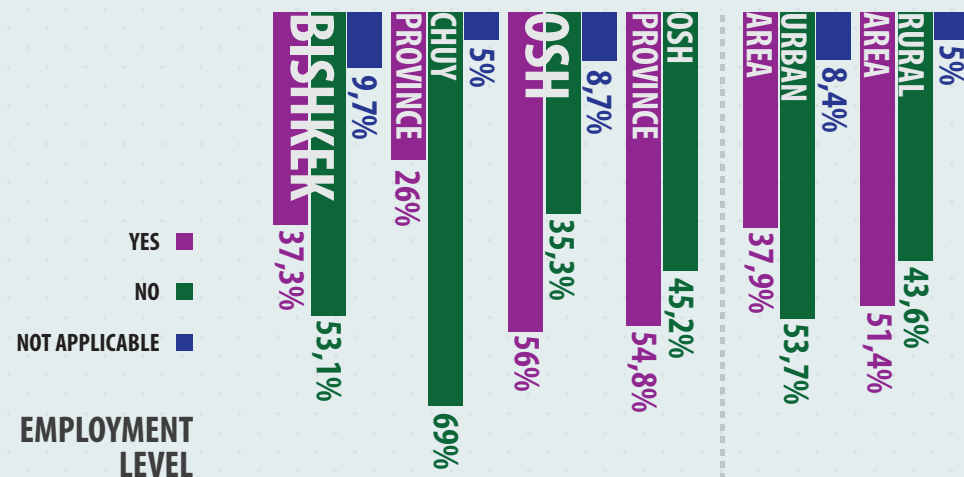


SOCIO-DEMOGRAPHIC INFORMATION: YOUTH

YOUTH LEVEL OF EDUCATION



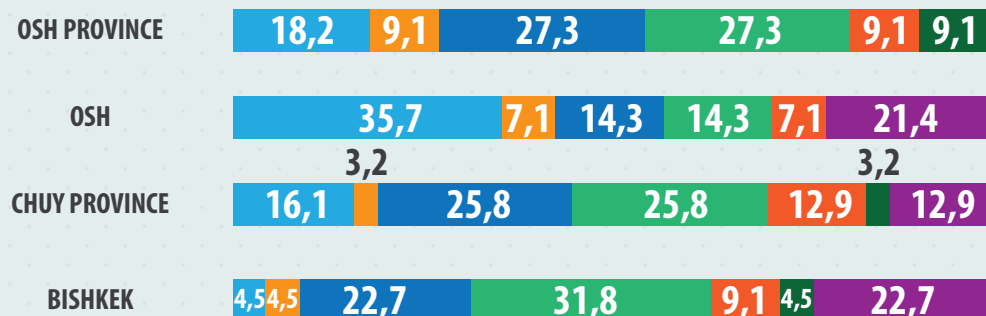
EMPLOYMENT



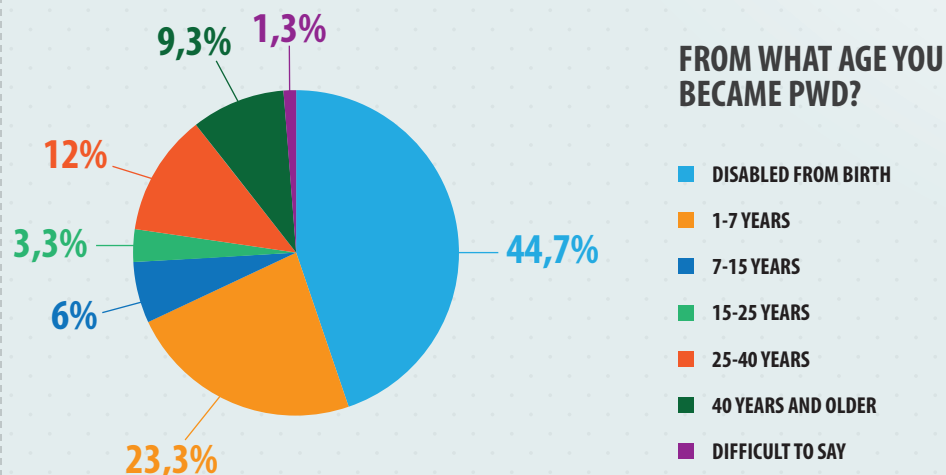


SOCIO-DEMOGRAPHIC INFORMATION: PEOPLE WITH DISABILITIES

EDUCATION LEVEL OF PWDS

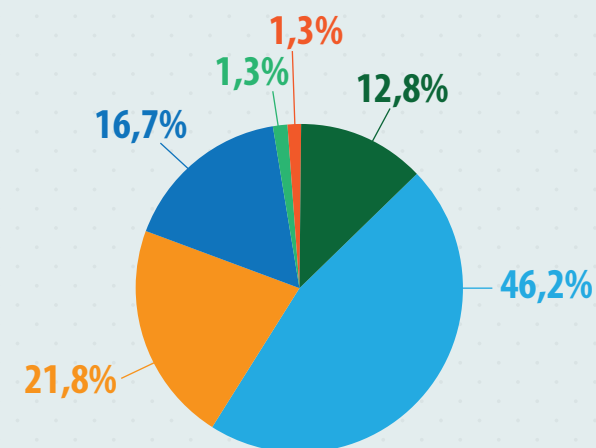


- NO (PRIMARY) EDUCATION
- PRIMARY EDUCATION - GRADE 4
- INCOMPLETE SECONDARY EDUCATION - GRADE 9
- COMPLETED SECONDARY EDUCATION - GRADE 11
- SECONDARY SPECIAL EDUCATION (VOCATIONAL TRAINING)
- INCOMPLETE HIGHER EDUCATION
- COMPLETED HIGHER EDUCATION

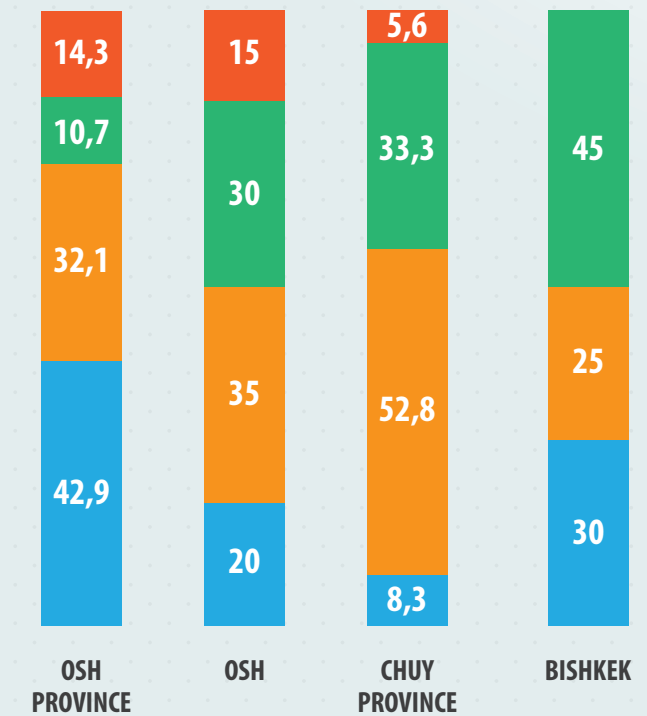
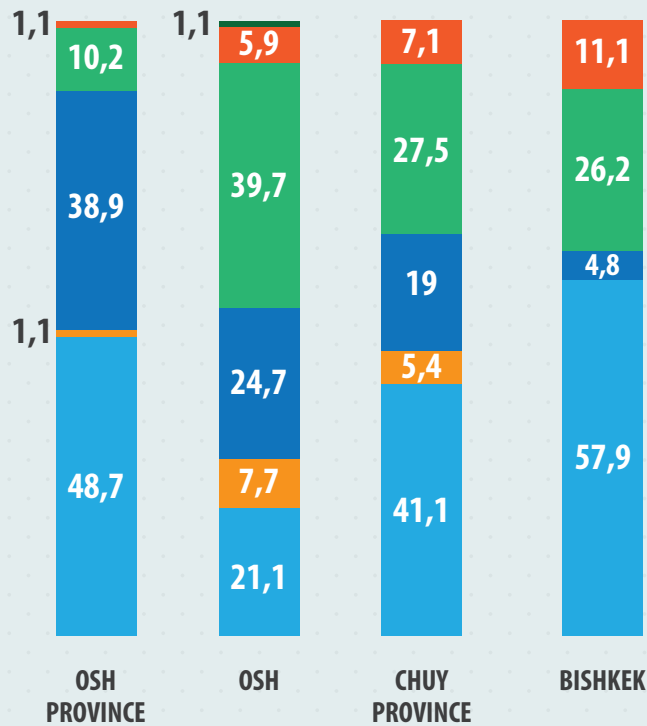
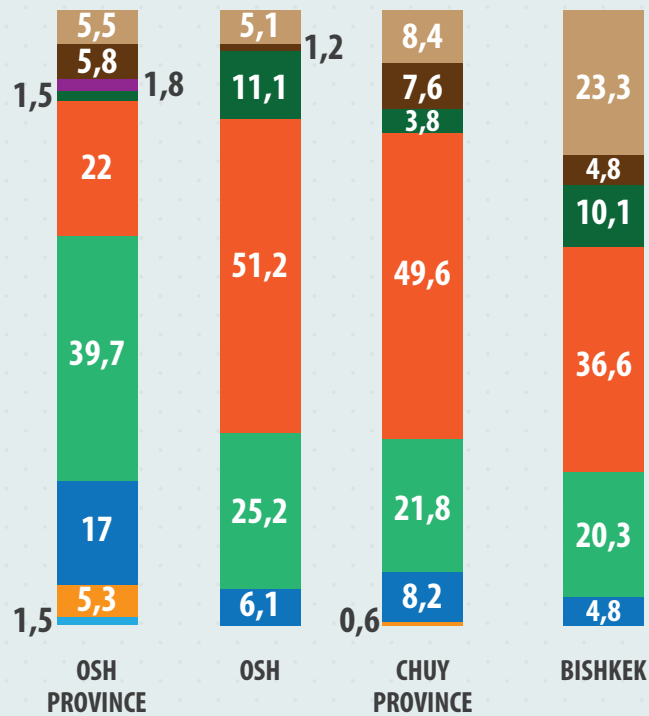


WHAT TYPE OF DISABILITY YOU HAVE?

- TYPE 1
- TYPE 2
- TYPE 3
- NOT REGISTERED AS PWD
- REFUSE TO ANSWER
- DIFFICULT TO SAY



TOTAL MONTHLY HOUSEHOLD INCOME



- FROM 0 TO 1500 SOM
- FROM 1500 TO 3000 SOM
- FROM 3001 TO 5000 SOM
- FROM 5001 TO 10000 SOM
- FROM 10001 TO 20000 SOM

- FROM 20001 TO 40000 SOM
- 40001 SOM OR MORE
- REFUSE TO ANSWER
- DIFFICULT TO SAY

- 3000 SOM OR LESS
- FROM 3001 TO 5000 SOM
- FROM 5001 TO 10000 SOM

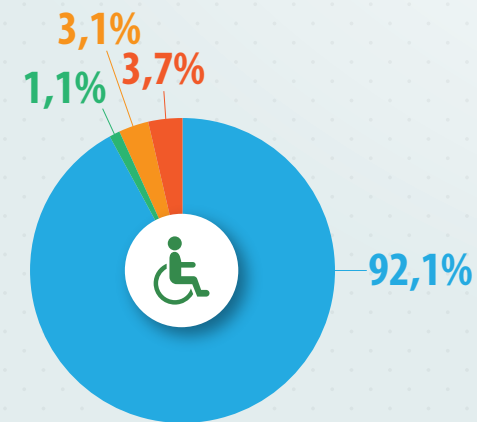
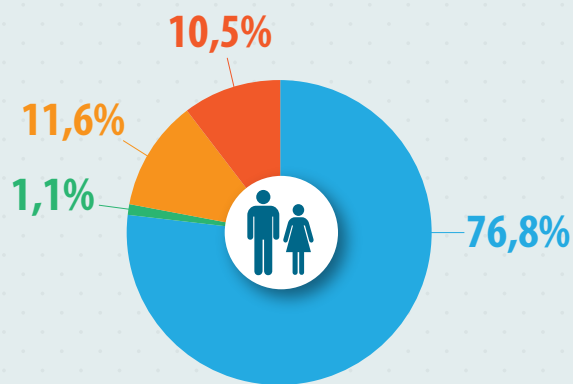
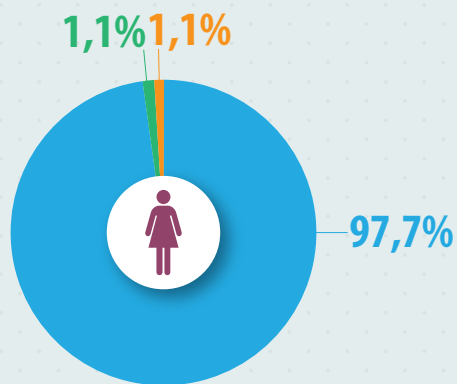
- FROM 10001 TO 20000 SOM
- FROM 20001 TO 40000 SOM
- 40001 SOM OR MORE

- LESS THAN 5000 SOM
- FROM 5001 TO 10000 SOM

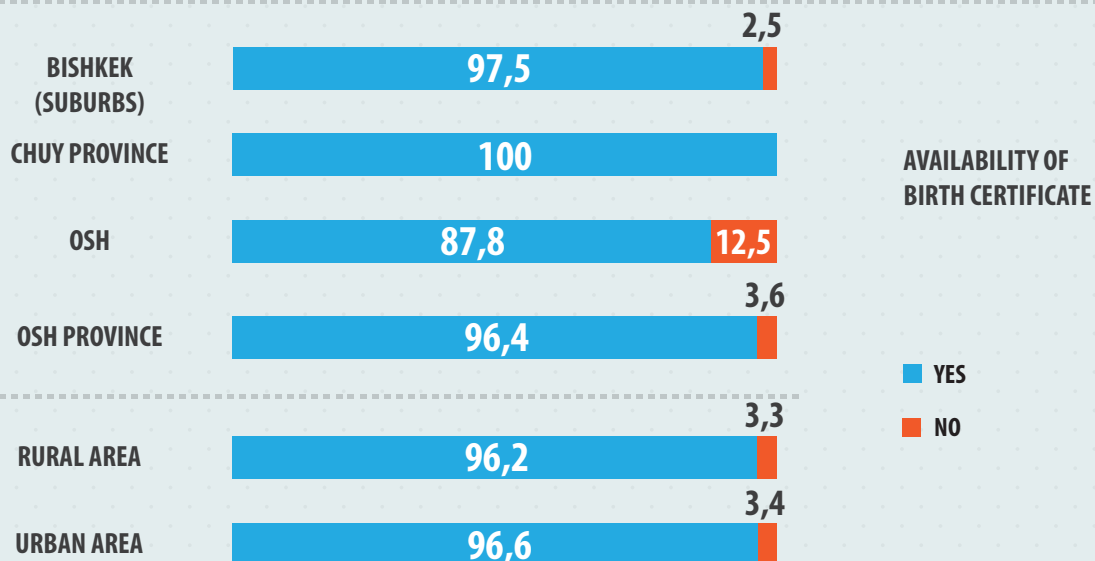
- FROM 10001 TO 15000 SOM
- MORE THAN 15000 SOM

COMMON DOCUMENTATION PROBLEMS

VALID NATIONAL IDENTITY DOCUMENT (ID CARD)



● HAS IDENTITY CARD OF KR
 ● HAS IDENTITY CARD OF OTHER COUNTRY
 ● HAS NOT REACHED AGE OF 16
 ● HAS NO IDENTITY CARD

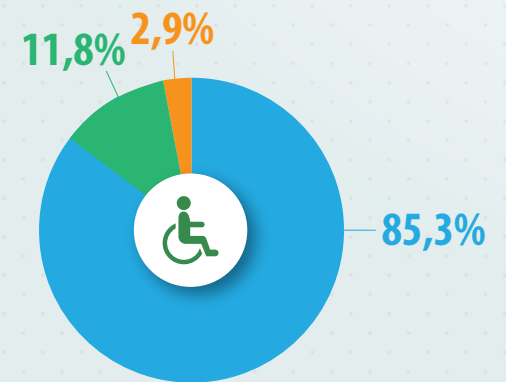
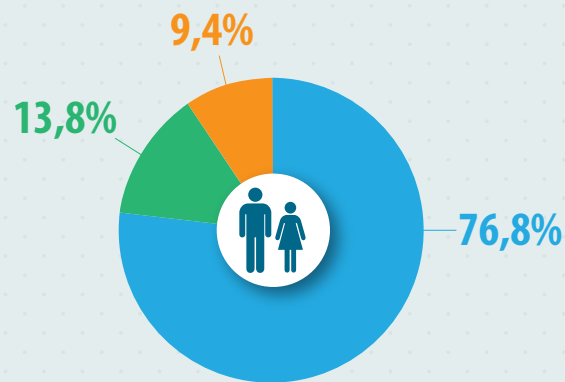
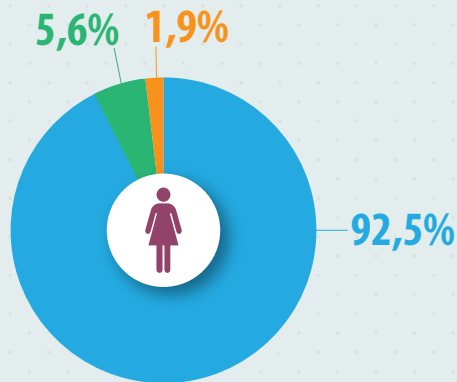


REASONS FOR LACK OF BIRTH CERTIFICATE

- ☒ LOST BIRTH CERTIFICATE (MOST COMMON)
- ☒ PARENTS LACK IDENTITY DOCUMENTS OF KR
- ☒ PARENTS HAVE NO IDENTITY DOCUMENTS AT ALL

COMMON DOCUMENTATION PROBLEMS

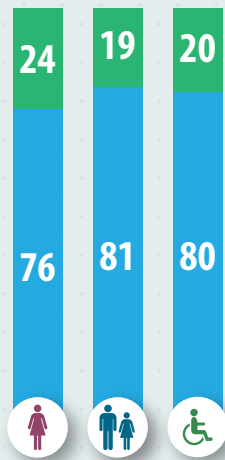
MARRIAGE REGISTRATION



● YES, REGISTERED

● NO, I AM IN A CIVIL MARRIAGE (COHABITATION)

● NO, I AM IN A RELIGIOUS MARRIAGE



RESIDENCE PERMITS
(PROPISKA)

● HAVE PROPISKA

● DO NOT HAVE A PROPER
PROPISKA

LOWEST PROPISKA RATES IN BISHKEK



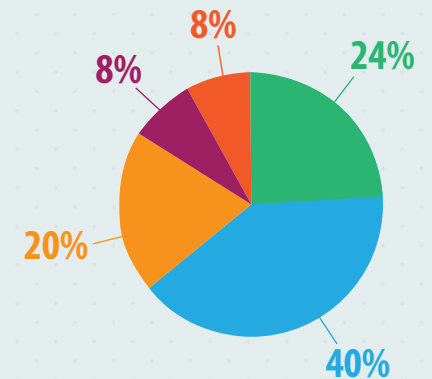
61%



71%



64%



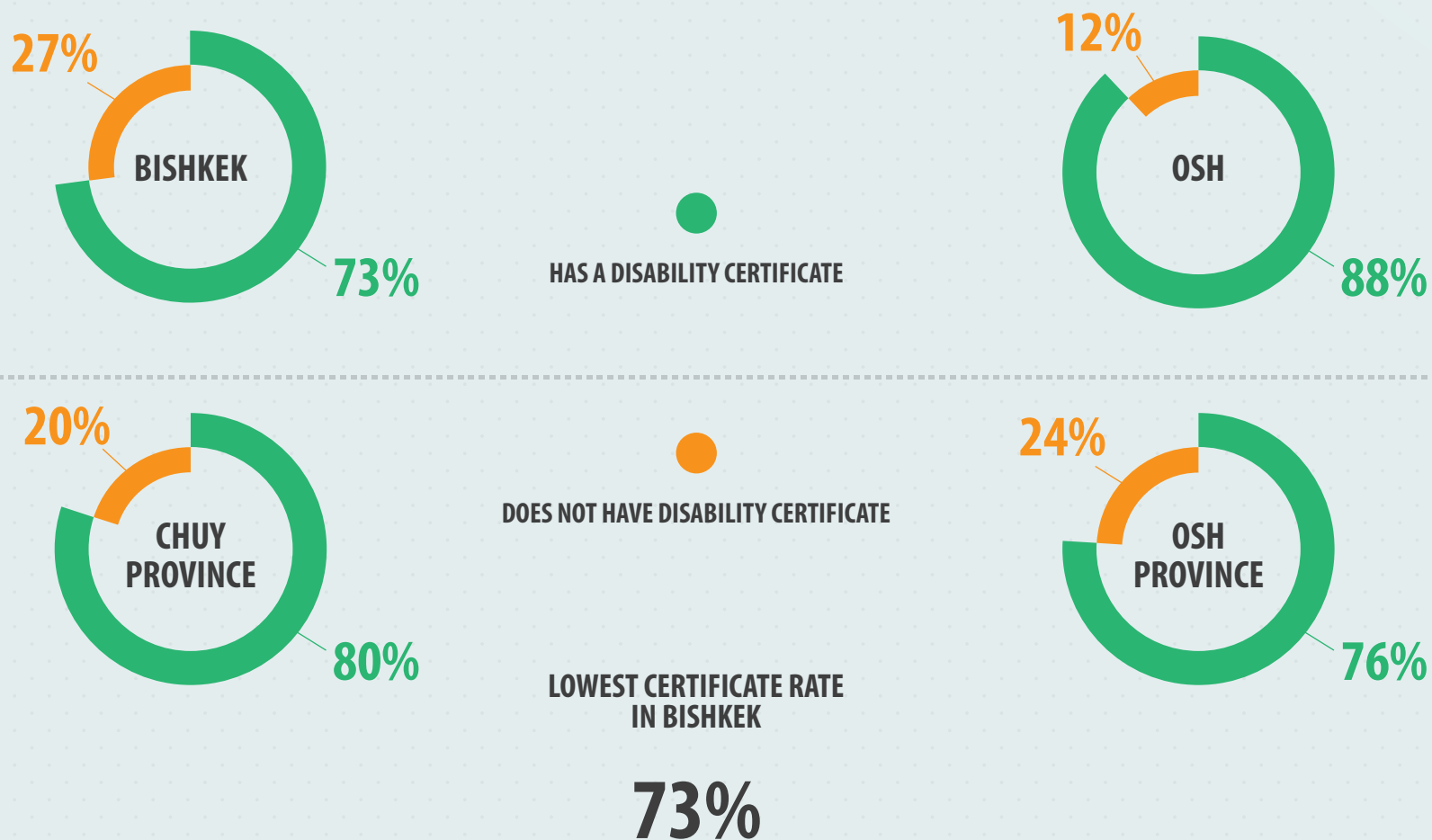
REASONS FOR LACK OF MARRIAGE CERTIFICATE

■ HUSBAND OR HIS FAMILY AGAINST
■ LACK OF NECESSARY DOCUMENTS
■ NO TIME TO REGISTER

■ OTHER/REFUSE TO ANSWER
■ HUSBAND NOT DIVORCED FROM ANOTHER

COMMON DOCUMENTATION PROBLEMS

DISABILITY CERTIFICATE



LEGAL FRAMEWORK



STRONG LEGAL BASIS FOR ACCESS TO JUSTICE

- ✓ KR has ratified Convention on Elimination of Discrimination Against Women (CEDAW) and Convention on the Rights of the Child (CRC)
- ✓ Constitution and legislation prohibit discrimination on basis of sex, race, language, disability, ethnicity, religion, age, etc.
- ✓ National Strategy for Achieving Gender Equality adopted
- ✓ Right to fair trial and equality before the law for all
- ✓ Special procedural provisions for PWDs
- ✓ State-guaranteed legal aid (SGLA) in criminal cases for certain defendants, including PWDs



YET GAPS REMAIN

- ✓ KR has not ratified Convention on the Rights of PWD
- ✓ Gender equality provisions and protective laws for women and children have not been effectively implemented
- ✓ Procedural law does not account for needs of especially vulnerable, such as child victims, victims of sexual offenses, etc.
- ✓ Legislation does not provide for financing of many procedural protections for vulnerable groups
- ✓ Legislation does not address risk of "double discrimination" for women and children with disabilities

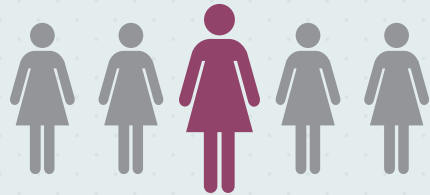


RECOMMENDATIONS

- ✓ Law on SGLA should include civil and administrative cases, as well as vulnerable crime victims
- ✓ Gender protection and equality laws should be revised and effectively enforced
- ✓ Procedural laws should be amended to account for special needs of child victims and witnesses, and other vulnerable crime victims
- ✓ Government should ratify Convention on Rights of PWD
- ✓ Procedural laws on special needs of PWD should include financing mechanism

LEGAL KNOWLEDGE

1 OUT OF 5



WOULD NOT TURN ANYWHERE IN
CASE OF DOMESTIC VIOLENCE

86%



OF YOUTHS WOULD NOT TURN ANYWHERE
IN CASE OF RIGHTS VIOLATION

1 OUT OF 3



SAID THEY HAD “VERY WEAK”
UNDERSTANDING OF THEIR RIGHTS

50%

28%



IN CASE OF BRIDE KIDNAPPING
50% WOULD GO TO POLICE
AND 28% TO COURT

22%



WOULD NOT TURN ANYWHERE IN
CASE OF DOMESTIC VIOLENCE

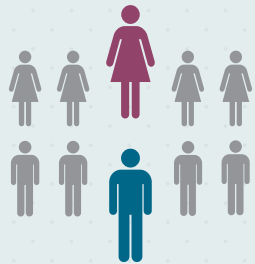
87%



OF PWD WOULD NOT TURN ANYWHERE
IN CASE OF RIGHTS VIOLATION

ADVICE AND REPRESENTATION

OVER 1 IN 5



WOMEN AND YOUTH WOULD NOT SEEK
LEGAL HELP IF THEY NEEDED IT

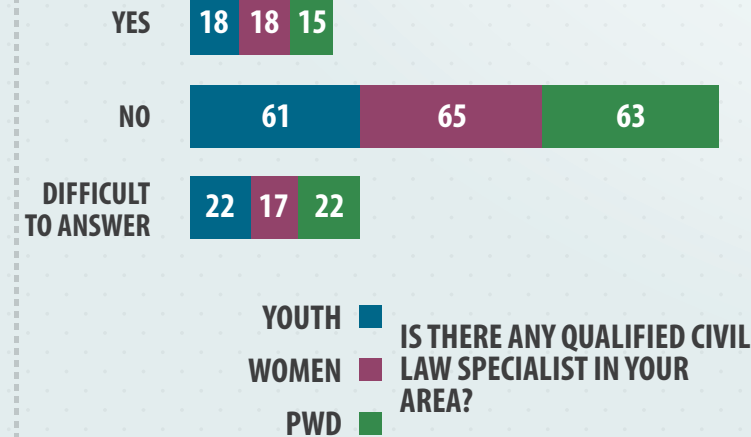
1 OUT OF 3



WOMEN AND YOUTH DO NOT BELIEVE THEY
WOULD RECEIVE EFFECTIVE ASSISTANCE



ALL TARGET GROUPS
RANKED LAWYERS AS
NOT VERY AFFORDABLE



OVER 3 IN 5
SAID IT WAS NOT POSSIBLE TO FIND A QUALIFIED
CIVIL OR CRIMINAL LAWYER

AVERAGE PRICE WOMEN AND YOUTH WOULD PAY



ACCESS TO JUSTICE INSTITUTION

VULNERABLE GROUPS FEEL ACCESS TO JUSTICE AS UNEQUAL



**MOST WOMEN AND YOUTH RATED ACCESS
TO JUSTICE AS "3" ON 5-POINT SCALE**



**MORE THAN 1 IN 4 PWDS RATED ACCESS
TO JUSTICE INSTITUTIONS AS "1" POINT**



JUSTICE MECHANISMS

FORMAL

- ✓ LAW ENFORCEMENT (POLICE)
- ✓ PROSECUTOR
- ✓ OMBUDSMAN
- ✓ COURTS
- ✓ JUDICIAL DEPARTMENT OF SUPREME COURT
- ✓ MOJ FREE LEGAL AID
- ✓ UN COMMITTEES

INFORMAL

- ✓ AKSAKAL COURTS
- ✓ NGOS
- ✓ WOMEN'S COUNCILS
- ✓ COMMITTEE FOR THE PREVENTION OF DOMESTIC VIOLENCE



PRIMARY BARRIERS

PRIMARY BARRIERS TO FORMAL INSTITUTIONS

- ✓ BUREAUCRACY
- ✓ TIME TO COLLECT DOCUMENTS
- ✓ DISTANCE
- ✓ PHYSICAL ACCESS (PWDS)

PRIMARY BARRIERS TO INFORMAL INSTITUTIONS

- ✓ LACK OF TRUST
- ✓ LACK OF KNOWLEDGE ABOUT THEM
- ✓ LACK OF NGOS (CRISIS CENTERS, LEGAL AID)

FAIR PROCEDURE



TARGET GROUPS DO NOT THINK PROCEDURES ARE FAIR

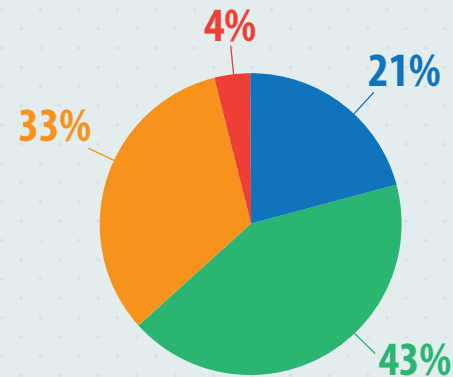


ALL TARGET GROUPS THINK THAT DEFENDANTS DO NOT HAVE FAIR OPPORTUNITY TO REPRESENT INTERESTS

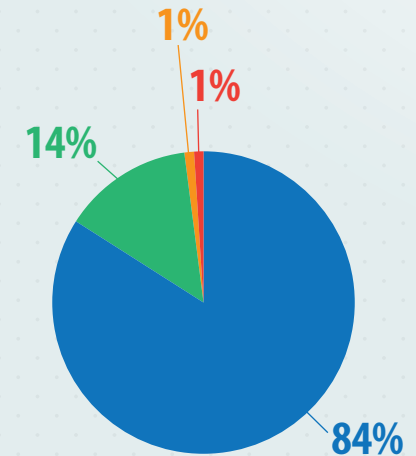


LARGE MAJORITY OF FOCUS GROUP PARTICIPANTS THINK AKSAKAL COURTS ARE NOT IMPARTIAL

PERCEIVED IMPARTIALITY OF JUSTICE INSTITUTIONS, FOCUS GROUP PARTICIPANTS



FORMAL COURT SYSTEM



AKSAKAL COURT SYSTEM

MORE THAN 1 IN 3



**WHO HAD BEEN IN TRIAL WERE NOT REPRESENTED
IN COURTROOM PROCEEDINGS**

1 OUT OF 3



**WOMEN FEEL POLICE ARE NOT HELPFUL IN
DEALING WITH DOMESTIC VIOLENCE**

ENFORCEABILITY OF DECISIONS

VULNERABLE GROUPS FACE BARRIERS WHEN ENFORCING DECISIONS

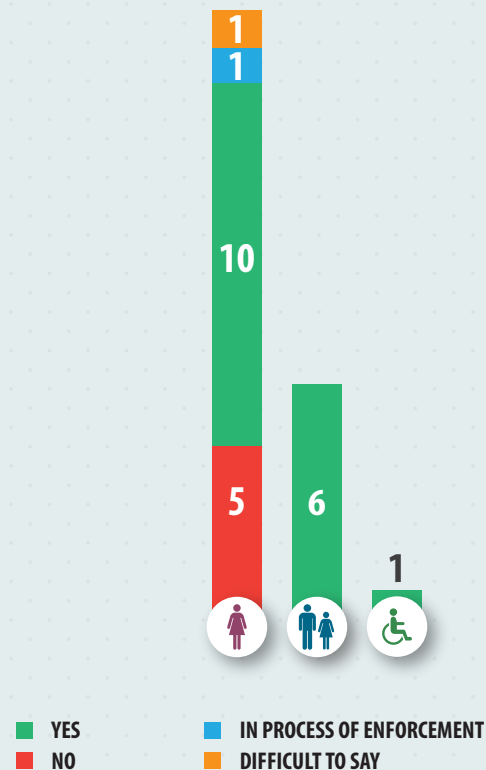
1 IN 3



WINNING OF COURT DECISIONS
WERE NEVER ENFORCED

ENFORCING IS MORE DIFFICULT IN
OSH CITY AND OSH PROVINCE

DOES THE DECISIONS OF LAST TRIAL EVER ENFORCED?



REASONS FOR FAILURE OF COURT DECISIONS

- ✓ THE ABSENCE OF DEFENDANT'S PROPERTY, LACK OF FUNDS TO PAY A FINE OR COMPENSATION, LOW STANDARD OF LIVING;
- ✓ CORRUPTION;
- ✓ POOR QUALIFICATION OF JUDICIAL OFFICERS;
- ✓ BUREAUCRACY;
- ✓ NON-COMPLIANCE OF LAW AND COURT DECISION BY DEFENDANT (EVICTION, LIVING IN SEPARATE HOUSEHOLD);
- ✓ LOOPHOLES IN LAW