



Government of  
the Kyrgyz Republic



*Kyrgyzstan*



**Functional Review  
of the National  
Institutional  
Mechanism  
for Gender Implementation  
in the Kyrgyz Republic**

## **Analytical Report 'Functional Review of the National Institutional Mechanism for Gender Implementation in the Kyrgyz Republic in 2009**

The Government of the Kyrgyz Republic has recognized the need to strengthen the institutional mechanism for gender policy implementation. Priority objectives for this were included in the Activities Matrix of the National Action Plan for Achieving Gender Equality for 2007-2010. The first activity was to conduct a functional analysis of public administration bodies in order to assess the sustainability of institutional mechanisms for gender policy implementation. This report was to include the preparation, discussion, implementation and publication of the analytical deliverables.

The Government of the Kyrgyz Republic requested a group of local experts to conduct the functional review in close cooperation with the Government Office of the Kyrgyz Republic and under the guidance of the UNDP Project Coordinator.

This report presents the outcomes of the functional review on the national gender mechanism and recommendations for its improvement. The report covers all branches of power – legislative, judicial and executive – and all levels of governance: national, sectoral, regional and local. Interactions between the public administration bodies and civil society are also discussed in the report.

The report has five main parts. First, the authors analyze the structural foundation of the gender mechanism, which provides for gender equality. Second, they analyze the major structural elements of the institutional gender mechanism at the central government level. Third, the authors provide a functional review of gender policy implementation at the central and local government levels. Fourth, they analyze the cooperation with civil society. Finally, they make specific recommendations to improve the national gender mechanism.

The views expressed in this publication do not necessarily reflect those of the United Nations, the United Nations Development Programme, its programmes/projects or governments. The designations employed do not imply the expression of any opinion whatsoever concerning the legal status of any country, territory or area, or its frontiers or boundaries.

Coordinator:

**Nurgul Asylbekova**, UNDP Country Programme on Gender

Technical coordinator:

**Aisuluu Kamchybekova**, UNDP project component coordinator 'Gender Mainstreaming in the Operations of National Partners'

English version edited by: **Dave Gullette**

Photo on cover page:

**Alexander Phyodorov**

Photo:

**Alimjan Jorobaev**

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# FUNCTIONAL REVIEW OF THE NATIONAL GENDER MECHANISM IN THE KYRGYZ REPUBLIC

## *Analytical Report*

*The report has been developed by:  
Sh. Baktygulov, Ch. Davletova, T. Isakunova,  
Z. Kochorbaeva, S. Syrдыbaev.*

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## Introduction

The Kyrgyz Republic has made a series of commitments to achieve gender equality, including the ratification of major international conventions and policy documents on women's rights, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Beijing Platform of Action (BPA) and Millennium Development Goals (MDG). A series of laws were also adopted to implement gender policies: 'On the State Guarantees of Equal Rights and Opportunities for Men and Women', 'On the Social and Legal Protection Against Domestic Violence', 'On the Citizens' Reproductive Rights', and others. Since 1996, three national programmes were put in place: 'Ayalzat' (1996-2000), National Action Plan (NAP) for Achieving Gender Equality (hereinafter referred to as NAP for Achieving Gender Equality) for 2002-2006, as well as NAP for Achieving Gender Equality for 2007-2010.

The National Council on the Issues of Women, Family and Gender Development under the President of the Kyrgyz Republic (hereinafter - NC on the Issues of Women, Family and Gender Development), has been established as a coordination and counselling body in charge of ensuring adherence to the state policies on the issues of women, family and gender development.

The National Council operates through its working body, whose functions were performed by different governmental agencies at various periods. In May 2008, the functions of the working body of the NC on the Issues of Women, Family and Gender Development were entrusted to the Social Development Division in the Government Office, where a Gender Issues Sector was established.

The establishment of an authorized state body for gender policies is set forth on the law 'On the State Guarantees of Equal Rights and Equal Opportunities for Men and Women'.

The Gender Focal Points in the ministries, agencies, local state administration and local self-government bodies as part of the national mechanism, do have capacity in implementing sector-wide gender policies. For them, gender mainstreaming responsibilities within their organizations are imposed on top of other on-the-job responsibilities.

The current situation calls for the development and implementation of measures aimed at ensuring institutional sustainability in gender policy-making. As part of these measures, it is necessary to facilitate a unified and systemic approach to assigning the responsibility for gender mainstreaming in the operations of various public administration and local self-government bodies, introducing a gender monitoring and evaluation system in the management processes as well as building the capacity of the national and municipal administration officers in gender-focused analysis, planning and budgeting. In the absence of such an approach, institutional memory for state gender policy-making will be limited to formal implementation reports. Achievement of real progress will be doubtful.

Strengthening the national gender mechanism is task 1.1. of the Activities Matrix in the National Action Plan for achieving gender equality in the Kyrgyz Republic for 2007-2010. Activity 1 is to conduct a functional review of the public administration system to determine sustainability of the national gender mechanism for implementing gender policies and develop, discuss, introduce and publicize outcomes of the review.

The Government requested a group of local experts to conduct the functional review in close cooperation with the Government Office and under the guidance of the UNDP Project Coordinator.

This report presents outcomes of the functional review of national gender mechanism and recommendations for its improvement. The review was limited to information and data obtained before December 15 2008. Hence, all changes occurred during 2009 are provided in the form of footnotes and notes.

The names of the ministries as well as recommendations on the Government structure provided in the report refer to those effective before the administrative reform took place in November 2009. However, despite the revised structure of the Government and a transfer of the coordination function for gender policies implementation at the national level from the Government Office to the established Ministry of Labor, Employment and Migration of the Kyrgyz Republic, most of the findings and recommendations of the functional review remain relevant and require effective measures to be implemented by the public administration and local self-government bodies, which fall under the national gender mechanism system

# Chapter 1

## Methodology



# Methodology

The methodology was based on a functional review conducted over a number of years in the Kyrgyz Republic as a tool for administrative reforms implementation. The main objective of the functional review of the national public administration and local self-government bodies is to establish a public administration system, where the state bodies are able to fulfil effectively their functions, either individually or jointly, to attain the objectives set forth by the national government. The review is used to seek options for administrative control system operations, evaluate functions actually fulfilled by the public administration and local self-government bodies and juxtapose these with the function they should fulfil.

UNDP initiated the functional review to be an effective diagnostic tool for administrative reforms implementation. The functional review was carried out in many countries, including former Soviet Union and Eastern European countries.

In 2000, a systemic functional review of the general functions (i.e. functions resulting in the work conducted by the apparatus of a public administration body, such as HR, legislative work and internal audits)<sup>1</sup> of the ministries in charge of social issues was conducted in the Kyrgyz Republic. In 2001-2002, a vertical functional review of pilot ministries was done for the Ministry of Health, Ministry of Education and Culture (as part of support provided by UNDP), Ministry of Agriculture (by the TACIS project). Outcomes of the review were used as a basis for developing an approach for further analysis of the ministerial operations as part of public administration system reform. In addition, international and local experts developed a methodology for carrying out a functional review suitable for the administrative setting in the country.<sup>2</sup>

The functional review was carried out in several ministries and government agencies with assistance from UNDP international and local experts, the UK Department for International Development (DFID) and European Community Programme on Technical Assistance to CIS countries (TACIS). Recommendations and implementation plans were developed following the functional review.

As part of the present research, a systemic functional review was carried out for the first time in Kyrgyzstan to develop and execute gender related policies, thus allowing for an overall assessment of the capacity of public administration and local self-government bodies to function as an integral system (national gender mechanism).

## **Experience of Other Countries**

*Having reviewed the experiences of other countries, we came to the conclusion that there is no ready-made, perfect institutional mechanism (gender mechanism) available. Each country, given the established public administration system and level of attention paid to gender issues, develops its own mechanism. Moreover, it is impossible to develop such a mechanism to be used once and for all. The roles and power delegated to certain authorities can change depending on circumstances.*

*Countries with extensive experience in building democratic institutes have established effective systems with gender mechanism, such as ministries, departments on women's issues and Expert or Advisory Councils in governmental departments. These systems exist at the national, regional and local levels. For example, in Sweden the institutional mechanism (gender mechanism) includes a Ministry on Integration and Gender Equality Issues, public administration bodies on gender equality in the national government and local self-government bodies, and the Institute of the Ombudsman on Equal Opportunities. In Finland, this list is expanded to include the Equality Council and Equal Status Commission. In Norway, gender equality issues are part of mandate of the Ministry of Children's and Family Affairs, the Institute of the Ombudsman on Gender Equality and the Appeals Commission on Equal Status.*

*In some countries, gender issues are delegated to certain line ministries. Hence, in Austria, the Federal Ministry of Health and Women's Issues focuses on gender issues (there is also an Institute of the Ombudsman Department for Ensuring Equal Opportunities), and in France, this is dealt with by the Ministry of Parity and Equality in Labour. Canada occupies a special place in terms of the quality of its institutional mechanism to promote gender equality. In 1967, a Royal Committee on Women's Status was*

<sup>1</sup> Systemic functional review is a comparative analysis of one or several functions by executive power bodies, organizations or institutions.

<sup>2</sup> Vertical functional analysis – a comprehensive performance evaluation by key functions in a given executive power body, organization or institution



established. As a next step, in 1971, a post of a minister in charge of women's status was opened, then, a Ministry on Women's Status was established. Besides the specially designated Ministry, there are subdivisions in the overall government structure in charge of women's issues. In addition, an Inter-Agency Committee on Integrating Women's Interests, which is part of the Canadian government, plays a coordinating role.

In many countries, national gender mechanisms and structures came into existence after the World Conference on Women's Status held in Beijing in 1995. The process was quite successful in the Central and Eastern European countries. For example in Slovenia the Equal Opportunities Office, Institute of the Ombudsman on Equal Opportunities for Men and Women and an Equal Opportunities Committee were established. Coordinators on Equal Opportunities for Men and Women were also appointed in each ministry. In Poland, an Authorized Officer for the Equal Status of Men and Women was appointed, who is also the State Secretary in the Office of the Prime Minister. In the Czech Republic a Governmental Council was created to ensure equal opportunities for men and women.

Among the former Soviet Union countries, the relevant agencies in Latvia and Estonia have been given high status and expanded authorities (e.g. the State Committee on Women's Rights). In Azerbaijan and Kazakhstan, the National Committees on Women's Rights are operational; and in Uzbekistan, a Women's Committee under the Prime Minister has been formed.

Overall – based on the experience of other countries, which have managed to achieve significant progress in promoting gender equality – the following findings can be noted:

- Institutional mechanisms to promote gender equality can be effective only if these are built on a systematic approach and permeate all levels of management, both vertically and horizontally (including sector-wide policies);
- An authorized body on gender policy-making in the executive power branch should be given a high status and adequate authority, while an effective national gender mechanism, in addition to this, designates bodies in a legislative area as well as in the area controlling execution of the laws (supervisory bodies).

Improving institutional mechanisms for the promotion of gender equality is highlighted in the Beijing Platform of Action and in the Convention for the Elimination of all Forms of Discrimination Against Women. The UN Committee on the Elimination of All Forms of Discrimination Against Women developed recommendations for many countries, including Kyrgyzstan, on how to improve national gender mechanisms. The Committee recommended the establishment of state bodies in charge of gender issues along with the allocation of adequate resources.

State bodies mainstream gender in state policies through setting political priorities and development programmes.

In accordance with the country's constitution, Kyrgyzstan has established a system of public administration and local self-government bodies. Hence, the public administration system is comprised of:

- the Government – the supreme body of the national executive power in the Kyrgyz Republic;
- ministries, state committees, administrative agencies and local state administrations subordinate to the Government;
- other bodies of executive power.

Local self-government bodies system is comprised of:

- Local councils and subordinate executive and administrative agencies;
- Territorial public self-government bodies;
- People's Kurultai (People's Congress);
- Meetings and mass gatherings of people;
- Other bodies established by the people.

At the same time, the present report provides a review of the national, central and local levels of governance. Such an approach was employed due to the peculiar nature of the public administration bodies operations and the specifics of public administration and local self-government systems. These specific

features are defined through the operations and levels of programmes and policies developed by each of the systems.

To this end, the national level of governance implies a system of legal institutes in charge of formulating development policies and programmes nationwide; predominantly, these are state authorities. For example, these are the Presidential Administration, the Government Office, Parliament and its apparatus, and judiciary authorities.

The central level of governance implies bodies in charge of developing policies and programmes within a sector. This includes central apparatuses of the ministries and agencies, and the National Agency for Local Self-Government. This also encompasses such central governance bodies as the Office of the Public Prosecutor and the Chamber of Accounts.

The local level of governance implies bodies in charge of developing local policies and programmes within a certain territory or municipality. This includes local state administrations, mayor's offices, local councils and village administrations.

The present functional review was conducted, using a methodology adapted by the local experts hired by the UNDP Democratic Governance Programme. The main objective of the review was to optimize functions and structure of the national gender mechanism, based on the clarified roles and functions performed by the staff members and Gender Focal Points (GFP). Although GFPs work in various sectors and at various levels of governance, their performance will improve if a uniform and optimal structure is established and their functions are expanded. Therefore, for the purpose of this research, a systemic functional review methodology was employed, allowing for a performance evaluation by analyzing similar functions across the governance system.

The following objectives were met over the course of the functional review:

- To review and evaluate the legal foundation, which regulates operations of the designated bodies, including GFPs;
- To evaluate the distribution of the existing functions performed by the state authorities and local self-government bodies with regard to gender policies, as based on their goals and objectives;
- To evaluate the distribution of the existing functions performed by the gender focal points within agencies, with reference to the organizations' goals and objectives;
- To evaluate the institutional gender mechanism's setup with reference to operational specifics and governance levels (national, central, local);<sup>3</sup>
- To evaluate the resources allocated to fulfil these functions;
- To evaluate the capacity of the staff of national government agencies and local self-government bodies to achieve goals and objectives pertinent to gender equality;
- To identify duplicating functions of the state authorities and GFPs;
- To develop recommendations to improve the allocation and optimize the functions of the GFPs.

## Methodology

The functional review of the national gender mechanism was conducted with a view to determine the sustainability of this mechanism. The national gender mechanism – or institutional mechanism – to promote gender equality is a system of agencies at different levels of governance in charge of fulfilling international and national commitments made by the country to achieve gender equality. Each of these agencies plays a certain role as an element of the gender policy management system.

This research analyses the functions performed by each of the elements of the mechanism as well as evaluates how well these functions are performed. This also includes regular actions taken by staff of public administration bodies or institutions.

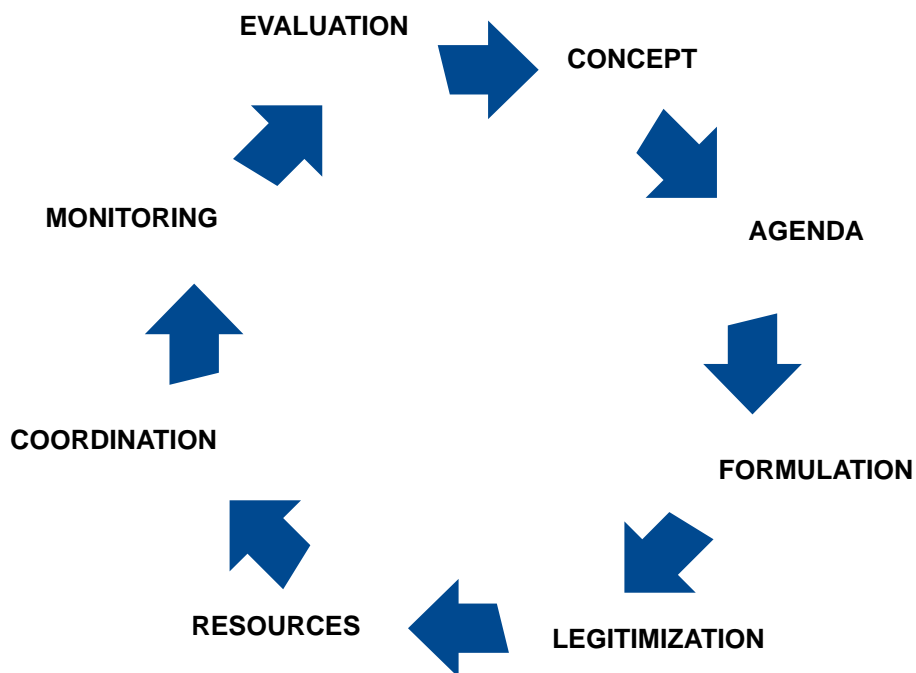
Function is defined as an activity of a governance body or a system of administrative actions with similar objectives and features aimed at achieving administrative goals and resulting in an output (a product), which is directly linked to the objectives of the agency or institution.

Terms of Reference is defined as a set of mandatory actions to be taken by a specialist and aimed at achieving goals of the governance system; this is the substance of the functions performed.

In order to define the functions of each element, the team of experts used a model known as the 'policy management cycle'. In other words, for the purpose of this functional review, gender policy management is considered part of the general process of public policy management. The process of public policy represents a closed cycle of management, where each stage is linked to the preceding and subsequent one (see Diagram 1).

<sup>3</sup> Definitions of the concepts 'national', 'central' and 'local' levels of governance are provided above

**Рис.1. Схема цикла управления политикой**



Each element (a constituent part) of the institutional gender policy mechanism should fulfil a certain function in the public policy cycle, thus ensuring sustainability of the mechanism. Any public policy undergoes three stages over the course of its making: development, implementation and analysis (see Table 1).

Stages of Public Policy Cycle	Milestones
Formulation	1. 'A concept' or 'Identifying an Issue' 2. 'Developing a programme' or 'Setting priorities' 3. 'Developing a public policy' ('Formulation')
Implementation	4. 'Getting approvals' ('Legitimization') 5. 'Allocating resources' ('Budget') 6. 'Coordination and supervision' 7. 'Implementing activities'
Analysis	7. 'Monitoring' 8. 'Evaluation'

As per the public administration system in the Kyrgyz Republic, a policy management cycle can be presented as follows:

**A Concept**

The President or collegial and advisory organizations (e.g. National Councils) define a concept, prioritize public issues and include the latter in the official policy agenda of a public administration body.

### **Setting a Programme**

Programmes are set and policies made, as a rule, by the Government, which delegates this function to the line ministries as central governance bodies. At this stage, options for resolving a public issue are considered. Then, these options are selected and discussed; afterwards, a decision is made in the format of a resolution or order.

### **Legitimization**

Through legitimization (official approval), resources are allocated by Parliament after review, discussion, reconciliation and voting on the state budget allocations.

### **Coordination**

Coordination is conducted in parallel with the implementation of the decision. This is done at the central level by the Government and at the local level by the local state administrations. Coordination from the standpoint of a policy implies a wide range of notions, such as control, reconciliation, interaction, adjustment and supervision. In other words, it is necessary to coordinate any deviations from the adopted policy, including violations of laws at the policy execution stage.

### **Monitoring and Evaluation**

Monitoring and evaluation are carried out both by the coordinating, supervising public authorities and by the general public. At this stage, outcomes and implications of the executed decisions are evaluated from the angle of achievements, shortcomings and adequacy of allocated resources.

### **Civil Society Participation in the Policy Management Cycle**

Civil society has the right to integrate gender-based development issues into the policies over the course of the review, recommendations for the approval of state programmes and the coordination of prioritizing activities under the implementation as part of these programmes. Civil society participation can be advisory by nature, during the development and analysis of policies, and executive, through implementation, when civil society organizations are a contractor of public and social contracts. In this sense, monitoring and evaluation are part of the policy analysis process, while social services are provided as part of the public and social contract.

### **Outline of the Functional Review**

Outline of the functional review of the national gender mechanism is provided below. The review can be nominally divided into six steps.

#### **1. Establishing a group of experts to carry out the functional review**

The established group comprised of specialists on gender issues and functional review specialists.

#### **2. Adapting the functional review methodology to the needs of the national gender mechanism**

The group of specialists was supported by the Government Office and UNDP. The group examined the functional review methodologies provided in the educational and methodological materials developed in Kyrgyzstan, and adapted this methodology to evaluate the capacity of governance bodies and other institutions promoting gender equality.

#### **3. Developing a Functional Review Plan and Getting Approval**

A plan was developed to include the main activities necessary to carry out the functional review and a timeframe:

- Analysis of legal foundations – November – December 2008
- Roll out of a questionnaire, November – December 2008
- Focus-group discussions, November – December 2008
- Interviews, December 2008 – January 2009
- Analysis of information obtained, developing findings and recommendations for the improvement of the national gender mechanism, December 2008 – March 2009.

#### **4. Data Collection**

This stage comprised of analysing normative documents, rolling out a questionnaire, interviews and focus-group discussions. Initial information for the analysis was obtained from questionnaires filled

out by representatives of public authorities and local self-government bodies before 15 December 2008. Changes, which occurred during 2009, are reflected, as much as possible, in the final report based on the Functional Review outcomes and presented as notes and footnotes.

**5. Writing the report by reflecting on the following information:**

- Part of this research focused on a systemic analysis of the functions performed by the public administration bodies; however, a functional review of each public authority of local self-government was not covered. Therefore, the outcomes represent a general picture in a governing body (for example, in central and local state administrations, and local self-government bodies);
- The main findings and recommendations are structured with reference to the stages of policy management cycle.

**6. Discussing the Findings and Recommendations of the Functional Review with Target Groups**

The target groups included managers and staff of the public authorities in all branches of power and local self-governments, civil society representatives, mass media and international organizations.

# Chapter 2

## Summary: National Gender Mechanism (Functional Review)

### Section 2.1. Situational Assessment of the Kyrgyz Republic

#### § 2.1.1. Defining the Concept of Gender Policy Concept

The group defined the concept (or vision) of gender policy by reviewing the international documents (conventions) on gender equality ratified by the Government. Predominantly, the Government acts as an official representative of the state when the international conventions are signed, while Parliament ratifies them. National legislation has been overall harmonized in line with the international commitments and the process is continuing.

#### § 2.1.2. Setting Priorities

The present functional review revealed a significant gap in the national gender mechanism, which is the result of a lack of legislatively enforced authority of bodies in charge of setting or formulating priorities, i.e. national gender policy-making authorities. Functions performed by all major bodies at the central level were reviewed, including the functions of the Presidential Administration, Government Office, Parliament, National Council on the Issues of Women, Family and Gender Development under the President, as well as the functions of all ministries and agencies. A Country Development Strategy for 2009-2011 was approved by Decree of the President of the Kyrgyz Republic (No. 183) in March 2009, according to which “the formulation of gender policy priorities remains with the Economic and Social Development Division of the Presidential Administration”.

**The National Council on the Issues of Women, Family and Gender Development under the President of the Kyrgyz Republic** (hereinafter referred to as – NC on the Issues of Women, Family and Gender Development) – is a counselling body, which operates on a voluntary basis. Its membership is comprised of the heads of ministries and agencies, representatives of legislative and judiciary power, civil society and non-governmental organizations.

The National Council on the Issues of Women, Family and Gender Development, pursuant to the Provisions of the National Council on the Issues of Women, Family and Gender Development, has the right to coordinate, facilitate and publicize activities aimed at promoting gender equality in Kyrgyzstan, and to develop and submit relevant recommendations and suggestions for further elaboration of the national programmes and strategies to the President, for supporting the improvement of women’s status. In other words, the National Council is authorized to submit recommendations to decision-makers, while it does not have authority in gender policy-making.

Analysis of the National Councils operation revealed that while it developed public policies in other areas, the Councils failed to incorporate gender equality promotion strategies into the agendas.

**The Social Development Division of the Government Office of the Kyrgyz Republic** is a working body of the National Council on the Issues of Women, Family and Gender Development under the President of the Kyrgyz Republic. However, the Government Office is a public authority established to ensure the operation of the Government, which supervises executive power bodies to implement decisions made by the former. The functions of the Government Office do not include policy-making as this body should coordinate and supervise the fulfilment of the adopted policies.

The Presidential Administration drafts decisions of the President (decrees and orders) on gender issues and supervises implementation of some of those decisions (but, the Social Development Division in the Government Office is tasked with supervising the implementation of the NAP on gender equality. Divisions of the Presidential Administration carry out gender policies to a certain extent. At present, however, a separate division, section or a gender focal point does not exist within the Presidential Administration.

In May 2008, the function to implement gender policies was transferred from the Economic and Social Policies Division of the Presidential Administration to the Social Development Division in the Government Office. The establishment of an Analytical Service in the Secretariat of the President and a Strategic Analysis and Evaluation Institute under the President could reinforce (if the relevant functions are assigned) important elements of the national gender mechanism. This implies making strategic decisions on how to promote gender equality and facilitate smooth gender mainstreaming over the course of building development strategies. However, development strategies are documents, which come across at the level of identifying concepts, but not the detailed public policy documents in certain areas, in this case, in the area of gender equality.

The Government is a collegial body, which 'governs a unified system of executive power system in the Kyrgyz Republic and makes decisions on all public administration issues, except for authorities delegated to the President of the Kyrgyz Republic and Parliament as stipulated in the Constitution'. Hence, pursuant to the law 'On Government', Government develops and implements programmes of activities and other national programmes on economic, social, science and cultural developments.<sup>4</sup> These functions are imposed on members of the Government as, within the limits of the delegated power, ministers and chairmen of the state committees can:

- 1) formulate and implement public policies in selected areas;
- 2) be personally responsible for activities entrusted to them.<sup>5</sup>

Ministers and chairmen of head ministries and state committees should formulate public policies in the relevant sectors. As part of formulation and implementation of gender policies, the National Action Plan on Achieving Gender Equality for 2007-2010 was created and used as a basis for developing specific activities pertinent to gender policy implementation by public authorities and local self-governments.

Over the course of the functional review, action plans of all public administration and local self-government bodies were examined. The examination revealed that a majority of the agency plans are of a general nature. Almost all plans had items automatically transferred from the Matrix of Activities for NAP implementation, without giving special consideration to the sector-specific features of the public administration bodies as well as areas of their competence and authorities.

Some activities were literally copied from the NAP Matrix of Activities. An overwhelming majority of the approved plans include activities with vague implementation deadlines. About one third of the public administration bodies have included activities into their plans to analyze and develop mechanisms for achieving gender equality.

In other words, a majority of the public administration and local self-government bodies have either overlooked gender aspects in their sector or area of specialization, or identified these quite superficially. As a result, agency-based plans for implementation of the National Action Plan for Achieving Gender Equality were formulated while due analysis of feasibility, opportunities was not undertaken and funding was not provided. Putting forward a requirement to submit periodic reports on the NAP implementation is a responsibility of the GFPs in the ministries, agencies and LSGs. The most frequent outcomes

<sup>4</sup> For more information, refer to the law 'On the Government of the Kyrgyz Republic' (versions of the laws of the Kyrgyz Republic as of 15 January 2007, N 3, and 20 March 2008, N 37).

<sup>5</sup> Ibid.

are formal run-arounds due to a lack of clarity in understanding the gender policies and inadequate assessment of their own capacity.

### **§ 2.1.3. Legitimizing Gender Policies**

Legitimization of gender policies is inhibited due to the absence of an authorized public administration body in charge of gender policies in the Government. This relates both to enactment of laws, presidential decrees and by-laws (resolutions, orders). A majority of activities in the National Action Plan for Achieving Gender Equality are not secured with adequate funding; allocated funds only allow for partial operations of the working body of the NC on the Issues of Women, Family and Gender Development. The establishment of the Parliamentary Special-Purpose Committee on Gender Policy Issues, however, allowed for significant expansion of the parliamentary agenda by adding gender expertise of draft laws, parliamentary hearings and discussions on gender equality issues with the general public and expert community.

At present, the stage of legitimizing gender policies is assigned as a function and is based on a procedure. Parliament plays an important role in establishing a legal foundation for public policy in gender equality. For example, several international conventions on women's rights and equal opportunities in various areas have been ratified. In 2003, the law 'On the Foundations of State Guarantees for Ensuring Gender Equality' was enacted, and in 2008, a new law 'On the State Guarantees for Ensuring Equal Rights and Equal Opportunities for Men and Women' was initiated by the President and enacted. Among other accomplishments, it is worthwhile to note that Standards to carry out special-purpose expertise, including gender expertise of draft laws that were developed and approved in Kyrgyzstan. This is the first and the only practice in the CIS. Nevertheless, gender expertise needs to be further institutionalized and improved to make it valid for all law-makers. Wider application of gender expertise requires specialists to have their capacity expanded and their qualifications upgraded. To date, a decision on carrying out gender expertise of draft laws is based on the general understanding of its content, but not on expert opinion.

### **§ 2.1.4. Coordination of Gender Policies' Implementation**

The Government is tasked with coordinating gender policies' implementation; it fulfils this function through its Apparatus. Divisions of the Government Office ensure the execution of national laws, Acts of the President and the Government, parliamentary resolutions, Prime Minister's orders and instructions and instructions of the Vice Prime Ministers, Head of the Government Office and his deputies. These divisions coordinate issues entrusted in the ministries, agencies and other bodies of executive power and local state administrations.

The main functional issue, from the gender policy standpoint, is that the coordination and control functions over policy implementation are assigned to a gender issues unit of the social development division, which coordinates operations of social ministries. However, implementation is the responsibility of both the social ministries and the entire system of executive power, as well as LSGs. According to Presidential Decree No. 158 (7 May 2008), several resolutions of the President were amended and expanded, thereby, coordination and control functions were imposed on the Social Development Division in the Government Office. The power of the Division is limited to central bodies, ministries, state committees, agencies, local state administrations, local self-governments and other executive power bodies.

Implementation of gender policies in sectors and a simultaneous supervision over the implementation in the subordinate agencies are functions assigned to ministries, state committees, agencies, central bodies and other executive power representations. There is no designated ministry or a state committee with an assigned function to coordinate implementation of gender policies. Each and every ministry should



integrate gender aspects in its sector and area of operations. Membership of the ministers in the National Council on the Issues of Women, Family and Gender Development is aimed at ensuring their participation in the analysis of the situation in gender analysis and holding them responsible for execution of the policies by the subordinate ministries. However, as shown over the course of the review, a majority of the ministers do not attend meetings of the NC on the Issues of Women, Family and Gender Development and even do not always send their deputies to those meetings. Thus, understanding the gender-related peculiarities of a particular sector presents a hardship even for the social ministries.

Gender focal points (GFPs) in each government agency and local self-government body were supposed to be responsible for gender policies in their organizations. However, the GFPs, as a rule, are not staff members of the sub-divisions in charge of sector policy-making and agency plans development. A typical GFP is a staff of the HR division. The function of the GFP in ministries and agencies is limited to the implementation of activities, which can be provisionally called as gender policy related issues (family, women and children affairs). The GFPs also collect information from subordinate and territorial units of their organizations and develop a consolidated report on implementation of the NAP for achieving gender equality. While examining vertical interactions between the ministries, agencies and their subordinate territorial units to evaluate execution of a state gender policy, it was found that these interactions are nominal by nature without any feedback and territorial and subordinate units do not receive guidance from the central apparatus.

Among major reason for GFPs ineffective work is the lack of standard terms of reference for the GFPs as well as methodological guidance (frequently, the GFPs are simply not aware of what their functions entail), weak capacity in gender analysis and planning, and an absence of systematic monitoring and evaluation (i.e. neither indicators nor established procedures for tracking GFP work in place).

Almost in all provinces, except for Chui Province, collegial bodies were established and made operational on a voluntary basis to be headed by the deputy chiefs of provincial state administrations in charge of social issues. The only exception is in Issyk-Kul Province, where such a body is headed by a chief provincial state administration – the governor.

Plans of activities by local state administrations are not well developed, are not based on current situational analysis at the local level and consist of activities that practically cannot be implemented. None of the provinces allocated funds from local budgets to implement those plans. The activity plans are not implemented and, as a rule, lack of funding and limited local expert capacity, predominantly due to absence of GFPs.

The only exception is Osh Province, where gender policy functions are assigned to the Commission on Family and Women Issues under the Osh provincial state administration, which was established in 1997.<sup>6</sup> The availability of a designated provincial-level body in charge of gender issues allows for the inclusion of districts and LSGs of Osh Province, but also territorial divisions of the ministries and agencies in the NAP implementation. However, the capacity of the staff in charge of these activities and the adequacy of the resources present an important issue here as well.

Gender focal points at the local self-government level carry out this work with no clear guidance, regulatory framework or methodological instructions. At the Mayor's Office level, the GFPs work as data collectors on all activities carried out by the subordinate bodies and units of the Mayor's Office, and as an informational link between the superior and subordinate bodies and an organizer of activities, mainly on cultural and public events at the Mayor's Office level.

At the village administration level, the GFPs have a symbolic function. A majority of the activities

6 It is important to note that since initial research was conducted for the FR, the Government has significantly progressed in its efforts to establish uniform structures at the regional level in charge of gender policies' implementation. As of July 2009, Gender Policy Units were operational in the state administrations of Batken, Jalalabat, Naryn and Osh provinces.

are focused in the social sector, in particular, handling family- and women-related issues. In most of the cases, the GFPs organize certain activities, supervise implementation and collect data on all gender-related activities. In those cases when gender issues are in fact addressed, executing agencies are frequently local activists and members of non-governmental organizations.

At the stage of coordination, rectification of violations plays an important role, including legislative violations, which are part of the policy, thus allowing for considering functions of the judiciary bodies and prosecutor's officers, Ombudsman as controlling and supervisory functions in gender equality area. The judiciary system comprises of a Constitutional Court, Supreme Court and local courts. Constitutional legislation allows for establishing special-purpose courts. The Functional Review revealed that functions of correcting legislative violations in the area of gender equality are presently fulfilled symbolically and not systematically.

Likewise, the Constitutional Court does not have a special-purpose agenda or an action plan with regard to gender issues. There is also no assigned person to be a gender focal point in the Constitutional Court's apparatus. Having met with the FR experts, the head of the Constitutional Court apparatus gave a verbal order to assign a staff member of the Records Office to undertake work related to gender analysis and statistics of the Constitutional Court operations.

The Supreme Court is the supreme judiciary body for civil, criminal and administrative court proceedings, as well as for economic and other proceedings established by law. The main function of the Supreme Court is to supervise the administration of justice by courts through the revision of pleas based on grievances submitted by parties to proceedings. In 2009, the Supreme Court facilitated an independent monitoring on the implementation of the law 'On the social and legal protection against domestic violence' conducted by civil society experts, when more than 20 litigated cases of domestic violence were examined.

One of the main findings of the monitoring was that the courts practically did not apply norms prescribed in the law. A protective warrant was issued only once: in 2006 in Talas Province, based on Article 364 Clause 1 of the Code on Administrative Liability, which does not provide for such a measure. While extensively practised, the issue of protective warrants in cases of domestic violence would significantly support security and safety of the citizens. It was also identified that the judiciary system has never attempted to analyze why the courts so rarely referred to the law 'On the social and legal protection against domestic violence'.

According to the Constitution and the law 'On the Ombudsman (Akyikatchy) in the Kyrgyz Republic', responsibilities of the Ombudsman include supervision on the observance of human rights and freedoms, fighting against any forms of discrimination, facilitating the process of making the legislation coherent with the Constitution and international standards, strengthening and enhancing international cooperation in the area of human rights and freedoms protection. The Institute of the Ombudsman should become an important link in the national mechanism for the protection of gender rights and freedoms. This is important in order to reorganize the governmental Committee on Human Rights and the Division on Human Rights in as well as due to the tendency toward the aggravation of gender stereotypes and women's rights infringement. However, over the seven years since Institute of the Ombudsman came into existence, this has not happened once.

Functions to supervise the accurate and uniform execution of normative acts, including those on gender equality, are assigned to the prosecutors' offices. The General Prosecutor's Office and its territorial subdivisions carry out inspections of agencies to observe whether normative acts are being properly executed and, in case any violations are detected, Acts of Prosecutor's Reaction are developed. Pursuant to Article 9 of the law 'On the social and legal protection against domestic violence' adopted in 2003,

prosecutor's offices shall check the submitted reports on domestic violence cases for completeness and timeliness of registration. However, staff of the prosecutor's offices has not yet done any such inspection and presently they do not have methodological recommendations developed by the General Prosecutor's Office to handle such cases.

It should be noted, that an inspection was carried out to monitor the implementation of Presidential Decree No 136 (20 May 2006) 'On measures for improving gender policy', following which, units of the General Prosecutor's Offices issued an Acts of Prosecutor's Reaction having detected that there was fewer than 30 percent of women in managerial positions.

As part of this Functional Review, it was not possible to check the response by the institutions to the prosecutor's acts or the outcomes of the decisions made by the General Prosecutor's Office after the violations were detected. Nevertheless, the above examples prove the importance and influence the prosecutor's offices possess in the public administration system to ensure observance of the norms with a view to achieve gender equality and ensure protection of women's rights.

Hence, despite the fact that regulatory framework and tools for its application are in place, violations of gender legislation are not given due attention.

A common issue at the stage of gender policy implementation is lack of HR capacity at all levels.

#### **§ 2.1.5. Gender Policy Monitoring and Evaluation**

Monitoring and evaluation of gender policy are carried out both by the public administration bodies and by the general public.

The monitoring of gender policies' implementation in the executive branch, the central and local self-government bodies is entrusted to the Government Office. Monitoring and evaluation are carried out mainly through the control and review of implementation during meetings of the National Council on the Issues of Women, Family and Gender Development under the President.

Civil society, by law, has the right to conduct and participate in monitoring the execution of laws and in implementation of national programmes. Non-government organizations carry out monitoring and evaluation through the National Council on the Issues of Women, Family and Gender Development; external evaluations (alternative reports by NGOs to CEDAW) and independent examinations. In order to fulfil its international obligations, the Government establishes working groups to prepare a country report with the involvement of a number of government officials and representatives of non-government organizations. The Government has prepared three periodical reports on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women. At the same time, non-governmental organizations, on behalf of the civil sector, have submitted alternative reports to the relevant UN Committee.

Parliamentary hearings are held on the implementation of laws. NGOs and independent experts participate in the preparation of the parliamentary hearings. The Crisis Centre provides the National Statistical Committee data on victims of violence.

At present, however, a systematic and continuous cooperation between the public administration bodies and non-government organizations does not exist. Civil society representatives often voice criticism against government bodies while working on gender issues.

Advisory councils were created, as planned in the Matrix of Activities for the implementation of the National Action Plan for gender equality, to ensure the active participation of civil society in developing and implementing gender policy, information exchange and discussion of priorities, and to conduct analysis. However, the reality is different. The collegiate bodies, created under the public administration and local self-government bodies for the implementation of the NAP for gender equality, usually include members from these bodies. Civil society representatives do not participate much or at all in the work of the collegiate bodies.

Civil society is not represented in the National Council on the Issues of Women, Family and Gender Development and there are no clear selection criteria and transparent mechanisms for involvement of representatives of non-government organizations. The weak interaction of civil society members from the National Assembly with the women's movement and the absence of gender-focused non-governmental organizations in the national collegiate bodies does not allow for proper identification of development priorities. NGOs are interested in obtaining concrete results on the basis of clear and precise procedures of interaction with public administration and local self-government bodies.

Communication with civil society on gender issues is unsystematic. The state media, the press service of the government bodies, rarely informs the public about current gender issues and on the implementation of gender policies. Most of the information and communication campaigns on gender are financed by international organizations.

Thus, the existing institutional mechanism for implementation of gender policy is schematically presented as follows (see table 2):

**Table 2. The Existing National Gender Mechanism**

Stages of the Policy Management Cycle	Milestones and Implementing Agencies	Functions
Formulation	1. 'Concept' ('Defining a issue') KR International obligations, KR Legislation  2. 'Identification of priorities' Country Development Strategy NAP for gender equality  3. 'Development of public policy' ('Formulation') Authorized public administration body in gender policy is not created	Identification of priority social issues to be included into official agenda of the public administration bodies    Participants of decision-making process formulate a number of versions for overcoming social issues, these versions are then selected and discussed
Implementation	4. 'Getting approval' ('Legitimization') KR President, Parliament, Government  5. 'Allocation of resources' ('Budget') Shortage of funds for NAP for gender equality The authorized public administration body under the Government to promote funding for gender policy has not been created  6. 'Coordination, control' National Council, the Government Office, ministries and agencies, central authorities, local state administration and local self-government bodies	A government decision (approval based) is made through official procedures for consideration, discussion, negotiation, voting and promulgation.  Decisions are implemented by public administration bodies and local self-government bodies with simultaneous government control over its implementation

Analysis	<p>7. 'Monitoring' National Council, the Government Office, Civil Society</p> <p>8. 'Evaluation' National Council Annual Government report on gender issues is not published or discussed Civil society is not involved</p>	Evaluation of outcomes and effects of implemented decisions, in terms of achieving objectives, cost and the adequacy of funds.
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## SECTION 2.2. A RECOMMENDED MODEL OF THE NATIONAL GENDER MECHANISM

Overall, it should be noted that the national gender mechanism in Kyrgyzstan has been developed over many years and amended with reference to certain circumstances and opportunities, including the establishment of new institutes (e.g. the Special Representative of the President on Gender Issues in Parliament) and the abolishment of others (e.g. the State Committee on Family and Women's Issues). Thus, the present objective is to strengthen and preserve what has been accomplished and improve and update the national gender mechanism in order to make it more sustainable, effective and structured.

It is therefore necessary to 'diagnose' gaps and issues in effect positive changes. The main issues identified during the functional review include:

- The functions of gender policy making are not formally assigned in the regulations and no public administration bodies or collegial units, except for Economic and Social Development Division of the Presidential Administration, are officially authorized, through regulations, to fulfil these functions;
- Public administration bodies in charge of gender policy do not have adequate authority and resources to engage in gender policy making;<sup>7</sup>
- So far, gender policy reinforcement activities are planned, predominantly, using a 'top-down' approach; although these plans are subsequently discussed in a wider setting. It is, however, very rare for sectoral and local-level institutions to come up with the initiative to address gender issues;
- Allocation of funding from the national budget to conduct the NAP on gender equality is decided every year, however allocations are incomplete and insufficient;
- Gender policy coordination mechanisms are not fully developed;
- Periodic monitoring and evaluations are based predominantly on the process indicators and are rarely aimed at analyzing the accomplished results;
- Involvement of the civil society is insufficient;

### Rationale

Overall, the content of gender policy is closely linked to the operations of the government agencies and local self-government bodies in a given area (education, culture, health, transport, construction, housing and utility services, etc.). Ministries, agencies and local self-government bodies are required to give due consideration to gender aspects in the course of their work. Gender policy is an integrated part of policy work and should not be treated in isolation.

<sup>7</sup> It is important to note that over the course of the Functional Review, Presidential Decree No. 183 (31 March 2009) enacted a revision of the Country Development Strategy (2009-2011), based on which 'a function to formulate priorities in gender policy remains under the Economic and Social Development Division of the Presidential Administration'. Implementation is thus required as stated in the CDS..

From a functional standpoint, gender policy requires development of institutional measures, such as a regulatory framework for gender mainstreaming, a financing system, HR work, strategic communication facilities (i.e. a setting matching a level of a ministry of Kyrgyz Republic).

Gender policy coordination can be improved by the existing government agencies and counselling bodies, only if the capacity of the latter is built.

Gender policy is implemented by subordinate units of the ministries and agencies, central bodies, local state administrations and local self-government bodies.

The local self-government bodies and local state administrations work directly with gender policy beneficiaries: men and women residing in the particular area.

Based on the above, the following restructuring of the national gender mechanism is recommended:

1. Advisory Councils on Gender Issues should be established in village administrations, village and town councils, and mayor's offices, and should consist of:

- Local council deputies – members of budget committees;
- Local community activists and non-governmental organizations, including women's organizations;
- Village administration registrars – GFPs (Council Registrars);

The Advisory Council is tasked with developing recommendations and activities to promote gender equality to be incorporated into the village administration development plans and budgets. Civil society representation in the Advisory Council should not be less than 30 percent of the total number of members. In addition, women should represent no less than 30 percent in the Council.

2. At the district level, the deputy district head – the GFP should develop a consolidated plan and submit it to the provincial state administration.

3. At the provincial level, there should be a provincial committee or section on gender issues. Functions should include development and coordination of implementation of the regional action plan.

4. The Mayor's Offices in Bishkek and Osh should collect plans from the Territorial Public Councils, develop consolidated city plans and submit these to the Government Office. Large non-governmental organizations in Bishkek and Osh should be expected to develop suggestions not limited to the capacity of the Mayor's Offices, but aimed at national policy.

5. At the central government level, an authorized public administration body on gender policy should be established (e.g. a state committee on gender policy); or this authority should be delegated to one of the existing ministries (e.g. the Ministry of Labour and Social Development), which will, among other things, ensure operation of the National Council.

6. An authorized public administration body on gender policy should develop a consolidated national action plan for achieving gender equality, expand the plan in light of strategic considerations and submit it for discussion to the National Council. The National Council, chaired by the President of the Kyrgyz Republic, should be comprised of the following members: the Ministers of Finance, Justice, Education and other relevant ministers, which will approve the plan and facilitate its inclusion into the national budget.

7. The Ministry of Finance should include gender policy expenditures in the national budget, and its approval should be done by Parliament with support of a Special-Purpose Parliamentary Committee.

8. The NAP on achieving of Gender Equality, reinforced by the law on the budget, should be implemented from the next fiscal year.

9. Implementation should be handled by the authorized public administration bodies, ministries and agencies, local self-government and local state administration bodies. The judicial system should enforce national and international legislation on gender policy.

10. The Ministry of Justice and Parliamentary Apparatus should carry out gender expertise of draft normative documents. The Government Office should coordinate the process of gender expertise.

11. Monitoring of implementation of the NAP on Gender Equality should be conducted periodically by the National Council Parliamentary Committee, no less than twice a year, by civil society organizations.
12. The National Statistical Committee should regularly collect gender disaggregated indicators developed by the authorized public administration body on gender policy reflecting national needs and international commitments.
13. The Civil Service Agency should develop and introduce policies to facilitate training and capacity building of GFPs. It should also give due consideration of gender-related requirements during the evaluation of civil service officers, carry out monitoring of gender aspects, such as gender-balanced representation in the civil service and the promotion of officers, and develop recommendations to ensure gender equality is observed.
14. The Academy of Management under the President should train GFPs, develop gender-focused training programmes and conducts training for members of the National Council, heads of government agencies and local self-government bodies, national and municipal service officers at all levels.
15. The Government should develop and submit to Parliament annual reports on gender equality progress. The report should be widely publicized.
16. The General Prosecutor's Office should supervise the application and execution of gender legislation, the Ombudsman should review grievances on rights violations and gender-based discrimination, and take the necessary measures within the limits of his/her authority.
17. NTRC, national and local mass media should carry out mass media campaigns to cover the national gender policy.

**Table 3. Recommended Model of the National Gender Mechanism**

Stages of Public Policy Cycle	Milestones and Implementing Agencies	Functions
Formulation	<ol style="list-style-type: none"> <li>1. 'Concept' ('Define an issue') KR International obligations, KR Legislation</li> <li>2. 'Identification of priorities' National Action Plan, Administration and Secretariat of the President, Institute of Strategic Analysis and Assessment</li> <li>3. 'Development of public policy' ('Formulation') Authorized public administration body in gender policy</li> </ol>	<p>Identification of priority social issues to be included into official agenda of the public administration bodies</p> <p>Participants of decision-making process formulate versions of plans to overcome social issues, the versions are selected and discussed</p>

Implementation	<p><b>4. 'Getting approval' ('Legitimization')</b> KR President, Parliament, Government</p> <p><b>5. 'Allocation of resources' ('Budget')</b> Authorized public administration body determines necessary finances for gender policy, Ministry of Finance includes this into the draft budget</p> <p><b>6. 'Coordination, control'</b> Authorized public administration body, Ombudsman, General Prosecutor</p> <p><b>6.1. 'Implementation of actions'</b> Government, local state administrations and LSG</p>	<p>Decision (approval based) is made through official procedures for consideration, discussion, negotiation, voting and promulgation.</p> <p>Decision are implemented by state and local self-government bodies with simultaneous government control over its implementation</p>
Analysis	<p>7. Monitoring National Council, Prime-minister's office, Authorized public administration body, Jogorku Kenesh</p> <p>8. Assessment Jogorku Kenesh, National Council, Civil society</p>	<p>Evaluation of outcomes and effects of implemented decisions in terms of achieving objectives, costs and the adequacy of funds.</p>

#### AN AUTHORIZED PUBLIC ADMINISTRATION BODY ON GENDER POLICY

In the proposed model, it is recommended that an authorized public administration body on gender policy be established. During the interviews and discussions of this report, several versions of such a authorized body were drafted and reviewed, and are discussed below (Table 4).

**Table 4. Options of Organizational Setup for Authorized Public administration Body on Gender Policy**

Organizational setting	Status	Functions	Comments
<b>Ministry (or state committee)</b>	Central government body	Identify key policy priorities, develop sectors' concepts, strategies and action plans, organize implementation of decisions taken	The best option for the functions
<b>Department of the ministry</b>	Authorized executive branch body in a certain area <sup>8</sup>	Mixed function of policy and regulation	The least suitable option, as the status does not match the level of the objectives
<b>State agency under the Government</b>	Administrative body	Regulatory functions of public administration, mainly via information campaigns.	Unacceptable option as the administrative body cannot develop a policy

<sup>8</sup> The law 'On the Government of the Kyrgyz Republic' does not define 'department'. This has led to misunderstandings relating to such types of state bodies.



According to the law 'On the Government of the Kyrgyz Republic' the following government bodies are defined:

**Ministries** are central public administration bodies, exercising executive and administrative functions in respective areas.

**State committees** are the central public administration bodies, exercising executive and administrative functions in respective areas, mainly in the form of coordinated control.

**State agencies** are administrative body, exercising regulatory functions of public administration in various areas, mainly in the information form.

**State inspectorate** is an administrative body, exercising controlling functions of the public administration in various areas.

**State commissions** are established to address comprehensively major issues of public life, including those related to emergencies.

**Funds** are the organizational structure under the Government, created to provide state support and development of various activities in economic, social and cultural domains.

The table above shows that, on the basis of the objectives of the authorized public administration body in gender policy and the functional review of the national institutional mechanism, the most appropriate organizational form is a ministry or state committee (e.g. the ministry or state committee on gender policy). In this case, gender policy will be promoted by a minister or chairperson of the state committee (i.e. a member of the Government), which will significantly enhance the efficiency of coordination and monitoring of the gender policy implementation in the executive branch, and financing of the National Action Plan for Gender Equality.

A department or any other body subordinate to ministry or state agency will have much less human, financial and administrative resources. For example, this was the experience of the Department for Youth Affairs and Child Protection, which was subordinate to the state agency under the Government. Its status did not correspond to its assigned objectives.

In this regard, there is an option to establish a State Committee on Equal Opportunities, which would integrate the protection of children and families, youth, gender equality and ethnic diversity, which are currently within the mandates of various government bodies. According to authors of this idea, including parliamentary members, staff of the Department for Youth Affairs and Child Protection, NGOs and gender experts, the creation of such a body would give stability to state regulation, ensuring the equal status of vulnerable groups. It would also emphasise social development issues and increase the coordination and control of implementing national obligations. However, despite the apparent relationship between these groups, functional content, such as protection of children, is different from work with youth. A combination in a single body of such different directions is a difficult objective that requires the development of new approaches and tools for the management of 'open-ended' targets.

The creation of a new ministry or state committee requires considerable resources, thus the most feasible and practical step would be empowering of one of the social sector ministries, expanding its function to develop and implement gender policy. Implementing bodies for these functions must be located in the central office of the ministry as a separate department or head office.

Based on the interviews conducted for this review and the regulations of the social sector ministries, the most appropriate ministry to manage gender policy is the Ministry of Labour and Social Development, as gender equality is part of social development (according to its definition, gender is the social sex of a person).

Delegating the design and implementation of gender policy to the Ministry of Labour and Social Development would require a change of the Ministry's mission. It would move from a social protection role to the development and coordination of social development policies, based on the concept of human development and equal opportunities.

# CHAPTER 3

## ANALYSIS OF THE REGULATORY FRAMEWORK OF THE KYRGYZ REPUBLIC IN REGARD TO ENSURING GENDER EQUALITY



# Analysis of the Regulatory Framework of the Kyrgyz Republic in Regard to Ensuring Gender Equality

## SECTION 3.1.

### REVIEW OF INTERNATIONAL COMMITMENTS OF THE KYRGYZ REPUBLIC RELATED TO GENDER EQUALITY

Fundamental principles of the Universal Declaration of Human Rights are quite comprehensively reflected in the country's first Constitution (adopted on 5 May 1993). By including basic rights and freedoms in the Constitution, as well as rights of second and third generations, Kyrgyzstan could overcome the Soviet system's supremacy of the state over the individual. This laid the legal and institutional framework for the protection of human rights, including women's rights.

Kyrgyzstan has ratified more than 30 international conventions and protocols on human rights. This has contributed to a significant increase in understanding by state and civil society organizations of the concept of human rights towards women's rights and the recognition that these rights are inextricably linked with democracy and the rule of law.

In 1995, a special emphasis on the identification of problems to protecting women's rights and the achievement of international legal standards was made during the Fourth UN World Conference on Women in Beijing. Kyrgyzstan has also ratified the following six UN Conventions directly related to women's rights:

- International Labour Organization Convention No. 103 on Maternity Protection (28 June 1952);<sup>9</sup>
- Convention on the Elimination of All Forms of Discrimination against Women (18 December 1979);<sup>10</sup>
- Convention on the Political Rights of Women (31 March 1953);<sup>11</sup>
- Convention on the Nationality of Married Women (20 February 1957);<sup>12</sup>
- Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (10 December 1962);<sup>13</sup>
- Convention for the Suppression of the Traffic in Persons and Exploitation of the Prostitution of Others (21 March 1950).<sup>14</sup>

On 23 April 2002, the Kyrgyz Republic passed a law, in which it acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women. Together with previously signed Additional Protocol to the International Covenant on Civil and Political Rights, adopting the mechanism of individual complaints, this step increased women's access to utilize the international human rights systems.

The opportunity to appeal to the UN Commission on Human Rights, the UN Committee on the Elimination of All Forms of Discrimination Against Women and to the human rights organizations with complaints and suggestions to prevent and eradicate the roots of gender discrimination is an important factor ensuring equal rights and equal opportunities for men and women in Kyrgyzstan.

The principle of equality set forth in the Constitution is enforced by ensuring equal rights of men and women to participate in elections and referenda, to obtain, change and maintain citizenship, to education, health care, pensions and social benefits, to self-employment, to marriage and upbringing of children, to maternity leave for child care, to property, as well as to a wide range of civil, economic and political rights. In 2007, the Constitution was amended (Article 13, paragraph 4) to guarantee men and women not only equal rights and freedoms, but also equal opportunities for its realization.

It is important to list the conventions of the International Labour Organization (ILO) relating to equal rights for women and men, which the Kyrgyz Republic recognizes as a successor state of the USSR:

- Forced Labour Convention, No. 29 (1930);
- Convention on the Employment of Women on Underground Work, No. 45 (1935);
- Forty-Hour Week Convention, No. 47, (1935);

9 KR became signatory by the Resolution of the Legislative Chamber (LC) of JK KR on 25 January 1996, 3#324-1; and by Chamber of People's Representatives (CPR) of JK KR on 6 March 1996, П # 256-1.

10 KR became signatory by the Resolution of the LC JK KR on 25 January 1996, 3#320-1; and by CPR JK KR on 6 March 1996, П # 257-1.

11 KR became signatory by the Resolution of the LC JK KR on 25 January 1996, 3#321-1; and by CPR JK KR on 6 March 1996, П # 258-1.

12 KR became signatory by the Resolution of the LC JK KR on 25 January 1996, 3#323-1; and by CPR JK KR on 6 March 1996, П # 259-1.

13 KR became signatory by the Resolution of the LC JK KR on 25 January 1996, 3#322-1; and by CPR JK KR on 6 March 1996, П # 260-1.

14 KR became signatory by law No. 47 on 26 July 1996.

- Convention on the Reduction of Working Time in Public Works, No. 52 (1936);
- Convention Concerning the Protection of Wages, No. 95 (1949);
- Convention on Equal Remuneration for Men and Women Workers for Work of Equal Value, No. 100 (1951);
- Convention on Discrimination (Employment and Occupation), No. 111 (1958);
- Convention on Employment Policy, No. 134 (1964);
- Convention on Minimum Age for Admission to Employment, No. 138 (1973).

In addition, Kyrgyzstan ratified a number of international documents relating to equal rights in different domains:

- ILO Convention on Migrant Workers, No. 97 (8 June 1949). Kyrgyz Republic acceded to the convention by law on 12 January 1994, #1409-XII;
- Convention on the Rights of the Child (20 November 1989). Kyrgyz Republic acceded to the convention by the Resolution of JK KR on 12 January 1994, #1402-XII;
- The Optional Protocol to the Convention on the Rights of the Child, on the Sale of Children, Child Prostitution and Child Pornography (25 May 2000). Kyrgyz Republic acceded to the convention by law on 12 July 2002, No. 18;
- Convention against Discrimination in Education (14 December 1960). Kyrgyz Republic acceded to the convention by the Resolutions of LC JK KR on 8 June 1995 (NW #32-1) and CPR JK KR on 10 June 1995 (P #96-1);
- Convention on Technical and Vocational Education (10 November 1989). Kyrgyz Republic acceded to the convention by the Resolutions of LC JK KR on 8 June 1995 (NW N 128-1) and CPR JK KR on 10 June 1995 (P N 91-1);
- Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (7 September 1956). Kyrgyz Republic joined by law of 26 July 1996, No. 53;
- ILO Convention on the Abolition of Forced Labour (25 June 1957). Kyrgyz Republic ratified convention by law on 19 March 1998, No. 22;
- ILO Convention on the Regulation of Labour: the Role, Functions and Organization No. 150 (26 June 1978). Kyrgyz Republic ratified convention by law on 15 July 2003, No. 136;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (18 December 1990). Kyrgyz Republic acceded to the convention by law on 15 April 2003, No. 80;
- Convention on the Recovery Abroad of Maintenance (20 June 1956). Kyrgyz Republic acceded to the convention by law on 30 December 2003, No. 246).

Kyrgyzstan has not yet ratified ILO Convention No. 156, concerning equal opportunities and equal treatment for men and women workers: workers with family responsibilities.

The national institutional framework for gender policy implementation is a system of governing institutions, mechanisms and government actions that allow for the realization of fundamental constitutional principles of equal rights and equal opportunities for men and women in all areas of life. It is a system of agencies, departments and employment positions, specifically created at different levels of management and are responsible for implementation of programmes and the country's international obligations relating to gender equality. Institutional mechanisms and its responsibility for gender mainstreaming implementation were identified in the Beijing Platform for Action (BPA)<sup>8</sup> which include:

- giving responsibility to a high-ranking government official to oversee the improvement of women's status and achievement of gender equality; in many cases, this could be at the level of cabinet minister;
- the availability of such a person or entity does not exempt other government agencies, ministries and departments of the need for gender mainstreaming;
- public administration and local self-government bodies in the region are also part of the mechanism with clearly defined mandates and authorities;
- legislative bodies (parliaments) operation as an oversight which focuses on the establishment of regular government reports detailing the progress on gender issues and laws adopted relating to the advancement and adjustment of policies;
- researchers and gender experts, including those from the academic sector, carry out gender analyses and formulate recommendations on policy decisions and adjustments to government programmes;
- non-government organization and lobbying groups that influence the political process;
- media;
- international organizations and institutes.

Identification of political priorities and the initiation of development programmes on gender mainstreaming depend on the political will of the public administration bodies.

By ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1997, the Kyrgyz Republic is committed to provide the United Nations bodies with periodic reports on measures taken to establish a mechanism for the implementation of rights envisaged in the Convention. After the hearing of a periodic report from the state-member party to the Convention, the Committee makes recommendations and observations, which must also be taken into account by the state party. Along with the official report to the Committee, alternative reports from NGOs may also be submitted.

The initial report on the implementation of the CEDAW Convention was provided by Kyrgyzstan on 26 August 1998. After reviewing the initial report, the CEDAW Committee expressed its concern about the range and nature of powers of the national mechanism as well as the uncertainty of relations between the State Commission and the Ministry. It also noted the inadequacy of the existing budget and personnel for the advancement of women's rights and recommended: 'To strengthen the national mechanism by clarifying its roles and relations between its various bodies and government agencies, providing the public administration body with a larger budget and staff resources to ensure the effective operation of the body at the national and regional levels'.

The second periodic report was developed from 1999 to 2002. It was prepared according to the 'General guidelines for the preparation of reports by state parties' (CEDAW/C/7/Rev.3). According to the requirements, subsequent periodic reports of state parties should, as a rule, cover the period starting from the moment of previous reports to the date of submission of the current reports.

The second periodic report uses information obtained from public administration bodies and administrations on the elimination of all forms of discrimination against women as well as from public and non-governmental organizations dealing with these problems. The report answers questions the CEDAW Committee raised in an earlier document (CEDAW/C/1999/I/L.Add.3/). The report provides information from the reporting period (1999-2002) on legislative, administrative and other measures, which aimed to implement the commitments undertaken by Kyrgyzstan and described existing obstacles and measures required for further implementation. This report was added by the Supplement, which included information from the Ministry of Internal Affairs, Ministry of Labour and Social Protection, State Commission under the Government for Entrepreneurship Development, Ministry of Justice, General Prosecutor's Office, Department of Migration Service under the Ministry of Foreign Affairs, National Statistical Committee and the Secretariat of the National Council on the Issues of Women, Family and Gender Development under the Presidential Administration.

In addition, the Council of Non-governmental Organizations, which comprised of seven organizations, prepared an Alternative Report to the second periodic report.

The UN Committee reviewed the second periodic report on 14 January 2004. The Committee asked questions and gave recommendations. In order to implement the UN Committee's Concluding Comments to the second periodic report, the Government adopted a Matrix of Activities.<sup>15</sup>

The third periodic report was prepared by the Secretariat of the National Council on the Issues of Women, Family and Gender Development under the President together with members of the working group, i.e. the authorized representatives of ministries and agencies and a group of independent experts. The report covers the period from 2002 to 2005 and is based on the materials submitted by the Ministries of Justice, Health, Economics and Finance, Industry, Trade and Tourism, Foreign Affairs, Labour and Social Protection, Agriculture and Water Resources, the judiciary and law enforcement, National Statistical Committee and other government agencies. The report describes the institutional framework for gender policy, international programmes and non-governmental organizations dealing with gender equality. The report answers the Concluding Comments which the CEDAW Committee raised in the previous report. Several non-governmental organizations also developed alternative reports to the third periodic report.

The CEDAW Committee's Concluding Comments in the third periodic report<sup>16</sup> expressed concern about the lack of an authorized public administration body for gender issues. The Committee recommended the urgent establishment of such a body which would bear a special responsibility for gender issues, with sufficient resources (both human and financial), with a clear mandate to develop and coordinate the effective and sustainable activities and programmes from a gender perspective, with the authority to ensure accountability by all ministries.

<sup>15</sup> For more information, see KR Government Resolution No. 837 (12 November 2004), 'On approval of the Matrix of Activities regarding the implementation of the CEDAW Committee Concluding Comments to the second periodic report of the Kyrgyz Republic on implementation of the CEDAW Convention on Elimination of all Forms of Discrimination against Women'.

<sup>16</sup> The Concluding Comments of CEDAW Committee to the Third periodic report of the Kyrgyz Republic on implementation of the Convention, p. 5.

## Section 3.2. Review of the Kyrgyz Republic's legislation relating to equal rights and equal opportunities for men and women

The fundamental rights and interests of men and women are set forth in the following laws and documents:

- Constitution;
- Labour Code;
- Family Code;
- Civil Code;
- Criminal Code;
- Law 'On state guarantees of equal rights and equal opportunities for men and women';
- Law 'On state subsidies of the Kyrgyz Republic';
- Law 'On health protection of citizens in the Kyrgyz Republic';
- Law 'On social and legal protection from domestic violence'.

Discrimination based on gender, religion and ethnicity is prohibited; there is legal protection for men and women in their private lives, work, family and social relations. Criminal responsibility is imposed for crimes against life, health, freedom and dignity. However, the legislation relating to the mechanisms for the implementation of equal rights remains to be improved.

At present, we see the process of the strengthening and improvement of the institutional mechanism's regulatory framework for gender development, which was created from 2002 to 2006. According to the Presidential Decree No. 240, 'On further improvement of human resources policy aimed at the involvement of women leaders to the governance of KR' (27 August 2002), the Government should review the human resources policy in relation to women in leadership positions at public administration bodies, LSA and LSG and put in practice a mandatory nomination of most worthy women for the positions of deputy heads of LSA and LSG on social and other issues. Despite the establishment of a 'ceiling' for women at the positions of deputy and the discriminatory nature of the Decree against women, the Decree has enhanced the role of women in socio-political and socio-economic life of the country.

Such norms, however, do not lead to equal conditions for men and women or allow women to exercise their rights and freedoms. That is why the President enacted a Decree 'On measures to improve gender policy' (20 March 2006), and the Government adopted this by Resolution No. 325 (6 May 2006). In order to improve the institutional mechanism for achieving gender equality and positive promotion of gender policy, the decree required PABs and LSGs to implement measures ensuring that women comprise of at least 30 percent in these bodies. The same figure should be achieved at the decision-making level, in order to create equal conditions and opportunities for the participation in competitions for vacant positions in government and municipal services.

There have been a number of gender-based normative and legal acts aimed at protecting the rights of women and men enacted. Both men and women suffer from violence; however, victims are primarily women, children and the elderly. For example, in 2007, 4,734 women were victims of domestic violence and had turned to crisis centres, courts of elders and other specialized agencies. This is six times more than the number of men (735). This correlation has been observed since 2003.

Law No. 62 'On social and legal protection from domestic violence' (25 March 2003) defined the subjects, their rights and obligations to combat and prevent domestic violence (physical, mental and sexual) and provide social protection to the victims of domestic violence. The key the government bodies are the law enforcement agencies. They take specific measures to protect victims of violence are LSG and LSA. The law also provided temporary protection and security court warrants protecting people from domestic violence.

The Presidential Decree No. 94 'On measures to combat human smuggling and trafficking in the Kyrgyz Republic' (21 April 2002) approved a programme of preventive measures and created the National Council to combat human smuggling and trafficking. The working body of the Council is the State Committee on Migration and Employment. Law No. 55 'On preventing and combating human trafficking' (17 March 2005) set out organizational and legal bases for the prevention, protection and assistance to victims of trafficking and their relatives. The law defines the entities to conduct these activities, their authorities, powers and main functions. In contrast, the law 'On social and legal protection from domestic violence' (2003), which envisages a mechanism for its implementation, this law does not contain such a norm. Article 10 'The main functions of the subjects...' states that all the actors involved in these activities should do all within their powers to develop and implement prevention, operating, information and other measures to prevent, detect and suppress such facts.

Law No. 147 'On the reproductive rights of citizens and guarantees of their realization' (10 August 2007) regulates social relations in the domain of citizens' reproductive rights. Gender inequality and the

primacy of men's interests in society do not allow women to exercise their legitimate right to reproductive choices, which adversely affects their health and that of future generations. Article 9 of the law states that citizens have the right to make decisions regarding the number of children and the time they are born in or out of wedlock, as well as timing between the pregnancies necessary for preserving the health of the mother and child.

The most important step towards the improvement of gender legislation was the adoption of Law No. 184 'On state guarantees of equal rights and opportunities for men and women' (4 August 2008)<sup>17</sup>. Unlike the previous Law No. 60 'On the basis of state guarantees of gender equality' (12 March 2003), the new law required Government to take on more obligations to guarantee equal rights and opportunities for people of different sexes.

The Law 'On state guarantees of equal rights and opportunities for men and women' (2008) differs from the previous law (2003) by many progressive amendments, changes and innovations. The law significantly supplemented modern gender concepts. The law expanded the regulatory framework for the state gender policy. Also the law increased the responsibility of public administration and local self-government bodies to implement this policy, as stated in Article 3 'Principles of this law' and Article 7 'Monitoring and reporting of gender policy performance'. State guarantees were expanded to ensure equal rights and opportunities by including amendments to Article 10 'Guarantees for gender equality in the process of nomination to the position in public and municipal services' and the addition of Article 11 'Guarantees of equal voting rights'.

Article 21 'Preventing and combating gender-based harassment in the workplace and the responsibility for gender-based discrimination' aimed to improve employment relationships between employer and employee and at prevention of gender-based violence and discrimination. Article 26 'Competence of the authorized body in gender policy' was added to Chapter 5. but such authority was not established at the time of the functional review. The Gender Policy Sector of the Social Development Division in the Government Office is the existing institution with powers regarding the implementation of gender policies. The Division consists of two people, who cannot perform the functions of the authorized public administration body in the field of gender policy.

There have been a number of positive innovations in legislation to ensure gender equality. According to Paragraph 3 of Article 72 'Procedure for the nomination of the list of candidates' of the Election Code, when determining the list of national parliamentary candidates, political parties are required to ensure that representatives of one sex must not exceed 70 percent of the candidates, and the difference in ranking of female and male candidates should not exceed three positions. According to a new norm in paragraph 5 of the same article, the lists cannot be changed after submission to the CEC, and in case of withdrawal of a candidate, the other members of a political party should replace him/her taking into account the requirements of paragraph 3. In compliance with this amendment, the Central Election Commission adopted a Decree No. 100 (2 November 2007) 'On the interpretation of the third paragraph of section 3, Article 72 of the Election Code of the Kyrgyz Republic'. Due to this measure, the number of women increased from zero women in the previous parliament to 23 women (25.6 percent) in the current one. However, this will not apply for the procedure of election local council members.

The Law 'On agricultural land management' was also amended in 2006. The new wordings of Articles 14, 15 and 16 of the Law specifies that land shares and agricultural land parcels can be exchanged for other land parcels within the Kyrgyz Republic, not just within the territory of the same village, but also the land parcels can be sold in whole or in part as a separate plot, not just in whole. The new wording of Article 28 stipulates that land can be transferred to several heirs, not just to one as it was previously designated. These changes to the law extended women's ability to exercise their legitimate right to land shares.

Law No. 184 'On state guarantees of equal rights and opportunities for men and women' (4 August 2008) requires making amendments to several other laws. Pursuant to Article 10, Law No. 14 'On civil service' (11 August 2004) should be reconsidered as only Article 21 'The education of public servants' contains a gender-sensitive norm ensuring that a public servant who was on maternity leave or childcare leave has the priority right to education.

Law No. 99 'On local self-governments and local state administrations' (29 May 2008) sets forth the organizational and legal bases of the LSG, but is not clear about gender equality. Only Article 4, Section II 'Local self-governments' says that citizens have equal rights to exercise local self-governance '...irrespective of gender'. Among the principles based on which the local self-governance is regulated (Article 14), there is no principle of equal rights and opportunities. Article 3 of Law No. 165 'On municipal service' (21 August 2004) indirectly refers to the equal access of men and women to the municipal service. The

17 For more on this law, see Appendix 3.

law does not regulate the creation of equal conditions for persons of different sexes and opportunities for their participation in competitions to fill the LSG vacancies. Article 3 'The principles of the establishment and activities of jamaat (community)' should add a principle on gender equality, which is one of the fundamental principles of democracy, transparency and accounting of public opinion.

Law No. 113 'On promoting the employment of the population' (27 June 1998), which was amended and changed nine times, still needs to be updated as women comprise the majority of unemployed people. In addition, Article 11 of the Law 'On state guarantees of equal rights and opportunities for men and women' and Article 72 of the Election Code require making amendments and changes to Law No. 50 'On political parties' (12 June 1999).

According to Article 33 of Law No. 166 'On normative and legal acts of the Kyrgyz Republic' (1 August 2003), the draft laws ensure the constitutional rights, freedoms, responsibilities of citizens are subject to scientific, legal and other specialized expertise. The institutional and regulatory procedures and mechanisms for gender analysis require the expertise of normative and legal acts. The Presidential Decree 'On measures to improve gender policy' (20 March 2006) stipulates that the draft normative and legal acts developed by PAB and LSG are subject to mandatory gender expertise.

Public administration bodies which initiate draft laws are responsible for carrying out the expertise. Under the Matrix of Activities of the NAP for Gender Equality (Presidential Decree No. 369, 20 August 2007) it is planned to establish a permanent gender expert group under the Speaker of Parliament. The parliamentary resolution #75-IV (18 January 2008) adopted the Standards for expertise of the legislation, which regulates the conduct of five compulsory specialized expertise on draft laws, including the gender expertise. According to the Rules of the law (approved by Government Resolution No. 419, 4 August 2008), Government project works are to conduct gender expertise of normative and legal acts.<sup>18</sup>

Kyrgyzstan's ratification of the Beijing Platform for Action for the Advancement of Women has stimulated the development of the institutional mechanism. In 1996, the State Commission for Women, Family and Youth was established under Government, experts were appointed to regional state administrations and regional centres for women's initiatives were organized. The women's councils of civil society representatives were established at district and village levels.

In order to improve the status and empowerment, these councils aimed to ensure gender equality at the local level. Thus, the National Congress Women's Community Councils for village, township, and city took place on 18 December 2003. The Congress adopted the model regulations on the women's council at local levels which stipulated the rights of the councils. The Women's Councils are entitled to submit to LSG proposals for improving the legal framework concerning the promotion of gender equality policies. The women's councils are also entitled to receive, distribute and use the information about the enacted decisions of local authorities, as well as take part in the sessions of the local councils in accordance with national laws.

A number of laws determine the role of civil society in social transformation. The Laws 'On state guarantees of equal rights and opportunities for women and men' and 'On social and legal protection from domestic violence' provide a framework for civil society's participation in social and legal protection from domestic violence. Under the Law 'On preventing and combating human trafficking', NGOs are entitled to carry out preventive measures.

According to the Presidential Decrees No. 136 'On measures for improving gender policy' (20 March 2006), No. 369 'On the national action plan to achieve gender equality in the Kyrgyz Republic for 2007-2010' (20 August 2007) and No. 158 'On amendments and changes to some decisions of the President of the Kyrgyz Republic' (7 May 2008), civil society acts as a partner of government authorities to implement gender policies.

Under Kyrgyz legislation, civil society can integrate gender issues into national development policies during the revision and recommendation process for approval of state programmes and coordination of priority activities implemented under these programmes. This is possible primarily by Presidential Decree No. 64 (13 February 2006) on National Council on the Issues of Women, Family and Gender Development under the President.

Attainment of gender equality as one of the global strategic Millennium Development Goals and was included in the Country Development Strategy (CDS) for 2007-2010 and 2009-2011. In order to coordinate the work of the CDS between all branches of Government and civil society, the National Council Strategic Development of Kyrgyzstan was established in 2007 by Presidential Decree No. 157 (5 April 2007).

<sup>18</sup> It is important to note that after conducting this functional review, the Government took significant steps towards validating the procedures for gender expertise of bills in the cycle of Government lawmaking activities. For example, on 19 February 2009, pursuant to Government Resolution No. 1 'On Amendments and changes to the KR Government Resolution (4 January 2006) and No. 132 'On Approval of the Rules of the KR Government', a requirement was made that a draft decision be submitted to Government, in cases stipulated by law, and accompanied by the findings of specialized expertise (gender, anti-corruption, environmental, human rights, etc.), conducted by the developer of draft decision.



Along with other objectives, the National Council on Strategic Development is committed to reflect and promote the interests of Kyrgyz citizens in the CDS. However, out of 25 members of the National Council, there are no NGO representatives that promote gender development among the three civil society representatives. Of the 18 members in the Public Chamber (established by presidential decree on 26 January 2009), there are only three women. The low representation of civil society and women's NGOs in the national political institutions casts doubt on the possibility of promoting gender principles in the country's development.

The participation of NGO representatives in parliamentary hearings makes it possible to bring to the attention of parliamentary deputies and public officials the problems in the area of gender policy and provide recommendations for their solution. Women's issues were first discussed at parliamentary hearings in 1996, and measures to solve these problems were identified in the programme 'Ayalzat' and set forth in the national programmes 'Bilim', 'Kadry XXI veka', 'Madaniyat', 'Araket', 'Emgek' and others. During parliamentary hearings held in October 2008, civil society representatives suggested that Parliament, the Presidential Administration, Government and other public administration bodies should improve the national institutional mechanism for gender equality.

In order to introduce gender mainstreaming into the legislative process, women's political voices of women had to be strengthened as well as the interaction between state and society. Thanks to the efforts of women's NGOs and political parties, the Alliance of women's legislative initiatives was founded in 2007 and consisted of female parliamentary deputies. The members of Alliance were able to promote a number of gender related draft laws and gender-sensitive amendments to existing laws, such as the Law 'On state guarantees of equal rights and equal opportunities for men and women', the Law 'On pensions', the Law 'On state social order', which were all adopted by Parliament and many others which had not been adopted earlier.

#### **Conclusions:**

1. The legal framework of gender policies in Kyrgyzstan requires further improvement, in particular:
  - align the country's legislation with international commitments;
  - align normative and legal acts with gender laws; and
  - develop regulations governing the format, procedures and instruments for gender policy implementation.
2. The laws and other normative legal acts are not available or do not clearly define the mechanisms and tools necessary for gender policies implementation.
3. The legislation does not fully comply with the Constitution and with the Law 'On state guarantees of equal rights and opportunities for men and women'.<sup>19</sup>
4. It is necessary to make amendments and changes to the formats and procedures of interaction between the state and civil society in order to achieve gender equality.

### **Section 3.3. Analysis of Departmental Plans for Implementing the NAP and the Matrix of Activities to Achieve Gender Equality, 2007-2010**

The Beijing Platform identified institutional mechanisms and actors necessary to implement gender mainstreaming were determined in the Beijing Platform. These were set forth in the National Action Plan (NAP) to achieve gender equality in the 2002-2006 and 2007-2010. The section 'Improving the institutional mechanism for gender equality' in the Matrix of Activities of the first NAP included activities mainly aimed at identifying the actors and strengthening their capacity, as well as developing and implementing gender mainstreaming in the ministries, departments, local state administrations and local self-government bodies.

The second NAP's Matrix of Activities included interventions to improve the institutional framework. Important objectives laid out in this matrix included strengthening and improving the effectiveness of the National Council on the Issues of Women, Family and Gender Development, the establishment of advisory councils on gender policies at the local level, strengthening the role of the Government through the delegation of respective roles to the Government Office, the establishment of new specialized institutions in the executive branch of power, increase the role of human rights institutions, financial optimization, improvement of legislation and mechanisms of social partnership.

The final evaluation of the National Action Plan for Gender Equality for 2002-2006 year identified

<sup>19</sup> It should be noted that after conducting this functional review, the Government continued to work in this area. In particular, the draft Law 'On amendments and changes to the KR Law' and 'On state guarantees of equal rights and opportunities for men and women' was prepared and sent for the consideration of Parliament.

a number of obstacles preventing its complete implementation. Taking into account the identified problems, the Presidential Decree No. 369 (20 August 2007) developed and approved the National Action Plan and a Matrix of Activities for Gender Equality for 2007-2010. According to the Decree, the ministries, state committees, administrative departments, local state administrations, local self-governments, central authorities with participation of representatives of nongovernmental organizations, private sector and civil society are required to take comprehensive measures to implement the NAP for Gender Equality.

One of the existing obstacles is the weak role of some public administration bodies such as parliamentary committees, Ombudsman and others. This is due to the power of the main actors of the NAP, such as the Presidential Administration, the Secretariat of the National Assembly of Women, Family and Gender Development, Government, ministries, departments and local state administrations. The second NAP significantly expands the range of actors by including (as agreed), not only the above-mentioned bodies, but also the Federation of Trade Unions and the Union of the Confederation of Employers of the Kyrgyz Republic. At the same time, the Presidential Administration and a Secretariat of the National Council on the Issues of Women, Family and Gender Development (which has since been ended) were excluded from the list of actors.

Another problem is the poor commitment to the development of gender mainstreaming and responsibility for its practical implementation. This problem also occurred in the process of implementation of the NAP for Gender Equality for 2007-2010, which proved to be true in the ministerial and agency plans, which were developed in order to implement the Presidential Decree No. 369 (20 August 2007). Another obstacle was the low gender capacity in the systems of PAB and LSG. The second NAP contained objective 5.6.1, which included measures aimed at increasing the capacity of employees of PAB and LSG through training events.

Inadequate funding for the NAP remains a serious problem. The first NAP identified funding sources, but the second version did not local similar provisions. In order to improve budgetary allocation of fund for the second NAP objective 3.1.5 'Carrying out gender analysis of budgets of different levels' was added and action 4.1.1.1.1 called for 'Gender mainstreaming in the budgeting of health care system'. The 2007 budget resolution, approved by Parliamentary Resolution, No. 1206-W (30 June 2006), defined budget priorities, which should guide the Government to formulate a draft national budget for 2007.

One of the objectives is to implement measures reforming the social sector, which would include gender mainstreaming in the budgetary process. However, gender-related budgeting is not covered in the Budget Resolution for 2008, approved by Parliamentary Resolution No. 1967-III (28 June 2007). Gender mainstreaming in the budgetary process allowing for the improvement of budgetary legislation and the transformation of monetary policy instruments has been addressed in the Budget Resolution for 2009 (Parliamentary Resolution No. 557-IV, 26 June 2008). The experience of many countries reveals that for gender budget development, gender monitoring data is required, which would allow for the establishment of direct links between monitoring findings and the budget process. Currently, gender budgeting is not attainable because of a lack of capacity, methodologies and approaches in planning expenses on a programme basis.

The poor quality of gender-disaggregated statistical information provided by ministries and agencies was reflected in the second NAP, Section 1.2 'Improving gender disaggregated indicators, indices and reporting'. Of the 23 global gender-sensitive indicators, as approved by the III High Level Forum on Aid Effectiveness in Development (Ankara, September 2008), the NSC gathers and presents data on only 16 indicators. Data collection and presentation on the remaining seven indicators, describing the achievements in gender development, remain problematic.

Section 'Improving public awareness of gender equality' was added to the second NAP in order to transform public awareness and eradicate discriminatory gender stereotypes, as stated in the CEDAW Concluding Comments on the second final report.

An analysis of departmental plans to implement the second NAP and the Matrix of Activities revealed a number of problems.<sup>20</sup> The first section of the Matrix of Activities includes activities to improve the institutional mechanism for achieving gender equality, gender-disaggregated indicators, indices, reporting and gender equality in national legislation. Objective 1.1 'Strengthening the institutional mechanism for achieving gender equality' allows for a functional review of government bodies to determine the sustainability of the institutional mechanism, the creation of a permanent expert group on gender under

20 This report contains findings of departmental plans' analysis for NAP implementation approved before December 2008. Thus, the developed and approved plans after that date were not covered by this analysis. Two such examples are the Action Plan of the Ministry of Justice for 2009-2010 on gender policy implementation, approved by the Ministry of Justice Order No. 45 (17 February 2009) 'On approval of the Ministry of Justice's Action Plan for gender policy implementation and identification of persons responsible for Action Plan implementation for 2009-2010' and No. 47-a (26 February 2009) 'On the approval of the Instruction for persons seeking to fill the vacant positions in administrative state bodies within the system of the Ministry of Justice and the Job Descriptions for the persons responsible for gender equality'.

the Speaker of Parliament, gender mainstreaming in human rights institutions and a gender dimension in the activities of public administration and local self-government bodies.

Several central government bodies, ministries, state committees, agencies and provincial administrations, such as the Supreme Court, Ministry of Economic Development and Trade, State Committee on Migration and Employment, State Customs Committee, State Committee for State Property Management, State Agency for Public Procurement and Material Reserves, State Agency for Antimonopoly Policy and Promotion of Competition, State Administration of Osh Province and other have planned actions to improve the institutional mechanism for gender equality implementation.

Some government agencies have planned to conduct a functional review of the state system to determine the sustainability of the institutional mechanism for implementation of gender policies (e.g. Supreme Court, State Agency for Antimonopoly Policy and Promotion of Competition). Some agencies have planned to conduct a functional review of a (whole) system of public administration bodies (Ministry of Economic Development and Trade), while others assume the obligations to hold discussions, adoption and publication of findings which cannot be done by one ministry or agency as it requires considerable human, time and other resources (e.g. State Customs Committee).

To improve the institutional framework of gender policies in the Matrix of the second NAP, it was planned to establish a permanent expert group on gender under the Speaker of Parliament in 2007. This, however, still does not exist.

The successful implementation of the NAP is largely dependent on cross-sectoral and inter-agency collaboration. Therefore, to create such partnerships, public administration bodies have committed to create advisory councils.<sup>21</sup> The meetings and interviews revealed that inter-departmental councils/groups were mainly created for the implementation of the NAP. The creation of the groups is rather formal and at best the members of such associations are gathering information for reports. In essence, these groups exist only on paper.

The National Statistical Committee plays an important role in performing Objective 1.2 'Improving gender disaggregated indicators, indices and reporting'. The NSC plan includes 13 activities for the enhancement of gender disaggregated indicators. According to their plans, several PABs are also involved in solving the objective. The Ministry of Transportation and Communications will use statistical information divided by sex, the State Committee on Migration and Employment will expand the base of gender-disaggregated indicators. The plans of the Ministry of Foreign Affairs, State Committee for Public Procurement and Material Reserves, State Agency for Tourism and State Committee of State Property Management include actions to develop proposals for the improvement of the matrix of harmonized gender indicators.

The Government, NSC and Parliament have been assigned with monitoring and evaluation of the implementation of conventions, programmes and action plans. The National Statistical Committee will prepare information on the Convention on the Elimination of All Forms of Discrimination Against Women. The plans of the Ministry of Foreign Affairs, Ministry of Agriculture, Water and Processing Industry, State Committee for Public Procurement and Material Reserves include activities to improve procedures for reporting on implementation Conventions and NAP. The Ministry of Emergency Situations, State Committee on Migration and Employment, State Committee of State Property Management, State Agency for the Registration of Real Estate are committed to hold commission meetings to review the results of the implementation plan for NAP, to prepare periodic reports, or to improve monitoring and evaluation of the NAP.

Objective 1.3 'Improvement of the national legislation' consists of three sub-sections: 'Bringing national legislation into conformity with international obligations', 'Improvement of legislation implementation mechanisms' and 'Gender analysis of existing laws, bills and other regulations'. Under the first sub-section the Ministry of Labour and Social Development plans to conduct a gender analysis of social protection legislation, the State Committee of State Property Management plans to conduct an analysis of national legislation in conformity with international obligations (literal wording of the Matrix of Activities for the implementation of NAP) but this is not within its functions.

Activities in the second sub-section foresees amendments and changes to the Laws 'On bases of the state guarantees for gender equality' and 'On social and legal protection from domestic violence'. Although the Law 'On state guarantees of equal rights and equal opportunities for men and women' was adopted by reflecting the comments and amendments, PAB and LSG did not plan the activities as required under this law, although by 8 February 2009 they should have provided Parliament proposals to bring the current legislation into conformity with this law.

Several PAB scheduled actions relating to the Law 'On social and legal protection from domestic

<sup>21</sup> The state bodies include the Agency for Drug Control, National Agency for Local Self-Government, Ministry of Emergency Situations, Ministry of Agriculture, Water and Processing Industry, State Agency for Geology and Mineral Resources, State Patent Service and the oblast state administrations. This has been done in accordance with Presidential Decree No. 369 (20 August 2007) and Article 21 of the Law 'On the Government of the Kyrgyz Republic'.

violence'. The Ministry of Emergency Situations, according to its plan in 2008 (5 years after its adoption) is organizing a study of this law. The Supreme Court will participate in the monitoring of implementation of this Law and the development a set of proposals to improve the mechanisms for its implementation. The National Bank (NBKR) intends to participate in the implementation of this law by ensuring its staff adherence to the 'Code of ethics for employees of NB KR'. The Ministry of Economic Development and Trade will focus on bringing the legislative acts into accordance with this law. The Ministry of Labour and Social Development will be responsible for monitoring the implementation the Law 'On social and legal protection from domestic violence', and developing a package of proposals to improve the mechanisms for its implementation, as well as the preparation of normative and legal acts relating to the regulation of activities of the crisis centres and their services. The Ministry of Culture and Information, within its area of competence, will seek to improve the legal framework of culture from the gender mainstreaming perspective.

The Ministry of Labour and Social Development, Ministry of Foreign Affairs and the State Administration of Osh Province are responsible for the development of a mechanism for mandatory gender analysis of the adopted legislation and NLA. The Ministry of Economic Development and Trade, the State Committee of State Property Management, Ministry of Agriculture, Water and Processing Industry, State Agency for Environmental Protection and Forestry planned a gender analysis of existing laws and other NLA, but only in 2007. The State Agency for Religious Affairs intends to conduct a gender analysis of legal documents governing the state-confessional relations, and the State Agency for the Registration of Real Estate will conduct a gender analysis of its departmental operating procedures and regulations. The National Academy of Sciences will also examine draft laws relating to gender equality.

Objective 2 of the NAP Matrix of Activities 'Respect for gender balance at all levels of decision-making' is intended to ensure that women and men have equal access to all levels of decision making and empowerment of women in management. To achieve this goal, PAB and LSG are required to carry out certain activities. Despite the fact that monitoring and evaluation of the representation of women and men in leadership positions do not require a large amount of work, this will only be done by half of the government bodies.

The initiatives to ensure gender balance in the human resources policies in all internal management structures, processes of candidate nomination for appointment and elective positions are performed not by all the bodies of public administration and local self-governments.

The activities to introduce an administrative system of incentives for such initiatives are only included in the plans of the CSA, NAS, Ministry of Foreign Affairs, Ministry of Agriculture, Water and Processing Industry, Ministry of Economic Development and Trade, State Committee on Migration and Employment, the State Customs Committee, State Committee for Public Procurement and Material Reserves and State Agency for Tourism. In order to facilitate the growth of women's representation in leadership positions, especially in the regions, the Batken, Issyk-Kul, Naryn and Osh State Administrations are planning to create a women's leadership school. Similarly, NAS decided to fulfil the same activity.

Section 3 of the NAP Matrix, 'The gender component of the socio-economic area', defines activities aimed at introducing and considering gender mainstreaming into the national policies, programmes and planning. These activities also aim to strengthen the capacity for gender mainstreaming in the employment sector. In order to achieve Objective 3.1.1 'Implementation of an integrated approach to socio-economic development, NALSG, MEDT, Issyk-Kul and Talas State Administrations planned (large-scale) activities to monitor economic and social policies in accordance with the established gender indicators and to prepare proposals for the inclusion of a gender dimension into national and regional socio-economic development. In government bodies' plans, their formulation does not differ from the corresponding paragraph of the NAP Matrix. The State Agency on Public Procurement and Material Reserves added the following clarification: 'In accordance with the approved programmes ...'.

In the State Committee on Migration and Employment's plan the objective seems clear and realistic: 'Implementation of gender-based monitoring of existing programmes and making adjustments based on identified gender misbalances'. Only the state administrations of Batken and Osh provinces have pledged to include a gender dimension into the 2008-2010 regional plans of socio-economic development.

In order to promote the growth of opportunities for women and men to participate in productive activities, the Osh State Administration will conduct a gender analysis of the labour market and the State Committee on Migration and Employment and the Talas State Administration will implement the received recommendations of the analysis by developing, implementing and evaluating employment programmes. To achieve this goal, the NAP Matrix outlines activities for the establishment of vocational education centres on economic education of small businesses owners and to develop small and medium businesses, to provide marketing advisory services. Similar actions were included into the plans of several PAB and other organizations, such as the NAS, Naryn and Talas state administrations, and the State Committee on Migration and Employment, and their activities are of a concrete nature.

To improve cooperation between the Government, the Federation of Trade Unions of Kyrgyzstan

and the Union of the Confederation of Employers of the Kyrgyz Republic in gender mainstreaming, the NAP Matrix stipulates it should be included in the General Agreement between these bodies. Only the MLSD and State Patent Service of the Kyrgyz Republic took the responsibility to implement the objective, while the rest of departmental plans do not include a similar activity.

In Kyrgyzstan, child care is primarily the responsibility of women, thus the developers of the NAP Matrix included provisions that promote the equitable sharing of child care between men and women. The activities are aimed at integrating measures encouraging equitable and equal division of reproductive work in the legislative and other regulatory acts, policies, programmes (child care leave, expansion of the public pre-school network, tax incentives for child care, support policy for citizens with family obligations and protection of the family in the workplace). The State Customs Committee has transferred the NAP Matrix activities into its own activity plan, but without defining and specifying the wording. The Drug Control Agency has made the following clarification: 'taking into account the specifics of operation...'

Other public administration bodies have define more realistic activities. For example, the National Bank intends to develop and implement a support system for personnel who have children. The State Agency for Public Procurement and Material Reserves plans to address women's social problems with the support of trade unions (e.g. granting vouchers to sanatoriums and children's camps, etc.).

The ratification of ILO Convention No.183 'On the revision of the 1952 Convention on the protection of motherhood' would contribute to the equitable division of child care between men and women, as is indicated in the NAP Matrix. However, no government bodies have taken the responsibility to initiate the ratification of the Convention. In addition, the activity of the State Agency for Antimonopoly Policy and Promotion of Competition called for 'Addressing the issue of enrolling children in preschool institutions, schools and universities'. This is obviously irrelevant wording.

Funding is needed for successful implementation of the NAP. To identify the financing issues, the NAP Matrix outlined activities for a gender analysis of budgets at different levels. The Ministry of Finance is the key public administration body for this activity.

To build the capacity for gender mainstreaming in the employment sector, the NAP Matrix provides an objective for: 'The improvement of the methodological framework and formalization of gender mainstreaming in employment'. The NSC began developing a methodology to conduct a sample survey on labour migration. The MLSD and Osh State Administration planned to develop methods, programmes and conduct training events on gender mainstreaming in the fields of labour, employment and social protection. The staff of the State Committee on Migration and Employment and State Agency for Public Procurement and Material Reserves will participate in these seminars.

The Ministry of Health is responsible for the objectives and implementation of activities in NAP Matrix Section 4 'Gender aspects of health and health care'. Its plan differs little from the NAP Matrix both in form and content. Like the Matrix, the ministerial plan represents a synthesis document and defines the main directions of activities. The Ministry of Health only clarified the responsible departments, divisions and other structures of the health care system.

Several agencies and local state administrations included some of these activities in their plans. For the improvement of the legal and methodological basis of gender equality in health activities, the Ministry of Finance, Talas and Osh State Administrations included gender mainstreaming in health care budgeting. Naryn and Osh State Administrations are planning to conduct training events for the managers and health care professionals on developing gender-oriented budgeting for the health care system. The NSC has planned to improve statistical survey forms to develop the gender evidence base and statistical information of the health care system. Osh State Administration and the Ministry of Health planned to conduct a gender review in the health sector, including the impact of socio-cultural norms and gender stereotypes.

It is essential to conduct a gender analysis to increase access to adequate quality services and health care institutions. Greater focus on implementing recommendations is also important. This will benefit single women and men, patients with children, disabled persons and persons with temporary disabilities. Osh State Administration, like the Ministry of Health, has undertaken an analysis and implement its outcomes. Issyk-Kul State Administration has taken its activities one step further. It will conduct a systematic medical examination of single man and woman, patients with children and disabled persons in rural areas. In addition, many PAB and LSA<sup>22</sup> have planned recreational activities for men and women of different age groups. Based on analysis and recommendations, this will include trips to recreational and sports groups .

Along with the Ministry of Health, Talas and Osh State Administrations will introduce mandatory

22 Such as Ministry of Health, Ministry of Finance, MEDT, State Customs Committee, State Agency for Antimonopoly Policy and Promotion of Competition, State Patent Service, State Committee for Public Procurement and Material Reserves and Talas and Osh State Administrations.

training and retraining programmes for primary level health care workers. The goal is to promote gender-orientated healthy lifestyles and disease prevention among the population and to provide health care workers with the necessary teaching materials. NAS, MEDT, State Customs Committee, State Agency for Antimonopoly Policy and Promotion of Competition, State Agency for Public Procurement and Material Reserves and State Patent Service have joined the Ministry of Health in conducting compulsory medical examinations for employees and taking preventive measures towards social diseases. Batken, Naryn, Osh and Talas State Administrations will conduct similar work in rural areas. Issyk-Kul and Osh State Administrations will analyze the needs for dairy kitchens based on available data, medical science and practical health care.

The Ministry of Education and Science, Ministry of Culture and Information, State Agency for Vocational Education and LSA are responsible for implementation of Section 5 'Achieving gender equality in education and culture'. The Ministry of Education and Science will develop training programmes for young children and their parents including an integrated gender approach. Naryn, Osh and Talas State Administrations will also conduct gender training courses for preschool teachers, focusing child gender education methodology.

To improve gender mainstreaming mechanism in secondary education, Batken, Issyk-Kul, Naryn Osh and Talas State Administrations will conduct research into the causes of school drop outs among boys and girls and formulate recommendations. The NSC undertook a survey in order to find out the reasons girls and boys drop out from schools.

The Ministry of Education and Science and the National Academy of Sciences will analyze existing and newly developed textbooks for gender content as well as develop gender-oriented teaching aids. The improvement of the gender mainstreaming mechanism in vocational education is an urgent objective as this work has started recently. The State Agency for Vocational Education and Osh State Administration have planned to conduct training seminars on gender issues for managers and staff of vocational institutions. Naryn State Administration of Naryn plans to achieve gender equality in vocational institution enrolment.

Much work has been done to improve the gender mainstreaming mechanism not only in the higher education system, but also in secondary education. This has been primarily through the introduction and development of gender topics in training courses for educators, gender courses, special courses for students on teacher training courses and training programmes for teachers followed by a compulsory course on gender education. The Ministry of Education and Science and the Ministry of Culture and Information have pledged to achieve these objectives. However, NAS plans to promote female scientists through postgraduate and doctoral studies will only deepen the current imbalance between women and men with higher and formal postgraduate education by increasing the number of women.

The Ministry of Internal Affairs has made specific plans to integrate gender mainstreaming in the system of permanent and non-formal education. For example, it is finalizing and will publish a training manual 'Preventing violence against women' for use in special courses and it will conduct joint training for law enforcement officers and judiciary staff on implementation of the Law 'On social and legal protection from domestic violence'. The Prosecutor General's Office, Ministry of Foreign Affairs, Ministry of Labour and Social Development, State Customs Committee, Ministry of Culture and Information, Batken, Issyk-Kul and Osh State Administrations will take part or develop methodologies and publish teaching aids and information materials to increase gender awareness in schools and training programmes for different target groups.

Comprehensive implementation of the gender policy can only be achieved by improving the gender sensitivity of PAB and LSG staff. A number of agencies (NALSG, MFA, MEDT, State Agency for Tourism, State Committee for Public Procurement and Material Reserves, Issyk-Kul, Osh and Talas State Administrations) copied this section from the NAP Matrix into their work plans.

Several agencies<sup>23</sup> have planned series of training seminars for PAB and LSA managers and staff on gender issues. At the same time, NAS, together with trade union committees, will conduct an educational seminar on changing of gender stereotypes associated with dominance of one sex over the other. There are, however, no grounds for trade unions to participate in training events (competence in gender issues, etc.).

Another important objective for PAB and LSG is to train employees on conducting gender exper-

23 For example, CSA, Ministry of Culture and Information, Ministry of Finance, Ministry of Agriculture, Water and Processing Industry, State Customs Committee, State Agency for Environmental Protection and Forestry, and Batken and Naryn State Administrations.

tise of draft laws and regulations, and departmental normative and legal acts. CSA and the State Committee on Migration and Employment will conduct a series of training seminars for government officials, while NALSG is planning to conduct training events for municipal employees.

In order to attract cultural and leisure institutions to the process of gender education, the NAP Matrix stated that libraries and rural clubs should be provided with literature on gender issues. It is logical that this activity has been included in the plans of the Ministry of Culture and Information, State Administrations (Issyk-Kul, Naryn and Osh), but it was difficult to explain why this commitment is also assumed by the Ministry of Foreign Affairs.

Section 6 of the NAP Matrix, 'Reducing gender-based violence', combines three objectives: 'Improving the quality of specialized services provided for victims of violence', 'Support for the practice of psychological treatment of family relations and personal behaviour', and 'Improving collection of primary statistical data relating to various types of violence'.

To address the first objective, the Matrix suggests the cooperation of the Crisis Centre with LSG, local law enforcement and health agencies in order to improve the quality of services provided by specialized services for victims of violence. The NALSG, MIA and LSA intend to implement this activity. For the second objective, Issyk-Kul and Naryn State Administrations will establish crisis centres for rehabilitation and social integration of male and female former convicts. The State Committee on Migration and Employment will continue to assist former convicts to find employment through the regional committees.

In regards to the third objective, the Prosecutor General's Office, Supreme Court, MIA and NSC added activities in 2005 to develop statistical reporting forms for victims of violence in the private and public life and to improve the process of gathering statistical information on various types of violence provided by internal affairs' offices, law enforcement agencies and judicial authorities.

Several agencies have been identified to implement Section 7 of the NAP Matrix 'Expanding people's awareness on gender equality'. However, only Osh State Administration intends to deal with the development of gender information strategy. The Ministry of Foreign Affairs, Batken and Osh State Administrations will be involved in the preparation and publication of periodic reports on the country's performance on human rights conventions. Several government authorities such as the Ministry of Culture and Information, State Committee on Migration and Employment, State Agency for Religious Affairs, Batken, Issyk-Kul, Naryn, Osh, and Talas State Administration, National Academy of Sciences carried out media campaigns.

## Conclusions:

Analysis of the approved and published plans of the central authorities, ministries, state committees, agencies and provincial state administrations, developed pursuant to paragraph 1.1.2.1 of the Presidential Decree No. 369, 'On the National Action Plan for gender equality in the Kyrgyz Republic for 2007-2010' (20 August 2007), has revealed the following:

1. Most of the departmental plans (except the plans of NSC, Supreme Court, Prosecutor General's Office, Interior Ministry, etc.) are not developed and similar to the NAP Matrix, which determines only the outlines of activities and, thus, are not specific.
2. A gender analysis has not been conducted examining the process of departmental plan development. This has resulted in copying sections from the NAP Matrix, a lack of accounting for the area of agency's operation of the PAB or the capacity and ability of a government agency. Certain activities were copied verbatim from the NAP Matrix.
3. The majority of the approved departmental plans include non-specific, but rather 'declarative', activities with a vague timeline for implementation.
4. Around one third of state agencies have added to their plans activities for analysis and development of mechanisms to achieve gender equality.
5. Some PAB (Prosecutor General's Office, Supreme Court, MIA, Ministry of Health and others) attempted to determine departmental/sector specific activities to introduce gender mainstreaming in rendering services, but the other objectives of the NAP Matrix were ignored.
6. The plans of the Prosecutor General's Office and Supreme Court are concise (each includes only 4 sections) and do not cover the whole range of gender inequality issues encountered by within their operations (for more information, see Section 2.4 'Judicial power of the Kyrgyz Republic', Section 2.5 'Other institutions at the central level', subsection 'The Prosecutor General's Office').
7. The State Committee of State Property Management *возможно* removed nine sections from its work plan, because the Committee planned the same activity (harmonization of the draft decisions).
8. Plans of several agencies (NAS, State Agency for Antimonopoly Policy and Promotion of Competition) incorrectly include activities that do not match their statuses.

# CHAPTER 4

## MAIN STRUCTURAL ELEMENTS OF THE GENDER MECHANISM AT THE CENTRAL LEVEL

### SECTION 4.1.

#### THE NATIONAL COUNCIL ON THE ISSUES OF WOMEN, FAMILY AND GENDER DEVELOPMENT UNDER THE PRESIDENT OF THE KYRGYZ REPUBLIC AND ITS WORK PLAN

The institutionalization of gender policies began in 1996. The State Commission on Family and Women under the Government was established in March 1996 with the authority to deal with youth issues. Working groups have been created in line with the Beijing Platform of Action. Other bodies created include the Council on Gender Analysis of Legislation and the Advisory Council of Representatives of Civil Society.

On 31 July 1998, the President issued an order to establish the National Council on Gender Policies under the President. The council had several goals. It was to ensure the equal status of women in society and maintain the existing institutional framework for women, giving new aspects for gender development, coordination and monitoring of the implementation of the National Programme 'Ayalzat'. In addition, it worked to coordinate the interaction of non-governmental women's groups, expand cooperation with international organization and also to eliminate of poverty among women.

In December 2000, Presidential Decree No. 363 abolished the State Commission for Family Affairs, Women and Youth under the Government, due to the need to optimize the system of government and reduce the number of agencies and civil servants.

At the same time, the Presidential Administration's role had dramatically increased its decision-making role and concentration of political, administrative and symbolic resources. On 27 February 2001, Presidential Order No. 96 transformed the National Council on Gender Policies under the President into the National Council on the Issues of Women, Family and Gender Development under the President with a working body within the Presidential Administration, with two staff.

In 2006, changes were made to the Regulations on the National Council. The scope of its authorities included dealing with women's and family issues, but children's issues were also added. This change in title and the Regulations demonstrated a typical shift of the focus from gender equality issues to women's issues, included the 'motherhood and childhood' stereotype.<sup>24</sup>

The Council has an advisory body and its activities are conducted on a voluntary basis. Members of the National Council are the heads of ministries and agencies, representatives of legislative and judicial branches of the government, civil society (i.e. non-governmental organizations). The Council's members are approved by Presidential Order. As declared by Presidential Decree, the Secretary of State is the chairperson of the Council.<sup>25</sup>

The composition of the National Council changed three times from 2002 to 2006. The members of the first and second Councils had people who were nominated as members. The Council consisted of specific people who then held positions in public offices. Thus, dismissal from public office meant that they were not longer eligible to participate in the National Council. Civil society was not well represented, with only five organizations with no gender experts among them.

According to the timetable of works, the National Council' were held on an ad hoc basis, but at least

24 Under the regime of gender stereotypes, among the decision-makers civil servants, the risk of prioritizing the issues of family and childhood has increased, and the gender development could be addressed based on the residual principle. This scenario has been evident in the experience of several eastern European countries, where pressure from Christian traditionalists led to the rejection that gender equality is a priority. See Wanda Novitskaya. Don't give up // Dialog of women. 2005, No. 2 (27/43). p. 27

25 Regulations No. 46 on the National Council for Women, Family and Gender Development under the President of (16 February 2002); Annex No. 96 to the President's Order of 27 February 2001; Regulations No. 64 on the National Council for Women, Family and Gender Development under the President (13 February 2006); Composition of the National Council for Women, Family and Gender Development under the President (based on the positions).



once every six months. However, only one meeting was held in 2006 and 2007, and none in 2008.

The members of the third National Council were nominated by Presidential Decree No. 64 (13 February 2006) when it was decided that members shall be nominated to the Council based only on their positions. Since then, three chairpersons have been nominated and withdrawn, and several members of the National Council from February 2006 to February 2009 were replaced three times (i.e. Vice Prime Minister and the Minister of Education and Finance). The frequent change to the Council has left some members unaware the Council's previous work and gender issues.

Representation of state and public sectors in the Council is not equal. The state represents 73 percent of the members while civil society members occupy the remaining 27 percent of seats (this includes representatives of nine NGOs and two political parties). Members of the National Council from civil society have little or no impact on decision making and drafting agendas for the meetings. The lack of transparent procedures in the formation of the Council has led to a weak link between civil society Council members with women and gender movements.

Most members of the National Council representing PAB did not participate in seminars and training events on gender issues. Despite the fact that a member of the National Council is the head of public administration body, usually the person responsible for gender policy implementation is the deputy head of the public administration body. This leads to communication problems and control over the implementation of National Council programme documents and decisions.

Given that the National Council has the status of an advisory and consultative body, its working body is critically important. Until 2007, the functions of the working body were performed by the Secretariat with four staff,<sup>26</sup> which was a department of the Presidential Administration. The objectives of the Secretariat included ensuring the activities of the National Council and coordinating the activities of public administration bodies with NGOs and international organizations on gender policies. It provided training, informational and analytical activities, as well as the establishment of gender statistics, monitoring the work of ministries, agencies<sup>27</sup> concerning implementation of gender policies. In addition, it controlled the implementation and promotion of international and national commitments on women's status and the protection of children's rights and gender equality.

The Secretariat was abolished as a separate entity in 2007 and its functions were transferred to the Sector for Social and Gender Policy in the Department of Economic and Social Policy of the Presidential Administration.

In May 2008 the powers of the Secretariat's powers were transferred to the Social Development Division in the Government Office in order to increase the Government's responsibility for gender policy implementation. The Department oversees the issues of migration, employment, job market, social protection, the problems of mountain regions, as well as health care. In the beginning of 2009, a Gender Unit was established in this Department to oversee gender issues in the executive branch of power. The Social Development Division in the Government Office was also assigned to monitor the implementation of gender policy.

## **Section 4.2. Central Governance Bodies**

### **§ 4.2.1. Presidential Administration of the Kyrgyz Republic**

The Presidential Administration prepares proposals for consideration of the President regarding gender policy implementation by public administration and local self-government bodies. It also develops draft decisions of the President (decrees and orders) on gender issues and monitors its implementation.

At present, the Presidential Administration does not have a separate department, sector or specialist dealing with gender issues. As mentioned above, in May 2008, the functions of the NC working body were transferred from the department of economic and social policy of the Presidential Administration to the Government Office.

In 2005, the establishment of a Special Representative to the President on gender development in Parliament became an important step to strengthen the national institutional mechanism. It played a significant role in the development of standards, institutionalization of gender analysis and establishment of a joint partnership between public administration bodies and civil society in lobbying for special measures. This position, however, no longer exists.

<sup>26</sup> Initially, the Secretariat consisted of two people, the executive secretary and reviewer. From 2002 to 2003, UNDP provided assistance for two more experts. In 2003, the staff increased to five people, the executive secretary and four experts from the Presidential Administration). In 2004, however, one expert was removed.

<sup>27</sup> Regulation on the Secretariat of the National Council for Women, Family and Gender Development under the President (16 February 2002).

In recent years, the analytical support of decision-making process at the highest level has had great importance. Presidential Decrees of 15 January 2009<sup>28</sup> created the Secretariat of the President and the Institute of Strategic Analysis and Evaluation of the President of the Kyrgyz Republic were created to optimize the design of information and analytical support to the President.

Within the Secretariat of the President a service was created to provide analytical support for strategic decision-making. Emphasis has been placed on optimizing public administration decision making. To improve the efficiency of a decision-making process it was proposed to introduce a regulatory impact analysis, which takes into account the involvement of all parties, as well as long-term effects of the introduction of the proposed policies. In this regard, it is particularly important that the gender analysis applies to political activities.

The reorganized Institute of Strategic Analysis and Assessment (ISAA, before –previously the International Institute for Strategic Studies – IISS), may, in the opinion of its Director, play an important role in the institutional mechanisms for gender policy, as the scope of ISAA includes the analysis and assessment of strategic documents, e.g. the Country Development Strategy (CDS). The CDS contains a gender component, but the mechanism for its practical implementation is not disclosed. Gender mainstreaming is still perceived in policy documents not as a part of public policy, but as a separate component. This view remains despite that gender sensitivity should be a regular mechanism for the development of any policies and programmes, and should be a comprehensive criterion that may significantly improve the quality of analytical documents. The ISAA's Regulation identified the institute's responsibility to provide 'analytical support for the preparation of policies and programmes, and evaluate the implementation of public policies, programmes and national projects', which are directly relevant to the national gender policy and the NAP.

ISAA is working to ensure that the strategic documents are more balanced. In particular, it is supposed that each section of the programme documents will be included only after expert commentary. At present, ISAA would like to increase the capacity and training of experts, including training events related to gender analysis.

Other important areas include advanced research in humanitarian policy, socio-economic studies and law-making processes (analytical work), which will include gender issues. By specifying in the Regulations the appropriate power, the Analytical Services under the Secretariat and the Institute of Strategic Analysis and Evaluation, can greatly enhance the national institutional mechanisms for gender policies. In other words, this would benefit the development of strategic decisions related to gender issues and the promotion of gender mainstreaming in development strategies.

#### **§ 4.2.2 The Government Office**

The Government Office is a public administration body established to ensure the operation of the Government, supervising the implementation of its decisions by the executive authorities.

The legal basis of the Government Office consists of the Constitution, laws, presidential and governmental acts, parliamentary resolutions and Prime Minister's orders.

The Government Office holds a key position in ensuring the operation of the Government in all matters of public administration.

One of the major functions of the Government Office is to oversee the implementation of presidential and parliamentary acts, concerning the powers of the Government, Government decisions, orders of the Prime Minister and Deputy Prime Ministers by the ministries, state committees, administrative agencies and other executive authorities, and local state administration and local self-government bodies.

Another responsibility of the Government Office is to coordinate the activities of ministries, state committees, administrative departments, local state administrations and other bodies of executive power and to enable interaction among them.

In addition, the Government Office prepares expert opinions on draft normative and legal acts and other documents that require the Government's decision. It also submits proposals on the received documents, provides analytical and reference materials relating to the issues addressed by the Government, as well as defines the Government's official interpretation on decisions and orders.

A distinctive feature of the gender policy is that the Social Development Division in the Government Office is a working body of the National Council on the Issues of Women, Family and Gender Development under the President.

Presidential Decree No 56 (15 February 2004), outlines the creation of a commission (which does not exist yet) for gender analysis of regulatory legal acts. The commission will be under the Social Development Division in the Government Office, which acts as working body for the National Council on the Issues

<sup>28</sup> Presidential Decrees of 15 January 2009 include UP No. 25 'On the Institute of strategic analysis and evaluation under the President of the Kyrgyz Republic' and UP No. 26 'On the Secretariat of the President of the Kyrgyz Republic'.

of Women, Family and Gender Development under the of President.

On 27 December 2008, a sector for gender issues was established under the Social Development Division in the Government Office.

### **Functional Review**

The Government Office spends much time developing and reviewing draft laws, regulations and other normative and legal acts prepared by the ministries, departments, central agencies and other executive bodies. However, the Government Office should only coordinate and monitor this process in compliance with the Rules of the Government, while the ministries and agencies must develop and submit the final drafts ready for approval. Finalization of draft normative and legal acts of the ministries and agencies takes time and human resources and distracts from the analysis and forecasting which should be the main work of the Government Office.

Interviews revealed that the heads of departments within the Government Office acknowledged this problem, but because of the lack of capacity in a number of ministries, the quality of draft laws and regulations submitted to the Government Office remains poor. As a result, the finalization of these materials is largely performed by the Government Office.

Ministerial departments supervise matters relating to the competence of ministries, agencies and other executive bodies, local state administrations, local self-governments, state-owned enterprises. This function includes the coordination and implementation of the Government's decisions in particular areas.

It should be noted that after the creation of a separate sector for gender issues, coordination and control over the implementation of gender policies in the executive branch have significantly improved. Gender issues have become part of the agenda for the Social Development Division in the Government Office. The responsibility of the government officials towards implementation of the NAP activities has increased, and due to the support of international organizations, several important measures were taken to improve the capacity of gender mainstreaming for staff of ministries, agencies and deputies of local councils.

The functional problems, from a gender policies management perspective, are that coordinating authorities do not work to comply with the scale of gender policies' coverage. Presidential Decree No. 158 (7 May 2008) delegated a sector for gender issues to the Social Development Division in the Government Office to coordinate and control the implementation of gender policies. However, the gender policy is not for executive branch ministries and agencies, but also for judicial and legislative powers, and local governments. The reporting mechanism is well established in the system of executive power. Reporting between the three governmental branches is difficult as they are not accountable to each other.

The Government Office is the core element of the national gender mechanism. It prepares detailed activity plans to implement public policies and programmes and supervises the implementation. However, there are two functional inconsistencies in the Government Office.

First, the Social Development Division in the Government Office is a working body of the National Council on the Issues of Women, Family and Gender Development. The National Council is a consultative and advisory body, but the Regulations of the Social Development Division in the Government Office do not clearly reflect the actual responsibility to the Department to develop measures and control implementation of gender policies in the whole country.

Second, in monitoring the NAP the gender unit of the Social Development Division in the Government Office in monitoring should exercise primary control over the implementation of the Matrix of Activities within the executive judicial and legislative branches, but is not stated in the Regulations or its functional responsibilities. At the same time, the authorities relating to gender sector as a division of the Government Office should include the preparation of: 1) expert opinions on the draft regulatory acts and other documents, 2) instructions, and 3) control measures over the implementation by the ministries, state committees, administrative departments and other executive bodies, local state administrations of the activities related this sector. Thus, the sector's gender issues exceed the capacity to implement such issues due to lack of human, organizational and other resources in the sector.

The Commission on gender expertise of normative and legal acts under the Social Development Division in the Government Office has not been created as prescribed by Presidential Decree No. 56 (15 February 2004).<sup>29</sup> The normative and legal acts regulating the circulation of documents do not provide for

<sup>29</sup> Regulation on the commission on gender expertise of normative and legal acts under the National Council for Women's Development of the Prime Minister's Office and the working body of the National Council for Women, Family and Gender Development under the President, was approved by Presidential Decree No. 56 (15 February 2004) and was amended by Presidential Decree UP No. 158 (7 May 2008).

gender expertise of draft regulatory acts and other documents by the commission or by the Social Development Division in the Government Office. Thus, this norm is not mandatory and failure to comply with it does not entail any consequences for the author of a draft document. Such work should be conducted on a permanent basis as draft normative and legal acts and other documents are prepared regularly. At the same time, the Regulations on Commission on gender expertise of normative and legal acts states that 'committee meetings are held as needed'.

#### **Conclusions:**

1. The establishment of a separate sector on gender issues within the Social Development Division in the Government Office is evidence of the importance of gender issues and the need to strengthen and institutionalize the mechanisms of state gender policy. The activity of the sector allowed to improve coordination and control over the implementation of the NAP significantly and to put gender equality issues into the agenda of the Social Development Division in the Government Office..

2. The gender unit of the Social Development Division of the Government Office has the power to control the implementation of the NAP Matrix of Activities in the legislative and judicial branches.

3. The commission on gender expertise for normative and legal acts under the Social Development Division in the Government Office is a working body of the National Council on the Issues of Women, Family and Gender Development, but does not operate.

4. The requirement to conduct gender expertise, outlined in the normative and legal acts and other documents<sup>30</sup> governing circulation of documents, has not been respected.

5. Gender policy requires a comprehensive system of monitoring and evaluation by Government, allowing for the timely identification of problems, adjustment of programmes' implementation and determination of future policy.

### **Section 4.3. Legislative Power in the Kyrgyz Republic**

Parliament plays a key role in formation of a legal basis for public policy relating to gender equality. International conventions on equal rights, and women's rights in particular, were ratified. The Laws 'On the basics of state guarantees for gender equality' and 'On state guarantees of equal rights and equal opportunities for men and women' were enacted in 2003 in 2008 respectively. However, only the current convocation of Parliament has created a committee dealing with gender issues, the Committee on youth, gender policies, physical culture and sports of the Parliament.<sup>31</sup>

Since it was established, the Committee has conducted four parliamentary hearings on implementing various laws relating to women's status. For example, since the Law 'On social and legal protection from domestic violence' was passed on 17 June 2008, reports regarding studies on domestic violence by various ministries have been presented to Parliament. As a result, the Ministry of Internal Affairs has strengthened control over practical implementation of the Law.

On 7 October 2007, the Committee conducted hearings on Kyrgyzstan's performance of international (CEDAW) and domestic obligations regarding equal rights and equal opportunities for men and women in politics. The parliamentary hearings were held on 16 December 2008 and were devoted to the issue of the 'Employment of the youth and gender aspects'. On 3 March 2009, parliamentary hearings were held related to the gender aspects of the age of marriage.

Thus, convening parliamentary hearings with civil society participation to discuss gender issues is a good opportunity to address problems and find possible solutions.

The other Parliamentary Committees also bear responsibility for carrying out gender expertise of the legislation<sup>32</sup> and exercise controlling functions<sup>33</sup> over the implementation of gender legislation and adherence to international obligations.

In Parliament, as well as in other state organizations, gender policy is viewed as the representation of women and men in the cadres. It should be noted that in this regard, Parliament is well distinguished in its efforts. This analysis found that there were 446 employees in Parliament, of which 191 persons were

30 It is important to note that during the research for this functional review, the Government attempted to make significant actions towards adopting gender expertise of the draft laws in the lawmaking process. For example, the Government's Resolution of February 19, 2009 'On amendments and changes to the KR Government's Resolution of January 4, 2006 #1 'On approval of the Rules of the KR Government' #132 outlined the requirements for draft decisions submitted to the Government including that the authors provide the relevant specialized expertise (gender, anti-corruption, environmental, human rights, etc.).

31 The Committee was established by Parliamentary Resolution No. 27-IV of (25 December 2007).

32 For more information, refer to Parliamentary Resolution No. 75-IV (18 January 2008) 'On approval of Standards for conducting certain types of expertise of the draft laws in the Parliament of the Kyrgyz Republic'.

33 This is according to Law No. 121 'On implementation of the controlling functions by the Parliament of the Kyrgyz Republic' (13 August 2004), as amended by Law No. 122 (31 July 2007).

consultants and parliamentary members' assistants. Forty-seven percent of parliamentary workers are women, and out of consultants and assistance women comprise 43 percent. The work towards eliminating gender stereotypes have been done. In particular, 40 percent of secretary positions are occupied by men, though this position is traditionally female.

Women's representation in the management structure is noticeable. For example, during this research, Parliament consisted of 28 structural units. Among the unit managers, 18 of the managers were women (or 34 percent). This was achieved by open competitions for vacant positions. The gender balance is also maintained in the appointment process of official delegations and other ceremonial events. Special attention is paid to Parliament's positive experience in regard to retaining employees. For example, more than 40 percent of parliamentary staff has been working for ten years or more, and 69 percent for five years and more.

There is, however, no specially assigned position gender focal point and the Head of Parliamentary Office believes that no need to create such position as the Parliamentary Committee on gender issues is responsible for this.

It should be noted that among Kyrgyzstan's achievements is the enactment of the Standards for conducting certain types of expertise of draft laws, including gender expertise. This is the first, and so far the only experience, in the CIS. However, the gender expertise needs to be institutionally strengthened and enhanced for use by all participants of lawmaking processes. Wide application of gender expertise requires strengthening employee capacity and ability. At present, the decision to conduct gender expertise is based on common understanding but not on expert opinion.

Parliament reviews submitted draft laws by relying on two principal institutions: the institute of committees and the institute of expertise. The decisive institution is the committee. According to Article 100 of the Rules of Parliament, 'the preparation and review process of draft laws is defined independently by the responsible committee of Parliament based on the Regulations of committee and these Rules'.

For example, in the opinion of parliamentary employees, the committee has the right, but not an obligation, to conduct gender expertise of draft laws. Some representatives of parliamentary groups and committees are of the same opinion.

The Rules of Parliament, which were approved by law, states that: 'Upon decision of the responsible parliamentary committee, a draft law can be sent for review to the Government, Ombudsman, relevant ministries, agencies, public administration bodies, political parties, non-government organizations, institutions and organizations, as well as to scientific experts' (Article 101, Paragraph 1). Therefore, the Rules of Parliament do not specify the types of expertise and do not oblige to conduct the expertise.

At the same time, according to Section 3 of Parliamentary Resolution No. 75-IV (18 January 2008) 'On approval of Standards for conducting certain types of expertise of the draft laws in Parliament of the Kyrgyz Republic': 'When submitting draft laws to Parliament, the subjects of the legislative initiative must strictly comply with the Standards' requirements'. On the other hand, the approved Standards provide mandatory expertise: 'In cases outlined in these Standards, expertise is mandatory. In other cases, expertise of draft laws should be made upon decision of the Committee' (Article 1.5). The Committee must: 1) assign a mandatory expertise of the draft law in cases outlined in these Standards' (Art. 2.2). 'The expertise shall be assigned by the Parliamentary Committee. The expertise shall be made by a parliamentary expert or by invited persons or group of persons who did not participate in development of the draft law' (Art. 1.2).

It should be noted that the approved Standards provide a broad definition for draft laws which are subject to gender expertise. Almost all draft laws of any Committee are subject to such expertise: 'Drafts laws are subject to gender expertise if they regulate relations in all areas of human life in order to eliminate any possible imbalance in the process of the regulations of rights, obligations, opportunities and responsibility, irrespective of sex' (section 3.3.1).

According to the Regulations 'On the Parliamentary Committee on youth, gender policies, physical culture and sports', the seventh function of the Committee is 'to send draft laws to the appropriate expertise'. However, the Committee's performance report<sup>34</sup> from 26 December 2007 to 30 December 2008, no data was available regarding this function.<sup>35</sup>

The recommendation to conduct a substantive expertise (gender expertise) is given by the corresponding department of Parliament. The need for the legal expertise of any draft law is given by the legal

34 Information can be found at: <http://www.kenesh.kg/structure/committees/committee11/analytics/>

35 Later, in a letter (No. 20-14431, 30 June 2009) the head of the Department for Social Development of the Prime Minister's Office provided data of the Parliamentary Committee on youth, gender policies, physical culture and sports, according to which '...during the last one and a half years, the expertise of 25 draft and current laws were conducted'. The report of the Speaker of Parliament for 2008 and six months of 2009 revealed that 543 laws had been reviewed by Parliament. Thus, for that period only 4.6 percent of draft laws underwent gender expertise.

department. However, the involvement of lawyers in certain committees was rejected as the workload of the lawyers was

In this regard, not all draft laws undergo a systematic gender expertise by Parliament. A reference to the Law 'On state guarantees of equal rights and equal opportunities for men and women' is made during the reviewing process of the draft laws to ensure gender compositions of personnel. This law was referred to when reviewing the draft Laws 'On the government', 'On the national bank', 'On the audit chamber', 'On state service' and others. It was noted during the interviews with the committees, that in the process of second reading of the 'Law on culture' no gender issues were encountered, that is why the gender expertise were not conducted. In other words, the opportunity was missed to provide an expert's gender expertise. At present, such decisions are taken based on general consideration, and not with specialist review.

Although Parliament has staff experts that can conduct gender expertise,<sup>36</sup> a committee has the opportunity to hire external experts, for which the necessary budgetary funds are available. The paperwork department is responsible for keeping statistics related to the conducted expertise. In general, documentation in Parliament is properly maintained which significantly simplifies conducting analytical studies.

The majority of Parliamentary Committees' chairpersons and employees indicated that the Institute of the Special Representative on Gender Development under the Parliamentary President, which existed from 2005 to 2007, was a good experience. Such a position allowed to address in a timely manner gender related amendments to the draft laws to be approved by Parliament.

### **Conclusions:**

1. The creation of a committee on gender development in Parliament allowed it to significantly broaden its agenda through the gender expertise of draft laws and parliamentary hearings, and address gender equality issues with the involvement of the general public and expert community.
2. The representation of women in parliamentary management structures is more than 30 percent and was achieved through open competitions for vacant positions.
3. While enhancing the institutional mechanism, there were problems with the irregularity and selectivity of gender expertise for draft laws, as well as lack of practical skills of parliamentary employees in the area of application the standards of gender expertise.
4. The decision to conduct gender expertise is based on a common understanding of its content, not on expert opinion.
5. The legislation between the Rules of Parliament and the Resolution of Parliament, defining gender expertise as 'possible' (the Rules) and 'mandatory' (Resolution) is inconsistent.
6. A permanent gender expert group under the Speaker of Parliament, which is outlined in Section 1.1.1.2 of the NAP Matrix of Activities, has not yet been created.

## **Section 4.4. Judiciary Power in the Kyrgyz Republic<sup>37</sup>**

The judiciary system consists of the Constitutional Court, the Supreme Court and local courts. Specialized courts can be established by enacting constitutional law.

Constitutional Court and Supreme Court judges are elected by Parliament upon the recommendation of the President provided the candidates are not over the age limit. Out of these elected judges, the President appoints, with the consent of Parliament for five-year terms.

The Presidents appoints judges of local courts upon the recommendation of the National Council (NC) for Judicial Affairs. The first term is five years, and then they are appointed until the age limit. Out of the elected local court judges, the President appoints chairpersons and their deputies for five-year terms.

According to constitutional law, the National Council for Judicial Affairs is responsible for the selection of candidates for local court judges, as well as the recommendation of judges for appointment, transfer (rotation), dismissal and release from their positions. The National Council for Judicial Affairs consists of representatives from legislative, executive and judicial branches of power, and non-government organizations.

A self-administration was established in order to address the issues of courts' internal activities. There are two judicial self-administration bodies: the Congress of Judges and the Council of Judges. The

<sup>36</sup> UNDP offers training events on expertise standards for the parliamentary staff (already, nine training events have been conducted).

<sup>37</sup> The present section was developed based on interviews with representatives of the Constitutional Court and Supreme Court as well as following review of documents provided by the Supreme Court and other relevant documents.

Council of Judges was created and approved by the Fourth Congress of Judges on 25 April 2008 and consist of 25 judges (from Constitutional, Supreme and local courts). The Council of Judges is responsible for the protection of rights and legal interests of judges, exercises control over the formation and implementation of courts' budgets, for training and re-training judges and review of issues relating to holding judges accountable to disciplinary liability.

Constitutional Court guarantees the supremacy of the Constitution, ensures the separation of legislative, executive and judicial powers, the accountability of the state before its citizens and the accountability of citizens before the state. The operation of the Constitutional Court is based on the Constitution and the Laws 'On the Constitutional Court of the Kyrgyz Republic' and 'On constitutional judicial proceedings of the Kyrgyz Republic'. The Constitutional Court consists of nine judges: the Chairperson, deputy Chairperson and seven judges. Constitutional Court decisions are final and cannot be overruled.

The Constitutional Court does not have a special agenda or action plans concerning gender issues. There is also no gender focal point in the Constitutional Court. After the meeting with FR experts, a Constitutional Court employee was assigned to carry out gender analysis and statistics of the Court's activities by an oral order of a head of the Constitutional Court's office.

For a long time, the Constitutional Court has maintained a gender balance among its staff members which is close to parity. For example, at the date of functional review, four out of eight management positions were occupied by women.

The main function of the Supreme Court is to exercise supervision of the judiciaries by a review of acts based on complaints of parties to legal proceedings. The Plenum of the Supreme Court studies and summarizes the cases and gives binding guidelines for lower courts to clarify matters of judicial practice.

The Supreme Court has slightly more women (55.6 percent) than men. However, there are more men in management positions (58.4 percent).<sup>38</sup>

It should be noted that the Supreme Court pays attention to the gender needs of its staff. Under the Collective Agreement of the Supreme Court's trade union organization, the administration collects money for the lump-sum allowance payments (1000 soms, approximately \$23) to employees for marriages and childbirths. For women with children under age of six the working hours are reduced by one hour with no reduction in salary.

The Action Plan of the Supreme Court on implementing the NAP for Gender Equality, approved by the President on 10 September 2007, includes four activities: a functional review of the judicial system to determine the sustainability of the institutional mechanism; participation in monitoring the implementation of the Law 'On social and legal protection against domestic violence'; preparation of information on the types of violence against women based on judicial statistics and an analysis of the gender composition of judges.

In the 2007 Supreme Court's report on the implementation the NAP, the information was meant to serve as a 'functional review of the judicial system to identify the institutional mechanism sustainability', but rather was an overview of the gender composition of judges. This can be characterized as the first step of gender analysis and could be conducted annually. In addition, the analysis should examine not only judges, but the gender composition of the offices of all levels and divisions within the judicial system.

The report also contains information related to case reviews of a small number of judicial practices in 2007 on administrative cases concerning domestic violence.<sup>39</sup> The report does not, however, give courts guidelines on how to apply the Law 'On social and legal protection from domestic violence'. It was indicated, however, that in 2006 there were no domestic violence complaints. This was because case reviews are only carried out under Article 66-3 of the Code of Administrative Responsibility (domestic violence) and not in relation to crimes and offenses committed by one family member against another. It should also be noted that all this information is presented in 'Information on various types of gender-based violence according to judicial statistics'. It is clear that the person who prepared the report was not well informed about the definitions of 'domestic violence' and 'gender violence'.

In 2009, the Supreme Court supported an independent monitoring evaluation regarding the implementation of the Law 'On social and legal protection against domestic violence'. Experts representing civil society prepared the report. The monitoring study covered more than 20 cases related to domestic violence. One of the main findings of the study was that the courts rarely apply this Law. This is due to

38 This is according to the data as of the beginning of 2008.

39 Article 66.3 of the Code on Administrative Liability states: 'domestic violence is any deliberate acts (physical, psychological, sexual) of one family member towards another which infringe on the constitutional and other rights and freedoms of a family member, minor injuries to health, physical and psychological sufferings, injure physical and psychological development of the family member irrespective of age, sex, and these acts do not contain qualifying elements for which the criminal liability is applied, and is punishable by an administrative fine from five to ten estimate indicators.

40 Article 364 of the Administrative Liability Code: disorderly conduct, i.e, using four-letter words in public places, insulting solicitation in public and other actions, disrupting public order and piece of citizens, shall be punished by fine of 3 to 5 estimate indicators or administrative detention for up to 15 days.

an administrative matter. What the police classify as a domestic violence administrative case under the Article 66-3 of the Code of Administrative Responsibility is often re-classified by the courts as disorderly conduct.<sup>40</sup>

It should be noted, however, the application of protection court order that would ensure the safety of citizens against domestic violence for a period of one to six months is not widely practised, nor can such safety be ensured by the administrative arrest or fine, which the court often applies as punishment for the domestic violence cases. The issuance of a protection court order was made only once in 2006 in Talas Province under Article 364, Part 1 (disorderly conduct), which did not impose any punishment.

Article 14 of the Law 'On the Supreme Court of the Kyrgyz Republic and local courts' states that the Supreme Court is to study and summarize judicial practice and to maintain judicial statistics. But neither the Supreme Court nor the Judicial Department conducts analysis of judicial practices relating to the issuance of protection court orders under the Law 'On social and legal protection from domestic violence'.

It should be noted that the development of the court statistical reporting forms on domestic violence, forms of protection courts order and applications of the forms in 2004,<sup>41</sup> were carried out with expert support and repeated demands of the institutional gender mechanism, which then was the Secretariat for Family, Women and Gender Development under the Presidential Administration.

The development of judges' gender sensitivity is an important mechanism to ensure the effective protection of men's and women's rights. The CEDAW Committee recommended<sup>42</sup> improving gender skills and familiarizing judicial system staff with international and national laws on gender. The Supreme Court did not include this into its NAP work plan, which was specified in the NAP Matrix (section 5.5.1.1), focusing on raising the gender awareness for civil servants through training events, and developing and publishing informational materials and manuals.

Educating judiciary members on gender and violence against women has not yet become a mandatory standard in the process of improving their skills. Although, according to its direct functional duties, the Judicial Training Centre is supposed to deal with this task.<sup>43</sup> This analysis has revealed that such training events took place only if suggested from outside parties. For example, In 2004 and 2005, with expert support from the Secretariat for Family, Women and Gender Development under the Presidential Administration, the Judicial Training Centre included several times in its training programmes a two-hour lecture on the Law 'On social and legal protection from domestic violence'.<sup>44</sup> In 2006, the Women's Programme of the Soros-Kyrgyzstan Foundation in cooperation with the Judicial Training Centre conducted specialized seminars for judges and the employees of judiciary system.<sup>45</sup> Later, the Judicial Training Centre never arranged any more similar activities.

Previously, the Judicial Training Centre was a structural unit of the Judicial Department, which in turn was administered by the Ministry of Justice. At present, by the Presidential Decree, the Judicial Training Centre has been merged with the judiciary system and now is under the Supreme Court. The Judicial Training Centre programme is approved by the Council of Judges in coordination with the Chairperson of the Supreme Court.

In addition to the necessary development of gender sensitivity among judiciary system staff, data collection and analysis of court statistics on various types of violence against women and the introduction of gender indicators in judicial statistical reporting is an urgent issue.

A summary of cases related to gender-based violence is rarely conducted and is usually only done upon request of the interested parties. This usually occurs when reporting on the implementation of the CEDAW Convention or other international or national normative and legal acts. An in such cases the judicial system only comments on the data and does not provide analysis. At the same time, the informa-

41 Order of the Supreme Court's Chairperson No. 86 (25 November 2004).

42 See the CEDAW Committee Recommendations to the Second (2004) and Third (2008) National Reports of the Kyrgyz Republic on the implementation of the Convention.

43 According to the Provisions, the main function of the Judicial Training Center is to facilitate improvement of the quality of administration of justice by means of professional training and qualification upgrade of the judges of the Kyrgyz Republic, civil servants in the court apparatus of the KR, Judicial Department, law officers service divisions as well as training of candidates for positions of judges in the local courts of the KR.

44 02.12.04., Bishkek city, the Judicial Training Center (JTC), participants are Judicial Department staff members; 14-18.02.05 Bishkek city, the Judicial Training Center (JTC) in partnership with ARD-Checchi, participants are Judicial Department staff members and law officers; June 27 —July 01 2005, Osh city, JTC in partnership with ARD-Checchi, participants – judges of Osh, Batken, Jalal-Abad oblasts; 27.11.06. – Bishkek city, JTC, participants – Court apparatus staff.

45 50 judges of local courts of the KR participated in two training seminars (June 5-6, 2005, resort «Ak-Bermet» Issyk-Kul oblast and August 3-4, 2005, sanatorium by Mamakeev, Osh city); Participants of the third training seminar (held on June 27-28, YEAR? Resort «Ak-Bermet», Issyk-kul oblast) were staff members of the Supreme Court apparatus and Judicial Department.

46 Article 124 of the Criminal Code 'trade of people'; Article 153 'bigamy and polygamy'; Article 154 'factual marriage with a person under the legal age'; and Article 155 'coerced marriage'



tion provided by the courts mainly relates to Articles 124, 153, 154 and 155 of the Criminal Code<sup>46</sup> and Article 66-3 of the Code of Administrative Responsibility, and does not cover the entire extent of crimes and offenses where victims are women. The existence of gender indicators on victims and perpetrators of all crimes and offences reviewed by the courts and making the indicators available for a wide range of interested parties would create the opportunity for a better and more in-depth analysis of gender discrimination and violence, the development and adoption of adequate programmes of intervention and evaluation of the legislations' effectiveness.

The Judicial Department's functions, in addition to ensuring the operation of local courts, include generalization of the practice of local courts and collection of statistical data. Within the structure of the Supreme Court there is a special department, which functions include the generalization and analysis of the judicial practice and justice statistics. According to the this department, however, the collection of gender disaggregated data on victims and perpetrators reviewed by the courts of all criminal and administrative cases pursuant to the Presidential Decree No. 369 (20 August 2007)<sup>47</sup> is not currently possible, and the department does not have experience in conducting gender analysis based on such cases.

Three people are in charge of gender issues in the Supreme Court: a Supreme Court Judge, Head of Department for the judicial collegiums on criminal cases and administrative violation cases, and Head of Department for the judicial panel on administrative and economic cases. A study of the Supreme Court's responses to various queries demonstrates that the preparation of these documents was carried out each time by different people. For example, a response to a letter by the Presidential Administration was prepared by Supreme Court employees, who are responsible for the implementation of NAP. Others prepared answers to letters by the Vice Prime Minister and the Chairperson of the Parliamentary Committee on youth, gender policy, physical culture and sports.

The uncertainty of the gender focal point's functional responsibilities and the lack of legal regulation and preparation of documents by different people has led the same answers being sent to various bodies regarding gender policy on several occasions. For example, in February 2008 the Supreme Court sent the same documents in response to a letter from the Social Development Division in the Government Office regarding NAP implementation and three months later it sent another letter regarding CEDAW implementation. On another occasion, the Supreme Court indicated an activity<sup>48</sup> to be included in the 2007-2009 NAP, which was carried out in 2004 during the 2002-2006 NAP. Thus, it is doubtful that the people who prepared these responses understand the difference between the National Action Plan and CEDAW Convention, and examine contents of the documents sent by the Supreme Court.

Nevertheless it should be noted that the study of reports on NAP implementation revealed that it is not only the Supreme Court, but also many other public authorities lack activities for the current reporting period, outdated information is sent out or the content of reports do not meet the requests.

### **Gender Balance among Judges**

The judiciary is significantly different in its gender composition than all other structures of Government, and is thus interesting to review the gender analysis of its employment structure.<sup>49</sup>

For example, the Constitutional and Supreme Courts have the highest percentage of women in the judicial system. Women make up 30 percent of the Constitutional Court and 49 percent of the Supreme Court. In Bishkek City Court, 17 out of 28 judges are women, and of 8 out of 17 judges of Chui Provincial Court are women.

Such a gender balance in the judicial system is not a new phenomenon. A woman headed the Constitutional Court for many years, and a woman at the head of the Supreme Court from time to time. For many years, women occupied half of the judges positions in the Supreme Court.

At the level of local courts, however, the gender composition is different. In the provincial, city and district courts, the number of women is considerably lower than men. Thus, out of the 15 judges in the Osh Province Court only two women. In Jalalabat Provincial Court only one out of 13 judges is a woman, in the Issyk-Kul Provincial Court only three out of 12 judges are women, only one woman out of 10 judges in both the Batken and Naryn Provincial Courts, and in the Talas Provincial Court four out of 10 judges are women. There are no women in the military court. The judges in the city and district courts consist of 199 men and 67 women. In the whole country, the ratio of women in local courts is 29 percent, among deputy chairpersons the ratio is 21.4 percent and among chairpersons of local courts women make up only 8 percent.

Thus, if the public administration system in Kyrgyzstan resembles a pyramid with fewer women

47 Section 6.2.1.2 of the NAP Matrix, approved by the Presidential Decree No. 369 (20 August 2007).

48 The Order of the Chairperson No. 86 (25 November 2004) approved the forms of protection court order and statistical reporting.

49 According to the information provided by the Supreme Court (as of second quarter 2008).

at each higher level of management, in the judicial system, however, this would be an inverse pyramid, with more women in top management positions, but fewer in lower courts. One of the reasons is that the gender quotas only apply in the appointment of judges to the Supreme and Constitutional Courts. Without such special measures, it is fair to assume that women's representation in Supreme and Constitutional Courts would be similar to that of local courts. Without taking necessary measures, we can predict that in eight to ten years there will be problems to appoint women judges to the Supreme and Constitutional Courts, as the number of women in the judiciary will be reduced, and the remaining female judges may not have sufficient qualifications required for positions in the higher courts.

### **Conclusions:**

1. In general, gender representation both in the judiciary and among the leadership of the staff of the Constitutional and Supreme Courts is close to parity, however, at the local courts level, where there are no gender quotas in judicial appointments, the number of female judges is significantly lower.
2. Lack of necessary measures to promote women in local courts could result in problems to appoint women judges in the Supreme and Constitutional Courts in eight to ten years.
3. The Supreme Court conducted a gender analysis of its judges and staff. However, local courts and the structural units of the judiciary system do not carry out such analyses.
4. In the judiciary system, only the Civil Service Agency was requested to provide information on gender composition of its staff.
5. Only the Supreme Court has an Action Plan to implement the NAP, which is quite succinct and consists of only four actions.
6. It is worthwhile to note that under the Collective Agreement of the Supreme Court's trade union organization, the administration collects money for lump-sum allowance payments (1000 soms, approximately \$23) to be paid to employees in case of marriages and childbirths, and for women with children under age of six and the working hours were reduced for one hour with no reduction in salary.
7. A Supreme Court judge and three heads of departments in the Supreme Court were put in charge of the implementation of the 2007 Supreme Court's action plan. However, after changes in the Supreme Court, the persons in charge were not reappointed.
8. Insufficient attention is given to strengthening gender sensitivity among judges and judiciary employees. There is no special measure to establish gender components in training events. Such activities can be performed only upon initiatives from external parties.
9. There is no practice of collecting or conducting gender analyses of judicial statistics.
10. Collecting judicial collection does not include gender indicators for the perpetrators and victims of various types of crimes and offences.
11. The judicial system has not performed an analysis or synthesis of cases relating to the Law 'On social and legal protection from domestic violence', especially in regard to the protection court order.
12. An administrative case that was classified by the law enforcement bodies as 'domestic violence' under Article 66-3 of the Code of Administrative Responsibility, is often re-classified the by courts as 'disorderly conduct' during legal proceedings. There is no practice of issuing a protection court order that would ensure the safety of victims of domestic violence for a period from one to six months, and cannot be ensured by the administrative arrest or fine, which the court often applies as punishment in domestic violence cases.

## **Section 4.5. Other Institutions at the Central Level**

### **§ 4.5.1. General Prosecutor's Office**

The prosecution authorities supervise the strict and uniform enforcement of the normative and legal acts, including in the field of gender equality. The General Prosecutor's Office and its territorial bodies check the government bodies in regard to their implementation of normative and legal acts. In case of violations of the legal requirements, the prosecution authorities issue a prosecutorial response.

For example, in accordance with an Order of the Head of the Presidential Administration No. 07-140 (17 January 2008), the prosecution authorities checked compliance with the Law 'On the bases of the state guarantees for gender equality' and Presidential Decree No. 136 (20 March 2006) 'On measures to improve gender policies'. The prosecution inspection found that out of twenty agencies, only the Ministry of Labour and Social Development and the State Committee on Migration and Employment complied with required 30 percent representation of women in the agencies and in their management structures of the territorial units.

In Prosecutor's order on the elimination the violations of law, for example, to the Chairperson of

the State Committee of Kyrgyz Republic for Taxation, it was indicated that all 5 heads and 12 deputy head of the State Committee for Taxation regional offices and 55 heads of district and city offices were occupied by men. The General Prosecutor stressed that, in accordance with Regulation of the State Committee for Taxation, the Chairperson of the Committee must appoint and dismiss the heads of province tax bodies.

Except for matters relating to maintaining gender balance, the inspection covered the implementation of the Law 'On social and legal protection from domestic violence'. As a result, law enforcement bodies of some regions provided unsystematic information on the implementation of the Law. For example, in 2007 Jayil district law-enforcement bodies registered 60 cases of domestic violence, of which only 3 resulted in criminal proceedings and in 57 cases the prosecution was denied, while female victims did not receive protection court orders.

Thus, although the Functional Review did not identify further reactions of the agencies to the prosecutor's order and the findings of the General Prosecutor's Office decisions regarding the identified violations, however, the above examples of prosecutorial inspection show that the prosecution authorities are an important structure in the government to supervise the implementation of existing laws aimed at achieving gender equality and protection of women's rights.

If the General Prosecutor's Office adds to its annual work plan systematic inspections of implementation of the normative and legal acts in the area of gender policy (as well as certain articles of some NLA), it will be able to gather information and take appropriate decisions. Cooperation between gender experts and prosecution authorities to identify necessary inspections and joint analyses of the data would significantly improve data collection.

It should be noted that the General Prosecutor's Office demands compliance with the Law 'On the basis of state guarantees for gender equality' and Presidential Decree No. 136 (20 March 2006) 'On measures to improve gender policy' to ensure 30 percent representation of women in the decision-making levels of public administration bodies. This, however, hides that the prosecution system violates the legal requirements both within the General Prosecutor's Office and at regional departments. For example, political and special positions in the prosecution system are fully occupied by men. Women occupy only 15 percent of the senior positions, 4.3 percent of high level positions, 8.5 percent of senior level positions, but 42 percent junior level positions.<sup>50</sup>

Employees of the General Prosecutor's Office explain such low representation by women not by notions of prestige and related barriers, but by the specifics of working in the system, which, in their view, do not allow women to work in the prosecution. At the same time, they found it difficult to answer question on the possibility of open and transparent recruitment procedures in the prosecution system, rotation and promotion on the career ladder.

The General Prosecutor's Office Action Plan to implement the NAP consists of four activities, two of which are aimed at improving the system for collecting statistical data on various types of gender-based violence, including domestic violence. The third activity is related to the increased gender awareness of prosecutors. The fourth activity is called the 'Periodical media coverage of works on supervising the observance of gender legislation'.

Particular persons, without indication of their job titles, were nominated as responsible for implementation of these activities until 2010. If these people move to another job, will all the people responsible for overseeing these activities go with or will the activities be transferred to other employees, who will succeed them?

In training events for prosecutors there are no specifically approved rules requiring prosecutors to increase their gender awareness. Such activities take place only if initiated by external parties.<sup>51</sup> For example, from 2002 to 2003 the 'Diamond' Association, with support from Soros-Kyrgyzstan, implemented the project 'Cooperation of the prosecution authorities and NGOs in the prevention of violence against women'. Diamond and Soros conducted a series of seminars for prosecutors, it published a handbook 'The preventive role of prosecutors in fighting domestic violence', and they trained instructors from the Centre for Advanced Training events for Prosecutors. Despite its success, the project did not have an institutional basis and did not become a part of the training system for prosecutors.

In 2008, according to the information provided by the General Prosecutor's Office, with the support

50 According to data of the Civil Service Agency, 2008.

51 Since 2009, after this analysis was conducted, the Centre of Advanced Training Events for Prosecutors included a three-hour lecture on gender awareness in its training programmes for prosecutors. The Centre also intends to include gender awareness related questions into its evaluation programme

of the OSCE, a seminar on 'Improvement of public prosecutions for the enforcement of laws on juveniles and gender equality' was conducted for assistant district prosecutors, who are responsible for the supervision the implementation of legislation on minors. The discussion focused on international standards for the protection of children and women, as well as laws on refugees, religion, etc.

Despite measures to improve the collection of statistics on gender-based violence, the General Prosecutor's Office does not provide specific information and refers to the MIA Information and Analysis Centre. Under the NAP Matrix of Activities approved in accordance with the Presidential Decree and the General Prosecutor's Office Action Plan on implementing the NAP, the General Prosecutor's Office was to introduce by the second half of 2007 practical applications for law enforcement agencies to conduct statistical reporting on victims of violence in the private and public sector. At the time of this study, however, it remains to be completed.

It should be noted that at a meeting with FR experts, many representatives of state institutions, including the General Prosecutor's Office, asked who needs gender statistics and for what purposes. In the system of public administration the consumer of gender statistics is not identified and the purpose of gender indicators is not well understood. Gender statistics on criminals, offenders and victims – in the family setting, as well as information about the kinship between the perpetrator and the victim of domestic violence – can create an information base for analysis and for prosecutors, the Ombudsman's Office and other law enforcement agencies to take appropriate actions.

In accordance with Article 9 of the Law 'On social and legal protection from domestic violence', the prosecution authorities are required to verify the completeness and timeliness of record and registration of received messages of domestic violence, as well as to coordinate the activities of law enforcement agencies to prevent domestic violence. According to representatives of the crisis centres, the biggest problem is the reception and registration by the law enforcement bodies concerning citizens' accounts of domestic violence. In this regard, the prosecution authorities, by using its direct powers, can make a significant contribution to the practical implementation of the Law 'On social and legal protection from domestic violence'.

#### **Conclusions:**

1. The prosecution authorities are an important structure in the public administration to supervise the implementation of existing laws aimed at achieving gender equality and protecting women's rights.
2. By using its direct function, the prosecution authorities can make a significant contribution to the implementation of existing international and national legislation on gender equality and the elimination of gender discrimination and violence.
3. Raising gender awareness is not yet a part of prosecutors' training, although it is has been included in the departmental plan and proved to be successful.
4. There is no legal document identifying focal points for gender issues.
5. The appointment of a focal point to implement these activities in the General Prosecutor's Office requires an official position to be created.
6. The prosecution authorities collect statistical data based on gender disaggregated indicators, but employees at the central and regional levels do not understand the importance or necessity.
7. Under Article 9 of the Law 'On social and legal protection from domestic violence' (adopted in 2003), the prosecution authorities are required to verify the completeness and timeliness of registration of received reports on the facts of domestic violence. In practice, prosecutors do not conduct such special inspections and do not have special guidelines from the General Prosecutor's Office.
8. The General Prosecutor's Office demands compliance with normative and legal acts aimed to ensure a 30 percent representation of women in the decision-making levels of public administration bodies. However, the General Prosecutor's Office does ignores that the prosecution system violates the legal requirements both at the level of the General Prosecutor's Office and regional departments.

#### **§ 4.5.2. Ombudsman of the Kyrgyz Republic (Akyikatchi)**

The Ombudsman's Office consists of the central office and six provincial departments (Chui Province does not have its own department). The central office includes nine departments, three sectors and a press office with total of 67 people, of whom 40 are men and 27 are women. No woman occupies a position in the management structure. Out of the six provincial departments, two women are regional representatives of the Ombudsman.

Four departments and one sector examine citizens' letters, complaints and appeals. From 2003 to the first half of 2008, 18,070 complaints were examined, of which 327 related to violations of the women's rights in the family. The Ombudsman began registering gender-based complains starting from 2006. From 2006 to September 2008, 2,284 women have received legal aid.

Before the Ombudsman's annual report was made in 2008 in Parliament, all complaints were divided into the following groups: administrative law, civil law, international law, criminal law and political rights. 'Civil law' included land laws and housing laws, while other laws included 'women's rights'. The interviews revealed that the 'women's rights' is defined by the Ombudsman's Office employees as the rights of women in a family setting. Of the 18,288 made by women, 156 related to violations of rights.

Until mid 2008, there was no gender focal point in the Ombudsman's Office and the gender agenda was not so important. The Department on protection of women's rights and family was established in 2003 and later transformed into the Department for juvenile justice and protection of women and families. The Department's head agreed to coordinate the implementation of gender-related activities within the Ombudsman's Office. The head and staff of the Department, however, did not participate in gender training events. It is planned to divide the department into sectors for protection the rights of children, families and women, and for gender analysis in order to improve their work in these areas.

#### **Conclusions:**

1. The Ombudsman's Office should be an important part of the national mechanism for the protection of gender rights and freedoms. In particular, it should lead the reorganization of the Commission on Human Rights and similar departments in the Government Office. It can also be strong force for the protection against increased gender stereotypes and the infringement of women's rights. However, after 7 years, this institution has not achieved its human rights mission objectives.
2. It is necessary to improve the capacity of the Ombudsman's Office management and employees through workshops on gender issues.
3. The Regulations of the Ombudsman's Office do not outline steps to tackle gender issues when dealing with citizen's complaints, nor does it identify how gender policy should be implemented in the Ombudsman's Office.
4. The Ombudsman's Office does not have an action plan for the implementation of the NAP.

#### **§ 4.5.3. The National Statistical Committee**

The National Statistical Committee (NSC) plays an important role in the NAP, as it collects and analyses gender disaggregated indicators, which help to determine progressive changes in society and contribute to the adjustment of public policy. In solving the NAP objective 1.2 'Improving gender disaggregated indicators, indices and reporting', the National Statistical Committee is brought to the forefront.

According to the organizational structure approved by Presidential Decree No. 335 (11 July 2007), the National Statistical Committee consists of a central office, seven provincial two city (Bishkek, Osh) offices and district departments. The provincial and city offices report directly to the NSC, and the district departments report to the provincial offices.

The structure of the NSC central office comprises 18 departments. There are 152 employees, of which there are 40 men and 112 women. There are no women among the five chief executives of the NSC, however, women comprise a majority among of the department heads and ordinary staff members.

The deputy head of the department for social and environmental statistics is a gender focal point (GFP). The job description, approved by the head of the department on 14 January 2008, state that they are: 'to maintain a database on gender statistics'. There is also a group responsible for gender policy in the NSC which comprises of department heads.

Under the Order of the NSC President No. 67 (9 August 2007), a working group was established comprised of 10 central office staff members with the task to prepare a report on the implementation of the NAP (2002-2006) and develop of a new programme paper on gender policy for 2007-2010. The Order of the NSC President No. 116 (30 November 2006) approved the NSC Action Plan for implementing the NAP (2007-2010) and the Matrix of Activities. At the national level, the heads of the 17 departments of the central office, main computation centre, directors of the Training Centre and the Institute for Statistical Studies are responsible for the implementation of the NAP. At the regional level, the heads of the provinces, directors of Bishkek and Osh city state departments of statistics are responsible for NAP implementation. Unlike the plans of many agencies, the NSC plan is fairly complete and includes specific actions on gender mainstreaming not only in departmental activities, but also in the tasks of the Committee. The activities of the plan are well discussed and realistic.

According to the Order of the NSC President No. 16 (November 36, 2007):

- The department of social and environmental statistics shall oversee, together with sector departments, monitoring of the Action Plan implementation, coordinate a basis for gender-disaggregated statistics and take responsibility for the timely submission of reports;
- The Administrative Support Division shall conduct a gender analysis of the NSC workforce to identify the gender balance;

- The Heads of accounting and financial security departments shall identify the funding sources for the Action Plan and shall provide estimates of budgetary funds to the Ministry of Finance;
- The Heads of provincial and city offices, heads of departments at the central office and heads of subordinate bodies shall report on the implementation of the Action Plan at least once every six months.

The activities under the departmental plan for gender equality are included in the annual and quarterly plans for social and environmental statistics. To implement each activity, working groups will be created, the composition of which may be different.

A common form of reporting to higher public administration bodies on NAP implementation does not exist. Reports from provincial offices are submitted once every six months. The department for social and environmental statistics prepares reports on the state statistics system. Then the reports are submitted to the department of planning, organization and coordination of statistical works, which tracks the performance reports. The reports of heads of departments, the board discuss the activities and reports, including the Action Plan of the NAP implementation.

NSC staff receive training and participate in international meetings and training events on gender statistics. In accordance with the Order of the NSC President No. 42 (8 June 2007) 'On the formation of working groups for the organization of a three-year programme for capacity building to enhance the gender sensitivity of the statistical system', a working group was established which consisted of three people from NSC, an expert from the Department for social and economic policies under the Presidential Administration, and an NGO member. This programme includes training seminars. For example, on 17 June 2008, provincial specialists, district (city) bodies of state statistics in Batken, Chui, Osh and Talas Provinces and Osh city, and on 20 June 2008 in Issyk-Kul, Jalalabat and Naryn Provinces and Bishkek participated in a seminar 'Collection and preparation of MDG indicators with a gender perspective'.

#### **Conclusion:**

1. Administrative (departmental) reports on gender issues for the National Statistical Committee are not submitted in full. This is because the development of gender monitoring, and the development of gender statistics in particular, has not been identified as a priority in the development plans of ministries and agencies.
2. Certain gender-sensitive indicators, adopted by the international community, do not exist, due to a lack of need from the developers and actors of the gender policy.
3. Statistical indicators have a low level of objectivity, especially at the local level, due to a lack of resources to conduct sample surveys.
4. Limited financial resources do not allow for sample surveys on different gender aspects. Surveys are conducted by request of interested organizations, including international organizations, with their technical and financial support.
5. Gender statistics are presented in the annual and monthly publications (in print and electronic versions). Additional copies depend on financial resources.

#### **§ 4.5.4. Civil Service Agency of the Kyrgyz Republic**

The Civil Service Agency of the Kyrgyz Republic (hereinafter – the CSA) is a central public administration body, not member of the Government. The CSA is responsible for coordinating activities of the public administration bodies in the area of civil service.

The CSA is accountable to the President and the Council of the Civil Service (hereinafter – the Council). The Council consists of representatives of the Presidential Administration, Parliament, Government and the Supreme Court.

In the course of conducting this study, almost all public institutions could provide gender-disaggregated data on their employees of all levels. This became possible due to the CSA's work to establish a database of civil servants and displays certain characteristics such as nationality, education, age, gender, experience and wages. Since 2007, the CSA has maintained database (statistical form No. 1-GOS). The availability of such annual statistical information makes it possible to monitor and analyse the gender situation, and to take appropriate actions.

The CSA was among the interest of gender researchers many times. For instance, under a joint project of the UNDP Democratic Governance Programme and the Secretariat of the National Assembly for Women, Family and Gender Development under the President, a report was prepared in 2006-2007 on results of the study 'Gender analysis of the CSA' and 'Guide to Gender Mainstreaming in operation of

52 The surveys were conducted by A. Moldosheva and M. Glushkova. They were consulted by O. Filippova, expert of the Department for economy and social policy of the Presidential Administration and Z. Aitieva, Head of Department at the CSA

the CSA'.<sup>52</sup> Another study on 'Gender analysis of the civil service in the Kyrgyz Republic' was conducted in 2008 and gives detailed information on the role of the CSA in the process of integrating a gender mainstreaming in the civil service.

These studies provide a detailed description of the CSA, thus there is no need to repeat it in this report. The results of both studies were presented to the CSA staff. Furthermore, 18 CSA staff members participated in the training for trainers 'Training for civil servants on gender aspects of civil service', organized in October 2007 as part of the above joint project. Then, in December 2008, a seminar was organized for state secretaries and heads of 57 government bodies.

However, the situation did not change and the main conclusions and recommendations of the above studies are still relevant.

The CSA, like other government agencies, has a NAP implementation plan, adopted by Order of the CSA Director No. 65 (19 September 2007). In addition, according to Order No. 81 (3 November 2008), the responsibility for gender issues was reapproved<sup>53</sup> and a working group was established to introduce gender mainstreaming in civil service. The working group consists of structural division heads of the CSA central office.

During the meetings between FR experts with members of the above working group, it was noted that the CSA's work on gender issues is usually conducted only by the previous gender focal points.<sup>54</sup> CSA employees, as well as members of the new working group, did not participate in development of the CSA's plan for NAP. Consequently, almost none of the working group members were able to provide complete answers to questions posed by FR experts about measures taken by the CSA in the area of gender issues and about existing problems.<sup>55</sup>

It has often been the case that only one person (gender focal point – GFP) within the system of public administrations prepared the development plan and preparation of reports on NAP implementation. At the same time, usually only the GFP is involved during the process of improving gender expertise. If GFP retires, work on gender issues automatically stops in the CSA as other staff members simply do not have any information. The problem of institutional memory requires serious attention and solutions need to be found at the system level.

As a rule, in all public administration bodies, the GFP is responsible not only for gender issues, but also for some other important issues. In fact, the GFP allocates little time to address gender issues and their work focuses mainly on collecting information for reporting. As CSA staff members have no real understanding of gender issues, and disrespect is shown towards gender issues, GFPs are often one in dealing with these issues. Only in case of understanding and support from the leadership can GFPs expect assistance and understanding from the staff members.

The CSA's capacity to improving the efficiency of gender policy implementation within civil service is outlined in its Regulations.<sup>56</sup> Thus, the Agency is authorized to develop and enact legal acts and uniform rules binding for government agencies in the process of competitive candidate selection for vacant administrative public positions and inter-departmental rotation of civil servants. Based on this, the CSA should develop regulations and uniform rules in accordance with the requirements of the national gender policy. Normative and legal acts should include the requirement to take into account the gender ratio in a state institution and the development of special measures to ensure a staff gender balance at all levels.

Consequently, the Agency, while developing gender-sensitive requirements and rules binding for government agencies, can significantly affect the mitigation of vertical and horizontal gender segregation. Gender segregation not only affects the ratio of average wages between men and women, but has other negative effects, especially on socio-economic development. It should be noted that the Agency's senior management is all men.

The Institute of State Secretaries play an important role in the civil service system. The state secretaries are responsible for human resources and the quality and capacity of employees of the public administration bodies. Its functions include to develop proposals governing the activities of state secretaries, the selection of candidates for the post of state secretaries and recommendations for the appointment of candidates also assigned to the CSA. Conclusions can be drawn that the prevalence of men among the state secretaries<sup>57</sup> is partly a result of personnel in all public administration bodies, including the CSA, not being sufficiently trained in gender sensitivity.

The CSA being is the principal body for the development of regulations and uniform rules for effec-

53 Responsibility for gender issues is assigned to head of civil service support department - Testing Centre. Previously, the head of the civil servants' income and property department was responsible for gender issues.

54 This is according to information provided by the members of working group, which is responsible for gender issues in CSA.

55 During interviews with a FR expert, the head of civil servants' income and property department was absent.

56 Regulation on civil service affairs was approved by the Resolution of the Council on civil service No. 1 (28 October 2004).

57 Until 2008, there were no any women as state secretaries.

tive civil service, and the quality and capacity of civil servants. Thus, it should not ignore the requirements of the state gender policy in its daily operations. Interviews with CSA employees, however, revealed low gender sensitivity, including among senior management. There is a need not only to systematically increase the level of gender awareness of staff members in the CSA, but also to take measures to avoid discriminatory public statements by civil servants with regard to people's sex.

The General Prosecutor's Office and the CSA do not pay adequate attention to the sexist remarks against women made by civil servants as well as the use of discriminatory questions during the job interviews<sup>58</sup> which contradict the Laws 'On civil service' and 'The state guarantees of equal rights and equal opportunities for men and women'. It should be noted CSA's functions include development of proposals concerning the ethics of a civil servant and monitoring compliance with civil servants' ethics.

### **Conclusions:**

1. The CSA plays an important role in formulating the concept of civil service based on the principles of gender equality and in monitoring of the state gender policy. The lack of gender awareness among the CSA's staff of all levels, however, has led to the formal implementation of the CSA's plan for the NAP and the lack of a general strategy, mechanisms or control of gender mainstreaming in the civil service.
2. Normative and legal acts developed by the Agency are gender-blind and require harmonization with international documents and national legal and normative frameworks.<sup>59</sup>
3. Access by CSA staff to training on gender issues is limited. Typically, such activities are not systemic and take place only when promoted by external partners.<sup>60</sup>
4. There is an urgent need to identify the requirements for gender balance among participants of training events and the level of necessary gender awareness among the civil servants. This is essential when the Agency organizes training programmes, retraining, advanced training and fellowships for the government officials and training events abroad.
5. Ensuring gender equality in hiring and promoting procedures is the most vulnerable aspect of the civil service and, therefore, requires development of more specific monitoring measures and the development and application of special measures to ensure equal opportunities for both sexes.
6. The Agency must take into account that gender-balanced representation in government agencies as it increases efficiency as creates opportunities for better integration of different interests and needs. In addition, the findings of international and national studies revealed that gender-balanced representation in government agencies leads to the reduction of corruption.
7. When the Agency develops proposals for improving the system of wages, social and legal security of civil servants, it must also take into account family responsibilities of civil servants.

### **§ 4.5.5. National Agency for Local Self-Government**

The National Agency for Local Self-Government (NALSG) was established in November 2005. Presidential Decree No. 469 (20 August 2007) initiated work on gender issues for the NALSG.

The central office of NALSG is in control of gender policy, as well as in execution of decrees and orders in the offices of local self-government bodies.

The Order of the NALSG Director No. P-58 (4 October 2007) approved the Matrix of Activities for NAP implementation. There is a GFP in the NALSG central office who is a senior specialist monitoring the performance of local self-governments' functions and powers.<sup>61</sup>

The Order of the NALSG's director is a legal act regulating operation of GFP. However, the functions of GFP are not specified in the job description, such as being responsible for gender issues acts.

NALSG has recommended to all LSGs to take actions regarding NAP implementation and the NALSG's Matrix of Activities for 2007–2010. Chairpersons and executive secretaries of city and district councils are recommended to develop and approve the action plans.

The NALSG Regulations concerning human resources and financial accounting have been increased with the following functions relating to gender policy:

58 There are numerous examples of sexist questions job interviews. Women are often asked about their marital status, number of children and willingness to sacrifice family duties to fulfil civil service. However, this is not the case when men apply for jobs. One well-known example is when parliament members asked a female candidate for the position Chairperson of the Central Election Committee about her marital status and whether her family had consented to her going on business trips and working overtime.

59 See the findings of the survey 'Gender analysis of the CSA's activities' conducted in 2006-2007 in a joint project between the UNDP Democratic Governance Programme and the Secretariat of the National Council for women, family and gender development under the President .

60 A series of such training events for CSA staff were conducted upon initiative and support of UNDP in 2007.

61 It is important to note that since January 2009, after the collection of initial data for the functional review, the NALSG included gender policy implementation issues into its organizational and methodological support and human resources department. A chief specialist of the department was also appointed and is responsible for gender issues.



- Development of action plans to implement the NAP;
- Cooperation with the UNDP projects 'Promotion of women to civil service and politics' and 'Promotion of women to decision-making level';
- Coordination of LSGs' implementation of the action plans for gender equality;
- Promotion of equal representation of men and women in elective and appointive positions of municipal service; and
- Introduction of gender mainstreaming in LSG operation.

However, the LSGs did not provide reports on the NALSG's recommendations. The LSGs have presented a report on the GFP's functions. The 'Introduction of gender mainstreaming in LSGs' is objective, but not functional. The LSGs' operations should be more systematic, sustainable and balanced when it comes working with the GFP, who monitors the functions and powers of local government bodies with employees of department for human resources, financial accounting for development and implementation of gender policy in LSG bodies.

#### **Conclusions:**

1. The NALSG Regulations do not outline functions relating to the introduction of gender mainstreaming in LSGs.
2. No model regulations on the GFP's functions in LSGs has been approved.
3. The GFP's functions in NALSG are not fully included in the job description.
4. Monitoring and the development of special measures are required to ensure the promotion of equal rights and opportunities in recruitment, and promotion in the municipal services.

#### **§ 4.5.6. National Councils**

The National Councils are an important part institutional public policy mechanism. As a collegiate of bodies created under the President, they consist of representatives from LSGs, NGOs and civil society, and have the opportunity to promote the creation of democratic public policy institutions. The National Councils participate in the process of priority identification, development, coordination and management of public policy implementation. It also supports the continuity and succession of positive changes, and progressive and sustainable development of the country.

Research and interviews with representatives of the collegiate bodies, who focus on the development and implementation of gender policies, were conducted to understand how the National Councils promotes gender principles of development.

Kyrgyzstan's ratification of international agreements and conventions aimed at promoting gender equality and the assumption of obligations in this area have led to adding the Section 'Gender equality achievement in politics' to the Chapter 'Enhancing the attractiveness of the development environment' in the Country Development Strategy (2009-2011).

In order to coordinate the constructive partnership with all branches of the government and civil society, the National Council for Strategic Development was established by Presidential Decree No. 157 (5 April 2007). The Regulations of the National Council for Strategic Development, approved by Presidential Decree No. 157, do not, however, include gender objectives.

The National Council under the President to combat human smuggling and trafficking was created by Presidential Decree No. 94 (21 April 2002) to coordinate measures in this area. The Council is chaired by the Vice Prime Minister. The Executive Secretary of the Council is also head of the Department on combating human smuggling and trafficking of the State Committee on migration and employment. The structure of the Council consists of deputy heads of courts, deputy ministers and others based on the occupied public positions. Among its 25 members, there is one representative from the International Organization for Migration and two representatives of non-government organizations: Centre for Women and the Crisis Centre for Women and Families 'Sezim'. The inclusion of representatives of women's NGOs in the National Council recognizes that victims of human smuggling and trafficking are mainly women. However, the NGO representatives not well presented in the Council.

In accordance with the Constitution, the National Council of Justice was established by Law No. 155 'On the National Council of Justice' (20 August 2007). The Council is an independent collegial body whose main task is the selection of judges for local courts, the Supreme Court and to make recommendations regarding the appointment, rotation, suspension and dismissal of judges. The Council operates on the principles of independence, openness, collegiality, legality and good faith.

To promote collegiality, the Council should include four representatives of the judiciary, four representatives of the legislature, four representatives of the executive branch and four representatives from non-government organizations. The composition of the National Council, approved by Presidential Decree No. 356 (6 October 2008), consists of 16 members of which only five are women, which is more than 30

percent. Moreover, among the four representatives of public organizations, only two actually represent such organizations: a legal team leader of the executive committee of political party 'Ak Jol' and a lawyer of the public organization 'Act to support the family'.

Under the National Development and Poverty Reduction Programme of the National Council and food fortification section was created by Presidential Decree Nos. 85 and 245 (9 March 2004 and 25 June 2005, respectively) to improve the health of the population and support the most vulnerable groups by reducing diseases associated with micronutrient deficiency. Section II of the National Council Regulations calls for the need to increase the population's access to micronutrients through food enrichment (fortification), as micronutrient deficiency leads to severe consequences for human health, especially for women and children, and to increased child and maternal mortality. However, only one Council member represents women's organizations, the chairperson of the Congress of Women in Kyrgyzstan.

The threats posed by corruption and the need to find new ways to prevent corruption led to the creation of the National Council of the Kyrgyz Republic on combating corruption (Presidential Decree No. 476, 21 October 2005). This NC is a collegiate body that provides Government and public control in the fight against corruption. The Council consists of five state representatives and six civil society representatives who serve for a period of two years. During interviews with members of the National Council, it was revealed that at new staff members are being appointed as well as a new version of the Regulations of the National Council to Combat Corruption is being developed.

#### **Conclusions:**

1. The National Councils do not have a strategy to achieve gender equality.
2. Civil society and women NGOs are not well presented in the National Councils.
3. There are no transparent mechanisms and criteria for candidate nominations to the National Councils from civil society.
4. Most members of the National Councils do not give due attention to gender issues.

#### **§ 4.5.7. The National Agency for the Prevention of Corruption**

The National Agency for the Prevention of Corruption consists of three management units, two departments and three sectors with 58 staff members and 16 people of technical support staff. The staff members include 16 women (24.1 percent). There are no women in the management structure of the Agency.

On 15 January 2009, FR experts met with several senior employees and the Commissioner, who has occupied the position for about six months. As the staff in charge of gender issues had been dismissed, it was not possible to review any documents or receive answers to the questions. However, the meeting helped to initiate state gender policy activities.

According to Order of the Commissioner of the National Agency for Prevention of Corruption No. 9-OD (1 January 2009), a chief specialist for reception of complaints, analysis and applications of citizens was appointed to monitor gender issues. The same Order approved the following functional responsibilities of GFP:

- submit to the Government a report on activities relating to gender issues;
- monitor the representation of men and women in leadership positions at all levels of the National Agency for the Prevention of Corruption;
- adjust the internal regulations of the National Agency for the Prevention of Corruption to meet the requirements of the state gender policy; and
- develop a NAP Action Plan for the National Agency for the Prevention of Corruption.

The NAP Action Plan (2007-2010) of the National Agency for the Prevention of Corruption was developed and was then approved by the Commissioner (Order No. 9-OD, 23 January 2009). The plan has three objectives: 1) to review and assess the achievement of gender balance; 2) to introduce gender mainstreaming in contentious and non-formal education; and 3) to introduce gender mainstreaming in public administrations bodies and LSGs which are reflected in three activities. While second and third both seek to raise awareness among their employees, they overlap.

#### **Conclusions:**

1. The NAP Matrix of Activities was initiated but the process needs the assistance.
2. The person in charge of monitoring gender issues did not participate in gender training events.
3. It is necessary to improve the capacity of the staff through training events in order to encourage gender mainstreaming.
4. The National Agency leaders are not responsible for the implementation of the state gender policy.

#### **§ 4.5.8. The Central Elections and Referendums Committee of the Kyrgyz Republic**

Central Elections and Referendums Committee (CEC) conducts gender policy in the central office of the CEC. The CEC office comprises of 36 people, including 20 women and 16 men. There are 60 district commissions with 518 members, of which 241 women. There are also 2,118 precinct election commissions, in which 9,922 women 20,025 members. There have been 15,647 candidates who ran for the local councils, of whom 12,748 were men and 2,799 were women. In addition, 6,336 men and 1,312 women are elected deputies. According to the CEC, the percentage of 'registered – elected' women to the local councils is higher than that of men.

A head (a man) of analysis and information support is responsible for gender issues. However, his job descriptions are not specified.

The CEC also assesses the compliance with the representation of men and women in the registration lists of political parties participating in parliamentary elections. Women must represent 30 percent of the party list and must not be separated by three men in the order of the list. Violation of the rules of representation is a ground for refusal to register the party for the elections.

#### **Conclusion:**

1. Functions of the GFP are not specified in the job descriptions.
2. The number of men and women chairpersons of election commissions at different levels not tracked.

### **Section 4.6. State-Owned Mass Media**

#### **§ 4.6.1. National TV and Radio Broadcasting Corporation**

The National Broadcasting Corporation of the Kyrgyz Republic (NBC) conducts gender policy among its staff members. The Republican Radio-TV Centre and Advertising Company are parts of the NBC. The head of the NBC office has approved the obligations of GFP. The total number of employees at NBC is 1,016 people including 429 men and 587 women. The Supervisory Board of NBC consists of two women and nine men.

NBC operates by the Law 'On television and radio broadcasting' and its charter, which does not specify its responsibility to address gender issues. The new addition was made to the draft Rules of the Supervisory Board of NBC which was a principle of non-gender discrimination in the operations and products of NBC.

NBC has no approved NAP Action Plan, appointment of a GFP or a report on activities undertaken towards implementing gender policies. NBC does have programmes on gender issues produced and aired according to contracts with international and nongovernmental organizations. Despite the involvement of NBC journalists in gender training, there are much fewer women than men interviewed in news programmes. For example, from January to June 2008, women only comprised 7.4 percent of all interviewees. In the second half of 2008, the percentage of women interviewed was 6.8 percent, while during January-March 2009, women constituted 10.3 percent of people interviewed on the news.

#### **§ 4.6.2. Erkin Too Newspaper**

Erkin Too regularly publishes articles on gender issues (family violence, bride kidnapping and other issues) under the permanent heading 'Tagdyr' (Fate). In a review of the articles, it the decreasing men's role is enhancing that of women in all aspects of life.

Forty-two people (30 in Bishkek and 12 in districts) work for Erkin Too. Nineteen staff members are women. The newspaper office consists of four departments. Two departments are headed by women, and two by men. The chief accountant is a woman. Women are heads of departments for social affairs and culture. The Osh office is headed by a woman. Associate editors are men.

The newspaper is a self-sustaining organization. The newspaper sporadically interacts with the Government on gender issues and any information is limited to Government statements on gender-related events, queries and reports. Training events for journalists on gender issues were held in a seminar for media representatives. An NAP Action Plan has not been developed, neither has an GFP been approved.

There is a serious problem with the poor quality of press releases and other materials in Russian, and when translated into the Kyrgyz, the quality is much worse.

#### **§ 4.6.3. Slovo Kyrgyzstana Newspaper**

At Slovo Kyrgyzstana, women dominate the newspaper office, including the management board.

Journalists' awareness of gender issues was developed during participation in seminars organized by non-governmental organizations. The most effective and professional training workshop was the

one on gender and media, organized in 2003 by the Secretariat of the National Council on the Issues of Women, Family and Gender Development under the President with the participation of a Russian expert.

The newspaper, however, has not developed a special gender policy. Informally, one of the deputy editors is in charge of gender issues. At the same time, taking into account the cross-cutting nature of gender, journalists in covering various stories may give a gender dimension (for example, in a story about prisons).

The newspaper does not maintain a regular column devoted to gender. It should be noted that the newspaper has worked with a gender-focused NGO, which writes short articles on a fee basis under the heading 'A non-female issue'. According to the newspaper's management, the column is informative and interesting.

Being a pro-government newspaper, however, the editors feel the need for greater access to information about the state of gender politics. Often, information about Government-organized events on gender issues reaches Slovo Kyrgyzstana either as a mere press release sent to all media outlets or well after the event.

To improve the newspaper's quality of state gender policy coverage, the following actions are appropriate:

- Invite journalists to Government organizing committees for gender activities;
- The Prime Minister's Office should provide reviews, reports and findings of surveys on gender issues to the newspaper;
- The press-service of the Prime Minister's Office should work more closely with the newspaper's editors, regarding transfer of information and improving the quality of press releases; and
- Use a hall in the newspaper office for presentations and press conferences.

#### **Conclusions:**

1. The state media are not actively involved in raising the population's awareness about the promotion of gender equality in the Kyrgyz Republic.
2. The state media have not developed or approved editorial policies covering gender issues.
3. The GFP has not been appointed in the NBC and Kyrgyz Tuusu newspaper.
4. Slovo Kyrgyzstana informally assigns journalists to cover gender issues.
5. Only one journalist from Slovo Kyrgyzstana participated in training for media on gender issues.
6. State media do not have approved NAP plans.
7. Information materials on gender issues are only translations from other languages. When translating the documents from one language to another, the quality of the document is negatively affected.

### **Section 4.7. Analysis of Regulatory Framework of the Public administration Bodies at the Central Level**

Activities of public administration authorities and their offices, the Presidential Administration, the Government Office and its departments, as well as national agencies and other national institutions (Ombudsman, Prosecution, etc.) are governed by the Constitution, laws, decrees and regulations, which define their operations and powers.

In addition to the gender legislation, there are three laws that regulate the development and implementation of the gender policy: 'On the Rules of Parliament', 'On the Government of the Kyrgyz Republic' and 'On the normative and legal acts of the Kyrgyz Republic'. These laws determine the order of interaction between the public administration bodies and LSG in the process of development, implementation and analysis of public policy in various areas of public administration.

In fact, Kyrgyzstan has nine stages of the state control over the national policy of the gender institutional mechanism. Not all nine stages, however, are reflected in the legislation or not clearly defined. The stages of policy management are included in the three phases of the public policy development cycle, i.e. development, implementation and analysis.

Development stage of the public policy management cycle consists of three stages.

The first stage is a 'Concept'. This stage includes identification of the problem and its clarification.

The second stage is the 'Installation of a programme' or 'Identification of priorities', which involves the development gender policy priorities in relation to the current situation.

The third stage is the 'Development of state policy'. This stage involves the formulation and selection of state policy options.

The implementation phase of the public policy management cycle includes the fourth, fifth, sixth

and seventh stages.

The fourth stage is 'Receiving approval'. This phase involves legitimizing the selected gender policy option.

The fifth stage is the 'Allocation of resources'. In this stage, financial and human resources are sought.

The sixth stage is 'Coordination'. This stage refers to the implementation phase and requires coordination among various ministries, state committees, administrative agencies, local state administrations and local self-government bodies to achieve the goals and objectives of the adopted gender policy.

Seventh stage is the 'Implementation of activities'.

The analysis phase of the public policy management cycle includes monitoring and evaluation.

The eighth stage is 'Monitoring of the activities' implementation'

The ninth stage is 'Evaluation' of the implemented activities.

Phase development of the public policy cycle.

Article 26 'Powers of the authorized public administration body in the field of gender policy' of Law No. 184 (4 August 2008) 'On State guarantees of equal rights and opportunities for men and women' provides that the authorized public administration body is to carry out a uniform state gender policy. However, no authorized public administration body has yet been established.

The Law 'On the Government' states that that 'in the process of drafting the Government decisions, it is required to conduct a comprehensive situational analysis and clearly formulate the problem'. 'Public participation is permitted, but not required.' In this regard, such wordings in the laws – for example 'may be involved', 'permitted' etc. – cannot be enforced, and the application of laws depends on the decisions of heads of agencies. If the head of an agency is open to cooperate with civil society, social organizations and gender experts are invited to cooperate, but if they do not want to work with these organizations, they are not involved. This is not deemed a violation of law.

Implementation Phase of the public policy cycle.

It is advisable to determine the authorized public administration body responsible for preparation and promotion of budgetary funding for gender policy.

Draft decisions of public administration and LSG bodies, as a rule, are subject only to internal examination by the offices of the ministries or agencies, e.g. legal departments.

Conducting gender analysis is not a prerequisite. At the same time, the Parliament adopted Resolution No. 75-IV (18 January 2008) 'On the approval of standards to conduct certain types of specialized expertise of draft laws in the Parliament of the Kyrgyz Republic'. According to the Resolution, the subjects of legislative initiative must strictly comply with the standards. However, this requirement is not respected.

The Law does not provide for the creation of outside expert groups or define the format of expert opinions (i.e. what is the content of an 'expert opinion', its sections and size, etc.). There are no qualifications or requirements for experts; and nobody develops consistent evaluation criteria for the prepared draft decisions.

Analysis Phase of the public policy cycle.

The Law 'On state guarantees of equal rights and opportunities for men and women' stipulates that the Government will report annually on the status of gender equality. However, the implementation mechanism of this provision is not described.

The accountability of government bodies to civil society is not regulated by law, and therefore is not practiced. The Law 'On Government of the Kyrgyz Republic' states that the Government is accountable to the President and Parliament.

The Law 'On the normative legal acts of the Kyrgyz Republic', as last amended in 2007, the words 'general public' is replaced by 'civil society', however, the legal status of civil society is not defined. There are no approved procedures for the participation of civil society at different stages of the public policy management cycles.

The control and enforcement of decisions is regulated by model instructions on documentation support of management of the Kyrgyz Republic.

Indicators showing the degree of achievement are not always contained in NAP action plans, making it difficult to control implementation. Many plans do not contain sections on 'Indicators' or columns focusing on 'Expected Results', which would help judge whether an objective is achieved or not.<sup>62</sup> The indicators for CEDAW, BPA and the MDGs – which monitor progress in achieving of gender equality and the results of which are submitted in reports to international bodies on gender accountability – are not used.

62 There is a section on 'Indicators/Expected Results' in NAP activities plan (2007-2010) of the NAS, Ministry of Transportation and Communication, Ministry of Emergency Situations, Ministry of Health, MEDT, State Committee for Migration and Employment, State Committee for State Property Management, State Customs Committee, State Patent Service and Issyk-Kul, Naryn, Osh and Talas provincial administrations.

Implementation is the responsibility of subordinates of the people who approved the activities plan or to a higher authority. Often, reporting on the NAP implementation plans is formalized.

**Conclusions:**

1. The country's legislation provides for a state authorized on gender policy. However, no such body exists in public administration or in the system of the national institutional gender mechanism.
2. The legislative norms do not require mandatory participation by civil society or its representatives in the process of development, implementation and analysis of gender policies.
3. There is no uniform procedures or formats for Kyrgyz Parliament, Government or civil society organizations in conducting gender analyses of decisions taken by the public administration and LSG bodies.
4. The development and implementation of sectoral gender policies is not prescribed in regulations of ministries, state committees, administrative bodies or local state administrations.
5. Gender policy monitoring and evaluation has not been outlined or integrated in the process of governance.

### **Section 4.8. Functional Review of Gender Policy Implementation at the Central Level**

Draft presidential decrees are prepared by the Presidential Administration and the Prime Minister's Office. Implementation plans are prepared in order to execute these decrees. The plans are usually developed by the Prime Minister's Office, and activities are performed by public administration and local government bodies.

A mechanism for monitoring, control and reporting is standard: information about the activities performed is collected semi-annually and annually. It is difficult to specify the responsibilities of a specialist on gender issues.

Heads of some organizations are aware gender issues are not just about women but also men. In most cases, gender issues are understood as the number of men and women in a working environment and social issues associated with family and women. In this regard, functional gender issues are assigned to departments or professionals dealing with social protection, culture, education, health and pension services.

The poor understanding of gender policy goals, objectives and functions leads to the perception that gender policy exists to maintain a 30 percent level of women represented in state, municipal and special services in public administration bodies, public administration and local governments and their offices. This level of representation is a tool for achieving gender equality.

Gender policy is carried out only within the central administration, territorial division or subordinate organizations. Not all public administration bodies at the central level have departmental NAP implementation plans.

In the Regulations of the National Council on the Issues of Women, Family and Gender Development under the President there is a goal to ensure the administrative coordination in the implementation of public policies on women, family and gender development. The regulations of public administration bodies, public authorities and local self-government do not embody the powers to develop a gender policy.

**Conclusions:**

1. Functions on gender policy development and implementation are not enshrined in the regulations on public administration and local self-government bodies.
2. Legislation on gender policies is weak. Ministries and agencies have internal legal acts, but do not have practical measures to implement the NAP to achieve gender equality.
3. Methodological guidelines for NAP development and implementation and the execution of GFP's functions are not developed.
4. There is a lack of institutional memory on gender issues.
5. In most cases, central level public administration bodies are engaged only in the collection and transfer of information on NAP implementation.
6. Central level support functions are not defined, in particular with regard to GFP, legal support and infrastructure support of the national gender mechanism. The authorities of the gender unit under the Government are limited in their capacity to fulfil such a large-scaled work.
7. Decision-making standards and procedures for public administration and local self-government bodies, which incorporates the participation of experts, representatives of civil society and journalists are not developed.

# CHAPTER 5

## STRUCTURAL ELEMENTS OF THE NATIONAL GENDER MECHANISM AT THE LEVEL OF MINISTRIES, ADMINISTRATIVE AGENCIES AND OTHER BODIES



## Section 5.1. Ministries, State Committees and Administrative Agencies

There is no separate ministry or agency in charge of gender issues. Each ministry has an objective to integrate gender aspects in its area of operation. Membership of ministers in the National Council on the Issues of Women, Family and Gender Development assumes their participation in the formulation of gender policies and accountability for its performance in the ministries' work. However, the long-standing practice of the National Council shows that the ministers do not always participate in the meetings of the National Assembly.

At the same time, it is necessary to enforce Presidential Decrees and Government Resolutions on NAP implementation and on other gender issues. The establishment of a reporting process promotes the adoption by the leadership of ministries of organizational, personnel and technical solutions.

The ministries have persons responsible for gender issues (GFP). Often human resources officers act as GFP, working gender issues in addition to their main responsibilities. The ministries do not have detailed job description for GFP.

A common practice is to establish a working group by a ministerial order to prepare various documents (for example, reports on NAP implementation, the development of a new departmental action plan, the execution of presidential decrees, government resolutions, reporting on CEDAW implementation, etc.). The composition of working groups varies in different ministries. For example, in the Ministry of Internal Affairs the composition of working groups is quite broad and includes the Deputy Minister, chiefs of staff members of human resources department, information and analysis department from the ministerial headquarters, the Academy of MIA, public security, reform of internal affairs bodies, legal security and international cooperation, financial and economic management, criminal investigation and the press service.

The Ministry of Labour and Social Development is the only ministry which has developed and approved Regulations on focal points for state gender policy implementation in the Ministry (No. 79, 8 July 2005). The Regulations were approved by ministerial order and contain details of the basic objectives, functions and procedures of the various staff members. Pursuant to the presidential addresses and statements on 19 September 2007 and 10 January 2008, the Ministry developed the Social Development Concept of the Kyrgyz Republic and Strategy of the Ministry of Labour and Social Development of the Kyrgyz Republic for 2009-2011, which covers gender issues. With assistance of the UN Development Fund for Women (UNIFEM) and independent gender experts (Agency of Social Technologies), a gender dimension was integrated into these programmes.

In addition to the 'gender component' of Ministry of Internal Affairs' human resources policy, the Ministry also focuses on implementing the Law 'On social and legal protection from domestic violence'. Moreover, the gender agenda in the Ministry was created in one day. The GFP had to overcome resistance and rejection of gender issues among ministerial staff and leadership. In GFP's opinions, due to the regular instructions and reporting requirements from the Presidential Administration, Government, organized parliamentary hearings and activities of women's NGOs, attention to gender issues has increased. It is worth noting that political will and personal commitment from the Minister of Internal Affairs has resulted in detailed -depth analysis and identification of the causes that prevent greater results in combating family violence. For the first time in history, a woman was appointed as Chief of the Personnel Department in the Ministry (also GFP) and an expert from gender organization became an adviser to the Minister.

Development and implementation of methodologies for a gender analysis of the budget is a serious challenge for the Ministry of Finance. Ministerial Order No. 422/I (2 December 2008) established a working group on gender policy implementation Ministry, in which a majority of participants were heads of departments: Adviser to the Minister (head of the working group), Head of the Department for Analysis of Reports of the Central Treasury, Head of the Department of the Budgetary Policy, Head of the Department for Health and Social Welfare, Head of the Department for Education, Science and Culture, Head of the Department of Financial and Economic Analysis, and the Chief Specialist of the Human Resources Department.

At present, the Ministry of Finance has not formulated a budget taking into consideration gender. Financing of certain gender-based activities is performed at the level of ministries and agencies (e.g. Ministry of Health, Ministry of Education and Science, Ministry of Labour and Social Development). A UNIFEM-sponsored workshop in Almaty, Kazakhstan on gender budgeting methodology was the only time staff (2 people) received training from the Ministry of Finance. The need for training and assistance in the development of an adapted methodology and tools for gender budget analysis and gender mainstreaming in the budgetary process remains high.

The Ministry of Justice – given the proper institutional, organizational and human resources – could serve as a centralized coordinator and organizer of the specialized expertise for draft laws and legal and normative acts. It is necessary to transform the Centre for the Coordination of Draft Laws of the



Ministry of Justice into the Institute of Legal Expertise, which, in addition to legal expertise, would conduct specialized expertise and, equally important, develop and enhance a theory and methodology of legal expertise.

Given that the Institute will be responsible to meet the requirements of scientific and instructional organization, it is advisable that the Institute focuses on providing expert-analytical support on state legal policy, analyse the effectiveness of the legislative process, develop draft laws and regulations, implement specialized types of expertise, as well as create educational activities aimed at enhancing the professional development of the legal services of the public administration bodies. The establishment of such institute which performs specialized forms of expertise, including gender expertise, will help to address many other priority objectives that are directly related to the law-making activities and for the adoption of qualitative and effective normative and legal acts.

The participants of gender training events organized by the Government Office, together with NGOs and international organizations, are often the GFPs, who do not have sufficient opportunities to influence decision-making processes. High staff turnover among GFPs and the frequent change of ministerial leadership has resulted in a lack of institutional memory, which has a significant impact on the effectiveness of work on gender issues.

## **Section 5.2. Analysis of the Regulatory Framework at the Level of Ministries, Administrative Agencies and Other Institutions**

In the process of compiling this report, research was conducted on regulatory framework for implementing gender policy at the level of ministries, administrative agencies and other bodies. In this regard the following documents have been examined:

1. Regulations on public administration bodies;
2. Action plans of the public administration bodies towards NAP implementation;
3. Appointment orders for GFPs and/or advisory groups on gender policy;
4. Job descriptions of specialists acting as GFPs.

The examined regulations of the relevant public administration bodies do not include functions for the development or implementation of gender equality issues.

Ministerial orders and agencies approving the GFPs and/or advisory groups do not contain any indications relating to staff job descriptions or other internal documents concerning the performance of new functions. Ministerial and departmental action plans mostly represent common activities, often without regard to the specifics of these activities.

No ministries or agencies have provided GFP job descriptions. The job descriptions of the specialists acting as GFPs do not embody gender issues.

## **Section 5.3. Functional Review of Gender Policy at the Level of Ministries, Administrative Agencies and Other Institutions**

A serious challenge for ministries is the integration of gender mainstreaming within their regular operations. The Ministry of Economic Development and Trade may introduce gender indicators into the Country Development Strategy and other national programmes. However, even for ministries focusing on social issues, gender is viewed with surprise. This is largely due to the narrow understanding of gender, which is regarded only as equal representation. The most popular solution to this problem is the constant reference to achieve gender equality.

Only the MLSD has experience in developing special guidelines on gender mainstreaming in its activities.<sup>63</sup> However, the Ministry still greatly needs to develop additional aspects of gender dimensions in labour and social development.

In ministries and agencies, GFPs regularly work on implementing activities that can be called work associated with gender policy. GFPs are in charge of collecting information from the subordinate and territorial divisions and are required to make a summary report on the NAP implementation. During interviews

63 'Guidelines on the integration of gender mainstreaming in operation of the Ministry of Labour and Social Development of the Kyrgyz Republic' development by UNDP Democratic Governance Programme experts as part of the Gender Unit, approved by the Order of the MLSD No. 30 (27 March 2003).

with MFA staff, it was revealed that report and information collection from structural units take about one and a half to two working days every six months.

GFP's activities are limited by the central offices of the ministries or agencies. Ministries and agencies do not provide documents evidencing appointment of Papers on the appointment of GFPs in the subordinate organizations and territorial divisions. Coordination between the GFPs from central offices of ministries and agencies with employees of subordinate organizations and territorial divisions almost does not exist.

Moreover, the GFP, as a rule, is not included in departments that develop sector policies and departmental plans. It is typical that GFP is an employee in the human resources department or the leading specialist of a department or office. For example, in the Ministry of Education and Science the chief specialist for preschool, school and extracurricular education, who had been in that position for more than three years, was appointed as GFP. In some ministries and agencies GFPs are members of departmental trade union organization.

### **Conclusions:**

1. None of the ministries and agencies have assigned responsibilities relating to the development of sectoral gender policies.
2. The regulations of the ministries and agencies do not provide objectives for gender policy or responsibilities for their implementation.
3. Legislation on gender policy is weakly elaborated with regard to mechanisms and resources for implementation. The departmental legal acts are available, but practical measures for NAP implementation have not been developed.
4. Methodological guidelines for NAP implementation and the fulfilment of GFP's functions have not been developed.
5. There is a lack of institutional memory on gender issues.
6. There is no coordination of GFP's activities between ministries and agencies, as well as between central, provincial and district levels of ministries and departments.
7. Ministerial and agency implementation of gender policies is limited to the collection and transfer of information on their performance of presidential decrees, government resolutions and other normative acts.
8. Support functions, particularly for the personnel operations with GFPs, legal support and infrastructure support of the national gender mechanism at the central level have not been developed.
9. There are no established procedures for training ministerial and agency GFPs on a regular basis.

# CHAPTER 6

## STRUCTURAL ELEMENTS OF THE NATIONAL GENDER MECHANISM AT THE LEVEL OF LOCAL STATE ADMINISTRATIONS

In the process of writing this chapter, meetings were held with representatives of Osh and Talas Provincial Administrations, Karasuu and Karabuura District Administrations, representatives of ministerial, agency and public organizations' territorial divisions. In addition, the FR experts reviewed materials from all provincial and ten district administrations.<sup>64</sup>

The analysis revealed that at the level of provincial and district administrations a single structure of focal points for gender policy implementation does not exist.

During the implementation of state programme 'Ayalzat' (1996-2000), the Centres for Women's Initiatives Ayalzat were created under the provincial administrations. At the province level, the Centres exercised the functions of institutional mechanism for women's affairs. UNDP provided the centres with technical assistance by providing computer equipment. In addition this and other work, the Centres engaged in lending operations for business-projects under the auspices of UNDP.

In Jalalabat, Osh and Talas Provinces, the Centres were later transformed into independent NGOs. In Issyk-Kul and Naryn Provinces, Ayalzat continued operations under the provincial administrations. The heads of the Centres acted as specialists of social departments within provincial administrations, where they were responsible for women's issues. For example, until 2008, in Naryn Province Administration, a staff member of Department for Social Policy also acted as a leader of Ayalzat. In Issyk-Kul Province, the head of the Ayalzat Public Foundation is currently Deputy Head of the Council on the Issues of Women, Family and Gender Development under the Provincial Administration.

In Batken and Osh Provinces, special staff units were responsible for gender issues.<sup>65</sup> Thus, from 1997 the duties of the GFP in Osh Province were given to the Commission for Family and Women under the Province Administration (2.5 units). In the Batken Provincial Administration the Commission for Family and Women was also established in 2000. This was later transformed into the Sector for Gender Policy and the New Generation (3.5 units). The Commissions' operations are based on the special regulations approved by the regulatory acts of the provincial administrations.

In all other provinces and five districts, the responsibilities for gender policy implementation have been assigned to a staff member in the Department for Social Development, Education, Culture and Youth. As a matter of practice, the district Departments for Family and Children are responsible for gender issues.

According to the departments' regulations and job descriptions in provincial administrations, the GFP's responsibilities are briefly defined as 'the coordination of implementation of the National Action Plan for Gender Equality'. In other words, the GFP's responsibilities are not established.

Almost in all provinces, except Chui Province, collegiate bodies were established which operate on a voluntary basis under the guidance of deputy governors of provincial administrations responsible for social affairs. Only in Issyk-Kul is the collegiate body headed by the governor. The collegiate bodies include representatives of state institutions and non-government organizations. Civil society, however, does not make up more than 20 percent of the representatives in the collegiate bodies.

In Jalalabat Province, according to the GFP, the role of collegiate body is performed by the Coordination Council of Women, which "an executive single body" is the Chairwoman (Toraiym) who is elected to the post for five years.

64 The districts were: Karasuu District (Osh Province), Karabuura District (Talas Province), Jaiyl, Issyk-Ata, Sukuluk Districts (Chui Province), and all districts of Issyk-Kul province.

65 See below for more detailed information about provincial RGIs .

The collegiate bodies in provinces and districts include, as a rule, heads of territorial divisions of ministries and agencies, or relevant departments of the provincial administrations. Only in Issyk-Kul Province is the Council represented by heads of districts and towns.

Although the work of collegiate bodies is formal in nature, however, at the local level they involve a broader number of participants in the process of gender policy implementation, as well as introducing gender in the activities of various structures and enhancing their responsibilities.

In order to implement the NAP, each district and provincial administration approved an order granting deputy heads of provincial administrations authority to monitor implementation of the order. The order approves the action plan and requires lower-level structures to take steps towards NAP implementation. Implementation reports should be presented every six months (some on a quarterly basis). But no legal act, approved the action plans, provides the need for monitoring and evaluation the measures envisaged in the action plans, and there is no agreed upon structure and form of reporting.

The FR experts' review of the action plans has highlighted crude and unrealistic implementation measures envisaged in the matrices. Funding the activities from the local budgets is not provided at the provincial or district levels. The activities under the action plans are in jeopardy due to the lack of special human resources (GFPs) and the lack of funding and capacity of local expertise.

Almost all LSA representatives (even in written correspondence) maintain that financing for the activities is not envisaged and they have to rely only on cooperation with local NGOs. For example, concerning the budget for GFP, the response from the Issyk-Kul Provincial Administration was: 'The funds were not allocated from the national budget and thus, we use the resources of NGOs'. The Cholpon-Ata town council and Issyk-Kul District Administration said they used grants from the Altainay Crisis Centre (a non-governmental organization), which also helped them with the GFP.

### **Section 6.1. LSA of Batken Province**

The structure of Batken Provincial Administration consists of ten departments, five sectors, including the Sector for Gender Policy and the New Generation, which as the GFP.

On 17 April 2000, the Commission for Family and Women was established under the Batken Provincial Administration, which was transformed in September of the same year into a department. According to Decree No. 1-2/153 (10 March 2006), the department was named the Commission for Women, Family and Gender Development. Pursuant to Decree No. 1-2/48 (14 March 2008), the Commission was transformed into the Sector on Gender Policy and the New Generation. Staff members of the Commission include 3.5 units.

The Coordination and Advisory Council operates under the Provincial Administration, which is chaired by the Deputy Governor on Social Issues. The members of the commission are the heads of four departments of the Provincial Administration, a representative of the Ministry of Culture in Batken Province, a head of the Centre of Family Medicine, an editor of a regional newspaper, a head of TV and Radio Company and a branch manager of Public Foundation for International Tolerance. Eleven people serve on the Commission.

The NAP Matrix of Activities in the Batken Provincial Administration was approved by Order No. 1-2/246 (20 August 2008). Funding from the state budget has not been provided.

A sector head, who worked on the position of GFP from 2003 to February 2009, was appointed Vice Mayor Batken City. During the FA, the position of GFP was vacant. Another staff member, who also worked for a long time in the Commission, is currently the Deputy Head of Batken District Administration.

### **Section 6.2. LSA of Jalalabat Province**

Jalalabat Provincial Administration includes 11 departments and four sectors. In accordance with its regulations, and was approved by the Deputy Head of the Provincial Administration. The Department for Education, Culture, Sports and Youth Policy is dealing with gender development (in addition to its other activities). The Department consists of a director, deputy director, two senior and two leading experts.

The responsibilities of the department's head include (if specified a performance analysis) implementation the national programmes 'Bilim', 'Zhashtyk', 'Kadry 21 veka', 'Jetkinchek', 'New Generation', 'Development of culture and the arts in rural areas to 2010', 'The concept of physical culture and sports development for 2006-2010', 'The concept of archiving to 2010', 'The National Action Plan for Gender Equality for 2007-2010'. The senior specialists are responsible for working with citizens, citizens' applications and complaints, development of department's work plans, drafting regulatory acts and control over implementation of higher bodies' and own decisions in the corresponding areas of activities – 'The concept of development of archiving to 2010' and 'The National Action Plan for Gender Equality for 2007-2010'.

In September 2007, the Coordinating Council of Women was established. The Regulations of the Council were approved at the conference of Jalalabat Province women on 12 September 2007 and agreed with by the governor.

According to the Regulations, the Coordinating Council of Women is a structural unit of the Provincial Administration, assigned to unite and represent the interests of groups excluded from the decision-making process on the basis of their common interests in order to provide full support for low-income and poorly protected populations in all areas of life and to protect people's interests.

The Council of Women is a legal entity, has a separate balance and property. The Head (toraiym) is the sole executive leader of the Council of Women and was elected at the conference for a five-year term. The Council's spectrum of objectives is quite wide, ranging from the promotion of gender equality policies, elimination of direct and indirect implications of past discrimination, address environmental issues, preservation of national traditions and strengthening peace and friendship between peoples.

The NAP Action Plan in Jalalabat Province was approved by the Resolution of the Provincial Administration No. 242 (19 September 2007). The funding from the start budget has not been available.

Since 1997, a staff member from the Provincial Administration has been responsible for women and gender development issues.

### **Section 6.3. LSA of Issyk-kul Province**

The structure of the Issyk-Kul Provincial Administration consists of ten departments and three sectors. According to Order of Provincial Administration No. 259 (30 January 2008), a senior specialist of the Department for Social Development and Health is responsible for monitoring of implementation the National Action Plan for Gender Equality. The head of the Centre for Women's Initiatives Ayalzat in Issyk-Kul Province is acting GFP and vice-chairperson of the Regional Council on the Issues of Women, Family and Gender Equality under the Provincial Administration.

The Regulations on the Council on the Issues of Women, Family and Gender Equality under the Provincial Administration were approved by the Resolution of Provincial Administration No. 136 (2 January 2006). The Council is chaired by the head of the Provincial Administration. The Council's structure consists of head of districts and towns, and representatives of non-government organizations.

The Resolution of the Issyk-Kul Provincial Administration No. 288 (30 October 2007) approved the NAP Matrix of Activities for 2007-2010. Heads of District Administrations and towns Balykchy and Karakol were ordered to develop a Matrix of Activities with special attention to funding for these plans from the local budgets. The implementation reports should be provided every six months.

It should be noted that in the Issyk-Kul Provincial Administration plans, attempts have been made to cost the activities and identify a source of funding. This is reflected in both the local budget and funds of NGOs and donors.

### **Section 6.4. LSA of Naryn Province**

Naryn Provincial Administration includes nine departments and five sectors. Pursuant to Provincial Administration Order (21 January 2008), the Deputy Governor for Social Issues and the Department for Social Development and Health are responsible for monitoring NAP implementation.

Paragraph 2.2 of the Department's Regulations states that the department develops recommendations for the implementation of public policies in health, social protection, labour and employment, social fund, post and gender areas.

One of the departmental specialist's job descriptions include: coordination of NAP implementation, preparation and forwarding documents for awarding the title Heroine Mother; coordination the National Employment Strategy, coordination the enforcement of the state plan on migration, coordination of the State Programme 'Kayrylman' on the return of ethnic Kyrgyz, interaction with international organizations, addressing citizens' complaints and several other duties.

The Council is operating under the Provincial Administration and is chaired by the Deputy Governor for Social Affairs. The Council's composition was revised by Order No. 89-B (13 March 2008). Its members include the head and an employee from the Department for Social Development of the Provincial Administration, chairpersons of the Trade Union and the Committee on Migration, heads of the Centre of Family Medicine, TV-Radio Companies, the Department of Internal Affairs, a regional newspaper editor, directors of regional library, the Centre for Social Services, the regional prosecutor, a Civil Service Agency specialist, leaders of Bakubat NGO, the network 'Women Can Do Everything!' and the Regional Women's Congress. The total number of members is 18 people.

The NAP Matrix of Activities in Naryn Province was approved by Order of the Province Administration No. 201-B (21.2007). Funding from the local budget is not available.

Until 2008, and before their retirement, one employee of the Department for Social Policy was responsible for the GFP duties. This person also acted as head of the Center for Women's Initiatives Ayalzat that was founded during implementation of the state programme Ayalzat (1996-2000).

Since January 2008, an employee of the Department for Social Development and Health has taken on the GFP's functions. With regard to raising capacity in gender, the acting GFP participated in the seminar 'Gender analysis of the local budget' (15-18 October 2008) organized by the Kyrgyz Government and UNDP.

## **Section 6.5. LSA of Osh Oblast**

Osh Provincial Administration consists of ten departments and four structural units.

The responsibility for gender policy rests with the Commission for Family and Women under the Osh Provincial Administration, which was founded in 1997 through the initiative of the Governor, by the analogy of the State Commission for Women, Family and Youth under the President. The Commission is composed of a chairperson, chief specialist and a half-time accountant. The salary of the Commission's chairperson is equal to the salary of the department's head in public administration.

The Commission's responsibilities include working with young people. Starting from 2000, due to revisions of the Regulations, the Commission no longer deals with the youth issues.

In 2001, after the abolition of the State Commission for Women, Family and Youth (1996-2000), the operations of the Commission at risk of not being funding. However, money was found from the Governor's reserve fund, and the required amount for the Commission was allocated to finance activities during 2001.

From 2002 to 2008 the Commission members' salaries were paid from the budget of Provincial Administration.

According to the Regulations (approved by the Provincial Administration, No. 88, 17 February 2000), the Commission is a subdivision of the Osh Provincial Administration, which was established to implement the government policy relating to family and women. The Commission is a non-governmental organization and has seals and stamps. The Commission is located in the building of Provincial Administration.

According to the Regulations, the functions of the Commission include the following: (extracts):

- Develop and submit to the Provincial Administration draft regulatory acts relating to family and women;
- Participation in training events, organization of retraining courses for women for public administration bodies;
- Implement the organizational, legal, financial support for provincial, district and urban women's non-governmental organizations;
- Involve women's NGOs in the development and implementation of regional programmes, projects and regulations on family and women;
- Regulate the relationship between government agencies and women's organizations and movements;
- Monitor the targeted use of financial and material assistance to women's organizations from the Osh Provincial Administration and the relevant municipal and district committees of the local executive bodies.

The Regulations also include the following rights of the Commission (extracts):

- Make proposals for the Provincial Administration regarding the improvement of organizational work for the implementation of state programmes aimed at protecting the rights and legal interests of families and women;
- In accordance with the established procedures, seek and obtain from the regional bodies of executive power, enterprises, institutions and organizations – regardless of their organizational and legal form and type of property – the information needed to implement programmes to protect the rights and interests of families and women;
- Convene regional, district and municipal conferences, meetings and seminars on family and women's issues;
- Organize temporary working groups to implement programmes and projects related to family and women's issues;
- Upon the Governor's request, participate in developing new and implementing existing inter-regional agreements in the sphere of family and women's policy;
- Act as founder of the media specializing in coverage of family and women's issues.

According to the Decree No. 95-P (February 2007), the Advisory Council for Gender Policy was created under the Osh Provincial Administration. The Council's is supported by the Commission on Family

and Women. The Advisory Council is headed by the Deputy Governor.

In accordance with the Regulations, the Council meets on an ad hoc basis, but not less than once a year. Decisions taken by the Council are signed by the Deputy Governor and notification is sent to the regional structures.

In compliance with the Regulations (approved by the Order No. 701-R, 18 February 2008), the Council is an advisory body which implements province-level public policy pertaining to the women, family and gender development affairs. It should be noted that both the name and the Regulations of the Council reflect the vested gender policy powers, in contrast to the name and Regulations on the Provincial Commission. Such a situation may account for the fact that the Provincial Commission was established in 1997, while the Council was established in 2007

#### **Main Objectives of the Council:**

- Assist in the implementation of the national policy and strategy intended for achievement of gender equality in Osh Province;
- Coordinate the efforts of public administration bodies and the civil society; identify gender policy priority areas;
- Adopt programmes focused on gender equality awareness-raising activities for society;
- Monitor activities of public administration bodies and local self-government to improve the situation pertaining to the women, family and gender development in Osh Province;
- Promote gender-based approaches in the province-level programmes;
- Assisting in the gender examination of the provincial statutory and legal acts;
- Facilitate partnerships with the civil society and the effective cooperation with international organizations on family, women and gender development related matters;
- Encourage the involvement and use of women's capabilities as well as the expansion of their representation at all decision-making levels;
- Promote creation of mechanisms providing gender equality and parity achievement in all spheres of social, economic and political life.

The NAP Action Matrix in Osh Province was approved by the Decree of the Osh Province Administration No. 619-R (3 October 2007). The First Provincial Deputy Head was assigned the duty of exercising control over execution of the Decree. However, no financial provisions have been earmarked for the programme from the local budget

The Matrix was developed by the Commission for Family and Women's Affairs under the Provincial Administration. The Commission held round tables to discuss the previous National and Provincial Plan monitoring results and to collect proposals for inclusion in the existing NAP.

The Provincial Action Matrix, by analogy with the National Plan, consists of seven activity areas. The Provincial Administration departments and territorial divisions of ministries and agencies were identified as responsible bodies for Action Matrix implementation. According to the Commission Chairman, a letter was sent to the Ministry of Finance requesting appropriation of funds from the national budget for its implementation, but no response has been received so far .

The FR overview of the given matrix actions has raised doubts as to feasibility of some measures due to lack of financial support and limited expert capacity at the province level.

Similarly to the provincial Plan, action plans have been developed in all districts and local self-government bodies as the Commission periodically requests information on the NAP implementation progress. The Commission's activity is characterized by a well-organized system of interaction with the provincial gender issues departments and local self-governments. The duty of exercising control over action plan implementation at the provincial level is carried out by the district Deputy Heads and at the local self-government level by executive secretaries.

In addition, the Commission requests information on NAP implementation progress from territorial divisions of ministries and agencies. The Commission provides individual training events to certain governmental employees on gender-related issues, consultations on report preparation, and requests additional missing data relating to the reports from provincial bodies on NAP implementation progress.

Having in place a special body for gender issues at the provincial level, in this case the Commission for Family and Women's Affairs under the Osh Provincial Administration, enables districts, local self-government bodies and territorial divisions of ministries and agencies to be involved in the NAP implementation process. Such an activity is not observed in the vertical interaction of ministries and agencies with their territorial divisions in carrying out the official gender policy.

The Chairman of the above-stated Commission has been holding the present position since 2001.

Another employee who has been working in the Commission for a long period was transferred to one of the state administration departments as a deputy head.

Extensive experience of the Commission employees has resulted in well-organized records, which facilitates the preservation of institutional memory in case of staff rotation.

Over a long period of work, the provincial Commission's small staff had the opportunity to be trained in which is evident in its gender literacy. It deems it necessary to organize similar gender policy-related training for members of the collegial body, i.e. the Consultative Council of the Osh Provincial Administration.

According to the provisions, the Advisory Council on an ad hoc basis, but not less than once a year, thus a majority of the Council members participate in meetings no more than once a year. This is particularly the case given the frequent structural transformations of government institutions and staff turnover. Thus, formal attendance at Council meetings can hardly promote the effective implementation of public gender policies. This is, by the way, an intrinsic feature of a collegiate body not only at the provincial level.<sup>66</sup>

The Commission for Family and Women's Affairs under the Osh Provincial Administration has broad expertise in interacting with local public organizations. Almost all actions of the provincial Matrix of Activities are carried out with active involvement of non-governmental organizations. In order to make a concerted effort to launch an annual awareness-raising campaign '16 Days of Activism Against Gender-Based Violence', local non-governmental organizations in 2003 initiated the creation of the Coordinating Gender Board, which consists of representatives of non-governmental organizations and the Provincial Commission.

In 2007-2008, the 'Insan-Diamond' Public Association implemented a project, with OSCE support, which focused on reviewing of the Osh district -level action plans and rendering assistance in monitoring and evaluation. A number of action plans of District Administrations were adjusted as follow-up activities. In addition, the same public association conducted a series of seminars to familiarize local council deputies with gender examination approaches.

It should be noted that statutory and legal acts adopted by the Presidential Administration and other central bodies directly promote the stimulation of actions at the local level. Thus, after issue of the Presidential Decree No. 24 (5 February 2007) 'On the Regulations about the gender examination procedure of the draft statutory and legal acts', which was based on the Order of the Provincial Governor No. 95-R (22 March 2007), a focus group for gender examination was formed, including all heads of the provincial administration departments, the head of the provincial administrative office, the lawyer and the Chairman of the Commission for Women's Affairs. The Order stipulates that the Department of Justice is to take measures for conducting a gender examination and the Commission will organize training.

In another example, on 17 January 2008, the Attorney General of the Presidential Administration was assigned to oversee the mandatory and uniform enforcement of the Law 'On the fundamentals of the state guarantees of equal rights and equal opportunities for men and women'. Following this, the Public Prosecutor's Office of Osh Province examined observance of the specified law. As a result, The Prosecutor's Office found that Osh Province failed to comply with the 30 percent requirement for women's representation in the decision-making level. The Military Prosecutor's Office requested 'Insan-Diamond' Public Association to provide training for them.

## **Section 6.6. LSA of Talas Oblast**

Gender-related issues provincial level have been assigned to the Head of the Department of Education, Culture, Youth Policy and Sports, based on the statutory and legal act of the Provincial Administration.

The Council of Women exists formally within the structure of the Provincial Administration; however, it does not function at present.

The departmental NAP implementation plan was approved by the Deputy Head of the Provincial Administration in 2007, according to which the District Administrations and provincial structures were given responsibility based on the sectoral policy. The Chief Specialist of the Department of Social Protection and Health is in charge of the execution of the plan and will prepare a consolidated implementation progress report.

<sup>66</sup> Meetings of the National Council on Women, Family and Gender Development under the President are held, on average, once a year, despite the fact that Provisions of the NC, approved by Presidential Decree, stipulate that the NC must meet no less than twice a year. Given the frequent member rotations, there is a new member at almost all NC meetings. The new members are not well aware of the NC operations or the agency's gender aspects.



The Department of Social Protection and Health developed a monitoring plan on healthcare gender aspects.

The Provincial Administration requests information (reports) from all District Administrations, local self-government bodies and district territorial divisions of ministries and agencies connected with NAP implementation progress. There is, however, a lack of uniform reporting forms. Reports are submitted on a quarterly basis to the Provincial Administration, and semi-annually and annually to the Government. No discussions are arranged on the reports with a broad section of participants. As in other provinces, NAP activities are not funded from the republican budget. There are cases when funds for activities have been conducted within the plans of territorial structures of ministries and agencies. Actions are focused on providing support to women's reproductive health.

Public organizations – 'Aikol', 'Shirin Lady', province-level branches of 'Women Can Do Everything!' and the 'Women's League' network organizations – take part provincial NAP (2007-2010) activities. In 2007, the Provincial Administration together with non-governmental agencies founded the Women's Support Fund to encourage female representation in the national Parliament.

Not all specialists received gender development training. The subject matter of the detailed elaboration of Terms of Reference of a full-time specialist on gender issues caused difficulties.

### **Section 6.7. LSA of Chui Province**

The organizational structure of the Chui Provincial Administration consists of ten departments and three sectors.

The Chui Province NAP Action Plan was approved by the Order of the Provincial Administration No. 190 (24 September 2007), and control over its execution was assigned to the Deputy Governor on Social Affairs. Attempts were made to identify a budget and specific counterparts for some activities within the action plan framework. Similar action plans were developed by all districts and approved by the Order of the Provincial Administration.

The Regulations of the Chief Specialist in the Department for Social Protection and Health of the Chui Provincial Administration is responsible for the coordination, control and analysis of activities on gender policy and healthcare issues. The latter, in compliance with the Regulations, should prepare analytical, expert and information materials covering a specified range of issues, and must analyze the situation and develop proposals on certain topics. The department staff list consists of four positions, including its head.

No collegial body exists in Chui Province, unlike in other provinces; despite that the action plan stipulates the creation of such a structure in January 2008.

### **Section 6.8. Functional Review of LSAs**

1. Work should be continued on maintaining the uniformity of structures responsible for gender policy implementation at provincial and district administrative levels.
2. Special positions on gender issues, with wide terms of reference and responsibilities, will be established in Batken and Osh Provincial Administrations.
3. In all other provincial and district administrations (apart from those mentioned above), one specialist from the Department of Social Affairs is in charge of all work on gender issues.
4. Responsibilities of gender focal points are briefly stated in the Regulations of the provincial administration departments as 'responsible for the coordination and analysis of the NAP implementation'.
5. In almost all provinces the same people work as gender focal points for a long time, and thus, they have taken part in various training activities and have adequate knowledge.
6. Deputy Governors are usually coordinate and provide guidance to collegial bodies on NAP implementation. In Issyk-Kul Province, the Governor is the head of the Council.
7. Almost in all provinces, except for Chui Province, the collegial bodies were established on a voluntary basis to bring together representatives of official bodies and public organizations.
8. Despite the declarative nature of the in-field set up collegial structures, their objective is to involve a wider number of participants in gender policy implementation and mainstreaming.
9. No action plan has been allocated funds in any district or province. Costs have not been calculated for actions. In many cases, local plans repeat activities in the NAP, including indicators. No analysis of local conditions has been conducted, and the local key gender indicators have not been evaluated. Identification of local challenges and priorities is almost non-existent.
10. No statutory and legal act, approving adoption of local action plans, stipulates mandatory performance monitoring and evaluation.

11. Activities specified in Matrices of Actions in district and provincial plans are conducted mainly with support from international donors rendered to projects and implemented by local non-governmental agencies.

12. The efficiency of gender policy actions has improved through strengthening cooperation between representatives of official bodies and the civil society.

13. Statutory and legal acts, and the actions implemented at the level of central authorities promote the similar actions at the local level and strengthening interaction between public administration bodies with the civil society.

# CHAPTER 7

## STRUCTURAL ELEMENTS OF THE NATIONAL GENDER MECHANISM AT THE LOCAL SELF-GOVERNMENT LEVEL



Gender policy implementation mechanisms at the local self-government level were reviewed on the basis of interviews and documents with the Mayor's Offices in Osh and Talas, 'Kerme-Too' local administration (Aravan District, Osh Province), 'Kara-Buura' local administration (Kara-Buura District, Talas Province), and 'Orlovka' local administration (Kemin District, Chui Province). In addition, further research was conducted on information submitted by the local self-government bodies to the Government Office as responses to complete questionnaires and surveys.

### **Section 7.1. Local Self-Government Body: Mayor's Office**

The gender-specific activities of the Mayor's Office include exercising control over gender policy implementation in local self-governments by all territorial structures of ministries and agencies and local self-government bodies.

The Specialist of the Department for Social and Cultural Development within Mayor's Offices is a gender focal point. Vice Mayors, who are responsible for social affairs overall, supervise the implementation of gender policy issues in local self-governments. Thus, in Talas, the City Vice Mayor for Social Affairs is responsible for gender policy realization. No collegial body is in place in the Mayor's Office or elsewhere in the self-government system framework. However, implementation of the NAP action plan is considered as a separate item in the Mayor's Office session agenda.

As a rule, the NAP implementation plan is available in Mayor's Offices; however, it is not based on the existing gender situation in the city. The plan is developed and approved by the Mayor, while actions are carried out by corresponding city structures. Sometimes, a higher body has returned the report and request clarification or additional information. Requests on submission of reports, very often relating to the same matrixes, may come simultaneously from the Provincial Administration and the Office of the Government.

Information on NAP implementation progress is disseminated to lower-level structures according to the commonly used pattern based on the organizational subordination. The Mayor's Office carries out the gender reporting with the provincial territorial divisions of ministries and agencies, territorial provincial bodies and ward officials. The Mayor's Office requests NAP implementation-related information (reports) from the district territorial divisions of ministries and agencies. No uniform reporting forms on NAP implementation for submission to higher bodies are available.

District division heads of ministries and agencies are appointed following the approval of the provincial Governor. Thus, district divisions of ministries and agencies duplicate activity reports. The district divisions of ministries and agencies report to the Provincial Administrations and to the province-level of their ministry or agency, and the Mayor's Office.

Gender focal points have different skill levels. While in the Osh Mayor's Office the employee appointed as a gender focal point has been working for only a few months. At the time of the interview with FR experts, this person had basic knowledge of gender-related problems. At present, the Head of the Department for Social and Cultural Development is involved in gender-related activities. The Head provides training for a newly recruited gender focal point. The Department Head has extensive experience on social issues, and has taken part in many gender development training activities and seminars, and has all necessary qualifications. The Head has received training and attended seminars conducted within the scope of projects funded by international organizations. At the same time, in Talas the Chief Specialist of the Mayor's Office has been involved in gender-related activities since 1996 and has taken part in many training activities.

### **Section 7.2. The Local Self-Government Body: Local Administration / Town Council**

In local administrations or town councils, full-time employees work as gender focal points, depending on the staff list and workload, or by activists of local non-governmental organizations (as in the 'Orlovka' town council). More often, leading specialists on social protection lead work on gender issues, because nearly all interviewees associate gender issues with family and women-specific affairs. Sometimes, the gender-related duties are assigned to the executive secretaries of local administrations. The collegial body on gender issues does not exist in local administrations.

The statutory legal act regulating the activities of the gender focal points also serves as the Standard Terms of Reference of the leading specialist on social protection. The Standard Terms of Refer-

ence specify a range of social, cultural issues, which fall under their responsibility.<sup>67</sup> The powers gender focal points are not detailed as such meaning that the specialist works within the ordinary routine scope. Responsibility for gender issues are not assigned to the local administration employee by statutory acts of the local self-government body, and the local administration standing orders lack any reference to the concept 'gender'.

The NAP implementation plan is not available in the local administrations. The monitoring, evaluation and reporting arrangements follow standard procedures. Information on the completed actions is submitted semi-annually and annually to District Administration following a request. Higher bodies can request more specific information. There is no uniform format for reports.

The capacity of the gender focal points at the local administration level varies to a great extent. While in one local administration, the gender focal point has been working for a long period, was previously engaged in the women's council, has wide work experience in social issues, has taken part in many gender development training activities and seminars and has strong qualifications. In another local administration the responsibility for gender issues was assigned to the executive secretary, who was not provided with gender-specific training.

### **Section 7.3. Review of the LSG Regulatory Framework**

A review was made of the following documents pertaining to the local self-government regulatory framework for gender policy implementation:

- Resolutions and orders of the District Administrations on the approval of action plans for NAP implementation (issued following resolutions of the Provincial Administrations);
- Resolutions of City Halls approving action plans for NAP implementation in the corresponding local self-government bodies;
- Action plans of local self-government for NAP implementation;
- Resolutions of City Halls on the appointment of gender focal points;
- Terms of reference for gender focal points.

The reviewed resolutions and orders of the District Administrations and City Halls were simple approvals of the district-level plans, as they do not identify any guidelines and tasks to subordinate bodies.

Some local self-government actions plans are well-developed, clearly defining actions which are feasible for local self-government bodies and are aimed at solving gender problems. (For example, the Action Plan pursuant to the Presidential Decree 'On the National Action Plan on Gender Equality Achievement in the Kyrgyz Republic for 2007-2010' was approved in Tokmok City by the First Vice Mayor on 8 October 2007). However, very often local-self government action plans are simply copied from corresponding plans of a higher or even national level body. Thus, local self-government bodies undertake tasks that will not be accomplished as they lie outside their competence. For example, one of the plans stipulates assigning 'Integration of gender issues into the professional development courses for pedagogical workers of preschool institutions', to district education departments. This, in fact, turns out to be the objective of the Ministry of Education and Science, but not a goal of the district department.

Statutory acts of local self-government bodies about the appointment of gender focal points were submitted only by Osh and Tokmok City Halls. The statutory act of Osh City Hall regulating the activities of gender focal points is Order No. 95-R (7 April 2004). This approves the terms of reference for the specialist in the Department of Social and Cultural Development and Tourism. There is a single-line reference to 'gender policy issues' among other areas of responsibility, including other social and cultural problems (relating to family, women, youth, physical training and sports). However, the powers of the gender focal points are not detailed, implying that the specialist would assume this work within regular duties. The Order states that the gender focal point 'will organize the work of the Commission for the Family, Women and Youth Affairs, City Council on Gender Policy, Coordination Council on Youth Affairs, and will supervise and coordinate the activities of the Committee on Physical Training, Sports, and Youth Affairs'.

In the Tokmok City Hall the responsibilities of the City Hall Chief Specialist on Social and Cultural Issues were approved by a City Hall Order, which specifies that the chief specialist 'will organize work pursuant to the Presidential Decree "On the National Action Plan on Gender Equality Achievement in the Kyrgyz Republic for 2007-2010"'.

67 Standard Terms of Reference for the staff of local self-government bodies in the villages of the Kyrgyz Republic was approved by Government Resolution No. 91 (23 February 2004).

## Section 7.4. Functional Review of the Local Self-Government

In general, the work of the gender focal points in the local self-government bodies includes the activities which may be provisionally named as 'gender policy related activities'. The subject matter of the detailed Terms of Reference of the full-time gender focal point caused difficulties. In most cases, the gender expert activities are included in routine tasks performed by chief and leading specialists.

Since gender focal points supervise social issues, they regard as gender matters all social problems connected with the family and women at the local level. Such problems cover areas such as social protection, culture, education, health care and provision of pensions. This includes, for example, registration of women in need of social protection, and female pensioners who make up a majority of cases. The gender focal points bear responsibility for interacting with women's councils and other public organizations, mainly, women's associations. Much time is devoted to organizing of cultural events, including celebration of holidays like 8 March (Women's Day), the 23 February (Men's Day), Elderly People's Day and others.

At the City Hall level, gender focal point's duties include development of NAP actions plans, which City Halls should submit to the Provincial Administration. The plans are then developed by the chief specialist with the follow-up approval by the Vice Mayor on Social Issues. The approved plan is sent for further consideration to the local self-government head – the Mayor. Gender focal points are engaged mainly in collecting information on all events and actions taking place in the given local self-government related to women and gender issues for incorporation in the report. There are, however, no forums stipulated to discuss the reports with a wide range of stakeholders.

The chief gender focal point follows up on activities in the plan, and they also prepare consolidated reports on action plan implementation progress.

At the local administration level, the gender specialists are often the gender focal points and those that do the activities. In addition, they fulfil the control and data collection functions pertinent to all gender-related activities.

### Conclusions:

1. The local-scale gender policies development and implementation authorities and functions are not delineated between the public administration bodies and local self-government.
2. Gender focal points at the local self-government level do not have clear guidelines, a regulatory framework and methodological instructions do perform their duties.
3. At the city hall level, gender focal points perform the following functions: data collection of the actions performed by subordinate bodies and city hall departmental structures, data transfer from the level higher to subordinate bodies, and arranging events, mainly cultural and mass events at the city hall level.
4. At the local administration level, gender focal points perform their duties formally. The major part of activities carried out is related to their main duties on social issues, in particular, work with families and women.
5. If the gender-focused activities do take place, it is usually done by local activists from non-governmental organizations.
6. Institutional memory is absent due to the high staff rotation rate.
7. The gender-related training programme for municipal employees has not been developed.

# CHAPTER 8

## COOPERATION WITH CIVIL SOCIETY

Meetings with civil society representatives revealed that groups of people and individuals are interested in implementing gender policies. There are many such groups, including women's non-governmental agencies, various public organizations, and gender experts who are involved in related activities and implement effective projects. Civil society representatives collaborate with public administration bodies at all stages of the gender policy implementation, from the beginning with inclusion of the gender component in public policy, gender policy formulation and implementation stage, and finally performance monitoring and evaluation.

### **Inclusion of Gender Issues in the National Policy**

Civil society has an opportunity to integrate gender development questions in the national policy during discussion and coordination of government programmes. First, civil society participates in the work of the National Council on the Issues of Women, Family and Gender Development under the President. The National Council is composed of 37 members, of which seven represent non-governmental organizations. The general public representatives participate in the National Council's activities in the country's strategic development. However, among the three civil society representatives, out of the National Council's 25 members there are no representatives of organizations promoting gender development.

Participation of public organizations' representatives in parliamentary hearings is another way to include gender agenda items in the public policy. Due to lobbying efforts by female public organizations, the state established special women empowerment measures in 2002. They include Presidential Decrees on appointment of women to positions of deputy heads of local, district and provincial administrations, the establishment of the Institute of the Special Representative of the President on Gender Issues in Parliament (2005-2007). It also includes that not less than 30 percent of women should be represented in public administration and local self-government. Follow-up actions included was the enactment of the Presidential Decrees, Resolutions of the Parliament, Governmental Orders on legally binding gender examinations of draft laws, ratification of amendments to the Election Code on the prohibition of more than 70 percent of the same sex in political parties' lists.

As a result of the efforts of women's non-governmental organizations and political parties, Alliance of Female Legislative Initiatives (AFLI) was set up with the purpose of to integrate of gender-based approaches in legislative process, strengthen women's political leverage and interact with state and society. The first meeting took place on 27 May 2008, bringing together more than 100 representatives of public associations and civil society. At present, the Alliance successfully co-operates with the legislative power and promotes the positive transformation of political processes.

### **Development and Implementation of Gender Policies**

Civil society grew in strength and became more active in advocating for women's rights through improving programmes on a local scale. This was partly achieved through the foundation of public associations in 1996 with the UNDP support – provincial centres of female initiatives 'Ayalzat' and district and village councils of women with civil society representatives.

Non-governmental organizations took an active part in the development of the 'Ayalzat' National Programme for 1996-2000 and the National Achievement Plans for Gender Equality 2002-2006 and 2007-2010. However, departmental and provincial action plans for NAP implementation were developed by public administration and local self-government bodies without the involvement of the general public.

In order to improve gender policies, it is important for public administration bodies and civil society to agree upon the implementation and evaluation of international and national gender equality focused commitments. There have been examples of successful integration of gender development issues in sectoral programmes. For example, the Ministry of Labour and Social Development co-operated effectively with the UNIFEM and independent gender experts in developing of the Social Development Concept of the Kyrgyz Republic and Strategy of the Ministry of Labour and Social Development for 2009-2011. This involved a series of active dialogues, meetings and seminars covering the gender analysis of sectoral programmes and budgets, their composition and content, and the integration of international gender equality obligations in the sectoral policies.

In recent years, the councils of women have gained importance following the Order of the Ministry of the Interior on the creation of territorial social prevention centres, in compliance with Article 14 of the Law 'On crime prevention in the Kyrgyz Republic'. Based on the Regulations the structure of territorial

social prevention centres are to be composed of local police inspectors, law enforcement officers, managers of local public structures, heads of educational institutions, members of Courts of Elders (aksakals), representatives of the councils of women and the general public. In November 2008, the councils of women held annual meetings to hear reports and elect new officials took place in Osh Province with the aim to strengthen their efforts. It is, however, premature to identify the role of the councils of women in the operations of territorial social prevention centres as the process of their establishment is still in progress.

Female and gender-oriented non-governmental organizations have achieved a developed and strong working capacity. Such organizations are capable to represent and lobby successfully the interests of different groups of women in decision-making processes.

Public administration and local self-government bodies work public organizations as partners to implement NAP activities. For example, the OSCE field office in Osh Province supported the creation of the Coordination Gender Council, which consists of 15 NGOs.

Representatives of NGOs and experts from various public organizations work actively to improve the national legislation. With their participation, fundamental laws guaranteeing equal rights and opportunities to men and women have been developed and enacted. In addition, gender-focused amendments have been added to existing laws and a gender examination of statutory legal acts is currently being conducted. There are examples of interaction between regional public organizations and territorial authorities to promote the inclusion of women in the decision-making level. In order to achieve this, the Fund for the Promotion of Women – Parliamentary Candidates was founded in Talas Province.

Within the NAP framework, 'Reduction of Gender-Based Violence' crisis centres (CCs) have been established assist women subjected to domestic violence and human trafficking. The CCs, except for rare occasions, do not receive support from the state or municipal bodies. For example, 'Sezim' crisis centre receives support (i.e. Premises and expenses for public utilities) from the Bishkek City Hall, other aid is provided by international donors in order to implement project activities. However, there is no public or municipal refuge for victims of violence is available in the republic. Sub-clause 6.1.4 of Clause 6 of the National Action Plan (2002-2006) stipulates that the Ministry of Justice must create a helpline network of crisis centres for free advisory service delivery to assaulted women and those in danger of violence. The action has not been implemented due to a lack of funding.

Raising gender sensitivity among public administration and local self-government employees is carried out within joint projects between the Presidential Administration, the Government Office and non-governmental organizations. This is conducted through training seminars and roundtables with support of international organizations.

### **Monitoring and Evaluation of Gender Equality Achievements**

Monitoring the achievements of NAP implementation is limited due to the periodic reporting submitted semi-annually by the public administration and local self-government bodies to higher bodies. Public organizations take part in the preparation of reports. For example, the Kara-Buura District Administration (Talas Province) involves members of 'Shirin Lady', a non-governmental organization, in the review process of completed actions. However, discussion of the finished reports with non-governmental organization is not practiced on a regular basis. Thus, no analysis of achievements or unfeasible planned actions is conducted within the reports, and no adjustment measures are proposed by those that carry out the activities or higher bodies.

By law, civil society has the right to take part in monitoring the legal process and implementation of national programmes. Parliamentary hearings are an effective mechanism to examine gender issues in the process of parliamentary law enforcement control and monitoring.

Crisis centres submit data about victims of violence to the National Statistical Committee

In order to prepare the Country Report on CEDAW implementation and to follow-up on other international commitments undertaken by the Government, the Secretariat of the National Council on the Issues of Women, Family and Gender Development, the Head of the Presidential Administration created working groups consisting of civil servants and representatives of public organizations. The Government has prepared three periodic CEDAW reports. In addition, NGOs have submitted three alternative reports on the part of the civil sector to the UN Committee.

The first evaluation of gender policy outcomes was presented in the 'Review of gender equality achievement tendencies', after completion of the 'Ayalzat' national programme in 2000.

The following results were obtained in 2006 after the completion of the National Action Plan (2002-2006). In 2008, public organizations presented their findings in a report 'On fulfilment of international and national commitments by the Kyrgyz Republic on equal rights and opportunities to men and women in political governance' at parliamentary hearings. With the support of UN Agencies, independent experts completed the 'Country Gender Assessment – 2007', and the CDS Gender-Sensitive Monitoring Concept was developed. All these efforts facilitate adjusting priorities and the implementation of specific gender



policies. However, the public administration bodies do not claim responsibility for the recommendations in gender assessments, despite the reports are for their benefit.

At present, no ongoing cooperation has been established between state authorities and public organizations. Non-governmental organizations are interested in obtaining specific outcomes based on clear and well-defined interaction procedures with state and local public administration. The task of founding of advisory councils stipulated by the NAP Matrix of Activities assumed active participation by civil society in the formulation and implementation of gender policies, information exchange, discussion of priorities and conducting analysis.

The civil sector is not presented in the National Council on the Issues of Women, Family and Gender Development under the President. poor communication of the National Council members who is representing the civil society with the women's movement, lack of representatives of gender-oriented NGOs in the national collegial bodies has led to a poor selection of development priorities.

Civil society representatives criticise the position of public administration bodies. In their opinion, governmental and local self-government bodies employees' have a poor understanding of gender issues and make impractical plans. This, they argue, appears to be a problem in implementing not only gender-focused policies, but policies in other areas.

### **Conclusions:**

1. At present, there is a well-developed network of public organizations, both on the national and local levels, which make a major contribution to promotion of equal rights and opportunities.

2. Non-governmental organizations are ready to cooperate with public administration and local self-government bodies.

3. Public organizations have the capacity to participate effectively in gender policy formulation and implementation.

4. Public administration and local self-government bodies do not adequately apply non-financial incentives to encourage representatives of public organizations and civil society which make inputs in the gender equality progress.

5. International organizations are interested to support the establishment of good relations between public administration bodies and civil society.

6. At the same time there exists certain barriers constraining the social partnership:

- Problematic legislative framework for the cooperation of public administration and local self-government bodies with civil society organizations;
- Poor involvement by civil society in monitoring functions and discussing budgets and draft laws;
- Lack of regulations in public administration and local self-government bodies specifying formats and standards of public policy procedures;
- Low representation by civil society in the national consultative and advisory bodies, and a lack of transparent mechanisms and eligibility criteria for the selection of non-governmental organizations for membership in national councils;
- A lack of transparent mechanisms and eligibility criteria for the involvement of the general public in NAP collegial structures;
- Irregular and unsystematic interaction between power-holding structures and public organizations;
- Inconsistent actions by state bodies and public institutions in implementing gender policies.

CHAPTER 9  
OVERALL CONCLUSIONS OF THE  
FUNCTIONAL REVIEW



## Overall Conclusions of the Functional Review

The analysis of materials and results of meetings, interviews and focus groups showed that awareness of gender policy related issues has risen in the country. At present the republic is advancing from the concept of women's improvement to a comprehensive gender policy, assuming the provision of equal opportunities for men and women in all spheres of life. Gender policy promotion issues are more often understood as the parity of women and men, and attempts are made to solve male-related problems.

Kyrgyzstan is committed to national and international commitments on gender equality. Thus, over many years, the state has established various institutes and administrative bodies to manage gender policy issues, which have been strengthened and restructured. This process needs to be improved by addressing the following issues:

1. The national gender institutional mechanism needs to be strengthened;
2. Provisions specifying gender policy implementation arrangements and tools are lacking or not detailed in the statutory and legal acts;
3. The legislation does not conform with the new Constitution, which provides equal rights for men and women, and opportunities for their fulfilment (Article 13), and is not harmonized with the Law 'On the state guarantees for equal rights and opportunities for men and women';
4. The gender equality interaction formats and procedures between the state and the civil society are not standardized;
5. The structures responsible for gender policy issues lack the needed status and resources to formulate policies;
6. The National Council on the Issues of Women, Family and Gender Development under the President is a consultative and advisory body, thus it is not vested with the authority to formulate public gender policy;
7. Gender policy is implemented by certain ministries and agencies depending on the sector-specific conditions, however, the Division of the Government Office is responsible for implementation, which is, in fact, an executive organ of the National Council and is authorized to co-ordinate the activities of the executive branch and local self-government bodies;
8. An authorized public administration body for gender policy, stipulated by the Law 'On state guarantees of equal rights and opportunities for men and women', has not been established;
9. Planning of gender policy related actions is carried out through a 'top-down' principle;
10. Funds are not earmarked to fund gender policy;
11. Gender policy performance quality depends on the capacity of employees of ministries and agencies, local state administrations and local self-government. The capacity of these employees, in many cases, is inadequate, due to a lack of methodology and programmes focused on the systematic training of experts of ministries and agencies responsible for introducing gender-based approaches;
12. Gender policy requires a comprehensive monitoring and evaluation system, which will enable the coordinating bodies to identify problems and detect errors during implementation, and to propose corrective measures;
13. Functions of the sectoral gender policy formulation are not specified in any ministry or agency;
14. The gender policy goals and implementation functions are not identified. There are departmental legal acts, but no practical implementation measures are detailed referring to the NAP. Methodological instructions on NAP implementation and performance are not developed. Gender-related institutional memory is lacking;
15. Ministries and agencies implement gender policy through fragmented projects, supported by international and local public organizations. Successful project outcomes are not institutionalized;
16. The departmental gender policy is formulated formally and is limited to a package of measures aligned with NAP activities. As a result, only a limited circle of departmental employees are aware of planned actions;
17. Although NAP-related progress reports are submitted on a regular basis, these reports are not discussed in departments. As a consequence, gender issues have few chances to be translated into specific actions affecting the interests and rights of employees;
18. In general, the responsibility to act as a gender focal point is assigned to a ministerial and agency specialist, who lacks the sufficient authorities in decision-making process;
19. Appointment of a gender focal point takes place without identifying specific obligations and without training, instructions and resources necessary to perform their duties;
20. In all public administration bodies the gender focal point has many other tasks, and gender issues are not a priority. Not much time is, therefore, spent working on gender issues. The specialist mainly collects data on gender issues in order to submit reports;

21. There is no identified target audience for gender statistical data, and adequate understanding of the necessity of gender indicators is lacking;

22. Gender specific activities for staff and legal support, as well as infrastructural backing of the national gender mechanism at the central and local levels are not identified;

23. Many ministries and agencies understand gender policy implementation as instituting a mandatory 30 percent representation of women in administrative bodies. Deep gender issues – in particular, inculcated gender prejudices – were not mentioned by any public administration or local government body;

24. Sexist statements concerning women and discrimination during recruitment are widespread in the civil service system. This is against the Laws 'On Civil Service' and 'State Guarantees of Equal Rights and Opportunities for Men and Women'. These Laws continue to be disregarded both by law-enforcement bodies and the public administration system overall;

25. Gender focal points perform their duties formally at the level of local administrations and town councils. A majority of activities carried out are in the social sphere, in particular, work with families and women. Local activists from women's non-governmental organizations conduct many of the gender-related activities;

26. At present, there is a well-developed network of public organizations, both on the national and local levels, making a major contribution to the promotion of equal rights and opportunities. Public organizations have the capacity for effective participation in formulating and implementing gender policies. International organizations are interested in providing support to establish of good relations between public administration bodies and civil society.

27. At the same time there are barriers, constraining the social partnership:

- Problematic legislative framework allowing public administration and local self-government bodies to cooperate with civil society organizations;
- Poor involvement by civil society in monitoring functions and discussing budgets and draft laws;
- Lack of regulations in public administration and local self-government bodies specifying formats and standards of public policy procedures;
- Low representation by civil society in the national consultative and advisory bodies;
- A lack of transparent mechanisms and eligibility criteria for the involvement of the general public in the NAP collegial structures;
- Irregular and unsystematic interaction between power-holding structures and public organizations;

In order to improve the national gender institutional mechanism, the following recommendations are proposed.

# CHAPTER 10

## RECOMMENDATIONS

Recommendations following the results of the national gender institutional mechanism review are split in two categories: general and specific recommendations.

General recommendations refer to all governance, public administration and local self-government.

Specific recommendations are focused on certain bodies of governance, public administration, and local self-government and/or regarding a specific problem.

Since regulations and distribution of responsibilities within any ministry or agency are similar, recommendations of the Ministry of Economic Development and Trade and the Ministry of Internal Affairs are provided as examples of standard recommendations referring to these problems. Each public administration body independently solves such questions based on the specific aspects of its activity.

### Section 10.1. General Recommendations

The recommendations are subject to consideration by public administration and local self-government bodies, responsible for the implementation of gender policies.

	Recommendation	Which body is recommended
<b>POLICY FORMULATION STAGE</b>		
1.	To finalize and approve the proposed model in the given report of the national gender institutional mechanism, and must legalize goals, objectives and functions of gender policy in each level of governance.	National Council on the Issues of Women, Family and Gender Development under the President
2.	To identify a number of civil society representatives from among non-governmental organizations engaged in gender issues, and independent gender experts in the National Council on the Issues of Women, Family and Gender Development, totalling not less than one third of the total membership of the National Council.  To develop an open and transparent mechanism, and selection criteria for the National Council members from the civil sector.	National Council on the Issues of Women, Family and Gender Development under the President;  Non-governmental organizations (as agreed)
3.	To consider introducing an authorized body on gender policy in the structure of the Government or assigning responsibilities to one of the ministries.	Government
4.	To amend the Law on the Parliamentary Standing Orders stipulating the obligation to examine gender aspects of draft laws.	Parliament
5.	To enter amendments into sectoral concept notes and the concept note for self-government bodies, stipulating gender equality principles. This will require that the departmental gender policy implementation plans should be prepared on this basis.	All central bodies, ministries, agencies and local self-government.
6.	To provide openness and transparency of National Council activities through modern information technologies (e.g. the Government website portal: <a href="http://www.gov.kg">www.gov.kg</a> ) and traditional mass media (regular coverage through the National TV and Radio Broadcasting Corporation (NTRC), republican and local newspapers).	National Council on the Issues of Women, Family and Gender Development under the President;  Press Service of the Government;  NTRC

7.	To develop an information strategy (informational materials, broadcasts and publications) on the promotion of gender equality principles through the public mass-media.	National Council on the Issues of Women, Family and Gender Development under the President; Press Service of the Government
8.	To develop and approve guidelines for a comprehensive gender-based approach within national strategies and programmes and to apply them.	National Council on the Issues of Women, Family and Gender Development under the President; National Strategic Development Council; National Council on Control of Trafficking in Humans; National Justice Affairs Council; National Food Fortification Board; National Corruption Control Council; Government
9.	To shift from gender-oriented activities (focused on effective work rather than on eliminating the roots of inequality) to gender-transformative public policy, striving for qualitative improvement of the position of women and men.	Administrative Office of the President, National Council on the Issues of Women, Family and Gender Development under the President; Government
<b>POLICY IMPLEMENTATION STAGE</b>		
10.	To reorganize the Lawmaking Activity Coordination Centre of the Government under the Ministry of Justice to the Institute of Draft Law Examination of the Government in order to conduct special-purpose research, including on gender issues.	Government
11.	To transfer to the Ministry of Justice the functions of the Commission on Gender Examination of Statutory and Legal Acts under the Social Development Division in the Government Office.	The Government Office
12.	To make gender examination of draft laws mandatory.	Legislative leadership subjects
13.	To formalize the development and approval by the Governmental Resolution of the Matrix of Activities in accordance with the Final Comments of the UN Committee on Elimination of all Forms of Discrimination against Women within the CEDAW fulfilment framework to allocate the necessary budgetary funds for implementation of activities.	Government
14.	To develop national strategies and programmes it is necessary to take into account the commitments undertaken by the Kyrgyz Republic and development indicators within the framework of CEDAW, Beijing Platform for Action and Millennium Development Goals.	Government
15.	To formalize through legislation the format and procedures for interaction between government, public administration and local self-government bodies and civil society organizations.	Parliament; Government

16.	To develop and approve a new format for developing and implementing the National Achievement Plan and the Matrix of Activities for 2010-2015, based on regional action plans, including site analyses and linkages to the budget cycle, indicating specific actions, responsible agencies, deadlines and sources of finance.	National Council on the Issues of Women, Family and Gender Development under the President
17.	To work out a standard manual on gender policy formulation and implementation in different sectors/industries, including those at the local level, indicating exact benchmarks, regulatory framework and methodological requirements.	National Council on the Issues of Women, Family and Gender Development under the President
18.	To develop and approve gender analysis methods for state budget formulation and performance, and to carry out a pilot gender analysis based on those methods.	Government; Chamber of Accounts; Ministry of Finance, Parliament
19.	To assign one deputy head from ministry and agency to gender policy coordination and implementation, introduce gender approaches in the sectoral policies and formalize this function in a Terms of Reference by internal statutory act.  To make one employee from each ministry and agency the responsible for the ministry/agency gender-related record management and to formalize this function in a Terms of Reference by internal statutory act. (See the Standard Recommendations examples of the Ministry of Internal Affairs and the Ministry of Economic Development and Trade.)	Government
20.	To set up in the central bodies, ministries and agencies gender councils consisting of the first persons of the central body, the ministry or agency and heads of key divisions (e.g. policy formulation, organizational work, economy and finance); to formalize in the Regulations on gender councils the right to employ the gender focal points (see the examples of the Recommendations for Specific Issues of the Ministries of Internal Affairs and Economic Development and Trade, sub-clauses 32-43).	Presidential Administration; Government; Central bodies
21.	To assign an employee/deputy head of provincial and district administrations duties to coordinate gender policy and to implement and introduce gender-based approaches in the activities of local state administrations and territorial divisions of ministries and agencies.	Presidential Administration; Government; Provincial Administrations
22.	To establish in all provincial administrations gender equality advisory commissions, consisting of the first persons and heads of key divisions (e.g. policy formulation, organizational work, economy and finance), civil society representatives and gender focal points.	Presidential Administration; Government
23.	To set up in Bishkek and Osh City Halls gender equality advisory commissions, consisting of the first persons and heads of key divisions (e.g. policy formulation, organizational work, economy and finance), civil society representatives and gender focal points.	Presidential Administration; Government; National Agency for Local Self-Government Affairs

24.	<p>To form gender equality advisory councils at the local administration/town council/city hall level, consisting of local parliamentary deputies, budget standing committee members, local activists and members of non-governmental organizations, including women's associations.</p> <p>To appoint all local administration executive secretaries as commission secretaries, responsible for performance of gender-related duties.</p> <p>To classify that the main responsibility of the local advisory commissions is to develop gender equality proposals and actions for inclusion in local development plans of local administration/town councils/city halls and their budgets.</p>	<p>Government; National Agency for Local Self-Government Affairs</p>
25.	<p>To develop and introduce a gender policy performance monitoring and evaluation system based on harmonized gender indicators, including indicators from the Beijing Platform for Action, Millennium Development Goals and CEDAW. This will serve to monitor, evaluate and prioritize gender equality measures in national, sectoral, departmental and regional plans.</p>	<p>National Council on the Issues of Women, Family and Gender Development under the President; Government</p>
26.	<p>To charge first persons of ministries and agencies, and heads of local state administrations with the responsibility for exercising control over gender policy implementation in ministries, administrative bodies and local state administrations.</p>	<p>Government</p>
27.	<p>To develop and introduce an equal opportunities monitoring system focusing on recruitment and career development within the civil/municipal service.</p>	<p>National Council on the Issues of Women, Family and Gender Development under the President; National Council for Civil Service Affairs; Agency on Civil Service Affairs; National Agency for Local Self-Government Affairs</p>
28.	<p>To develop and include in civil service job application tests gender competence questions.</p>	<p>Testing Centre under the Agency for Civil Service Affairs</p>
29.	<p>To develop and include in certification of civil, municipal and special service employees gender competence questions.</p>	<p>National Council on the Issues of Women, Family and Gender Development; National Council for Civil Service Affairs; Agency on Civil Service Affairs; National Agency for Local Self-Government Affairs</p>
30.	<p>To develop and implement a work policy for gender focal points (to create a reserve staff of gender focal points, to make provision for material and non-material incentives for performance of gender-related duties, etc.)</p>	<p>National Council on the Issues of Women, Family and Gender Development under the President; Government</p>
31.	<p>To strengthen the capacity of civil servants through annual gender-focused training, including activities funded by ministries and agencies.</p>	<p>All central bodies, ministries, agencies and local self-government</p>



32.	To develop and annually update the gender expert database in various spheres of public and local administration, in order to include these experts into the implementation of activities.	National Council on the Issues of Women, Family and Gender Development under the President of the Kyrgyz Republic
<b>POLICY ANALYSIS STAGE</b>		
33.	To develop and introduce a gender policy monitoring and evaluation system based on harmonized gender indicators, including the Beijing Platform for Action, Millennium Development Goals and CEDAW. This will serve to monitor, evaluate and prioritize gender equality measures in national, sectoral, departmental and regional plans.	National Council on the Issues of Women, Family and Gender Development under the President Government
34.	To hold on a regular basis parliamentary hearings on gender policy implementation that falls within the bounds of parliamentary supervisory powers.	Parliament
35.	To provide approval of the Government's annual report on gender equality in the established order and its subsequent distribution.	Government; Parliament
36.	To formalize the report submission procedure on CEDAW compliance in the following format: the Government shall approve the official report key findings; one month prior to the submission of the oral report to the CEDAW Committee, the Government will submit the key findings to the core parliamentary committee and present the report to the UN Committee after receiving approval obtained from the core parliamentary.	Government
37.	To develop and legalize, by statutory act, measures on the inadmissibility and responsibility of governmental employees concerning public statements that discriminate by gender; and to monitor the observance of ethical principles by civil servants.	National Council on the Issues of Women, Family and Gender Development under the President; Agency on Civil Service Affairs; Prosecutor General's Office

## Section 10.2. Recommendation Concerning Specific Issues

The recommendations are subject to consideration by public administration and local self-government bodies, responsible for the implementation of gender policies.

	<b>Recommendation</b>	<b>Which body is recommended</b>
1.	To ratify the ILO Conventions No. 156 'On equal attitudes and equal opportunities for working men and working women with family duties' and No. 183 'On the revision of the 1952 Convention on maternity protection'.	Parliament
2.	To include in the membership structure of the National Council on the Issues of Women, Family and Gender Development heads of the Strategic Analysis and Evaluation Institute, Ministry of Economic Development and Trade, National Statistical Committee and the National TV and Radio Broadcasting Corporation.	National Council on the Issues of Women, Family and Gender Development under the President
3.	To strengthen the role of the National Council on the Issues of Women, Family and Gender Development under the President by establishing technical sectors which will prepare draft resolutions and initiate questions focusing on gender policy improvement.	National Council on the Issues of Women, Family and Gender Development under the President

4.	To include into the membership structure of national councils gender experts and representatives of non-governmental organizations to conduct activities in gender-related areas.	National Strategic Development Council; National Council on Control of Trafficking in Humans; National Justice Affairs Council; National Food Fortification Board; National Corruption Control Council
5.	To expand sex-disaggregated indicators in official statistics by taking into account national needs and international requirements.	National Council on the Issues of Women, Family and Gender Development under the President; Government; National Statistical Committee
6.	To render organizational and information support to implement activities specified in the National Action Plan and to carry out the interim performance monitoring and evaluation.	The Government Office
7.	To develop a package of information and methodological materials about the purpose, role and necessity of the gender and sex-disaggregated indicators.	National Council on the Issues of Women, Family and Gender Development under the President; Government; National Statistical Committee
8.	To include in the curriculum of the Management Academy under the President and all higher education institutions subjects addressing the professionalization of government and municipal employees, and to train experts in 'Public Administration' and 'Municipal Service', and to provide compulsory training on the introduction of gender approaches in civil and municipal service.	National Council on the Issues of Women, Family and Gender Development under the President; Management Academy under the President; Agency on Civil Service Affairs; National Agency for Local Self-Government Affairs; Ministry of Education and Science
9.	To provide training for the core staff (in the departments of analysis, planning, organizational and human resources) of the Office of the Parliament, the Ombudsman, the Prosecutor General's Office, National Statistical Committee, ministries, agencies, local state administrations and local self-government related to gender policy monitoring and evaluation methods.	National Council on the Issues of Women, Family and Gender Development under the President; Management Academy under the President; Agency on Civil Service Affairs; National Agency for Local Self-Government Affairs

10.	To train employees of ministerial and agency sectoral departments, local state administration and local self-government bodies how to formulate policy measures for gender parity.	National Council on the Issues of Women, Family and Gender Development under the President; Management Academy under the President; Agency on Civil Service Affairs; National Agency for Local Self-Government Affairs
11.	To develop and approve an operating manual on performing gender-related activities.	National Council on the Issues of Women, Family and Gender Development under the President
12.	To develop and introduce gender analysis methods in court procedures and judicial statistics, with the involvement of gender experts This is to include calculating reference to the court and motions accepted for proceeding. Also, examining cases based on the applicants' sex and the court decision. Finally, it should involve maintaining records when cases involved equal rights and opportunities for men and women guaranteed by the Constitution, gender discrimination facts and other issues.	National Council on the Issues of Women, Family and Gender Development under the President; Constitutional Court; Supreme Court; Department of Courts; Local courts
13.	To assist in the identification of gender-specific aspects of the activities of the Ombudsman and the Prosecutor General's Office, along with the development and improvement of gender policy implementation strategies.	National Council on the Issues of Women, Family and Gender Development under the President
14.	To legalize, by statutory legal act, the involvement local community members and gender experts as public gender focal points in public administration and local self-government bodies.	National Council on the Issues of Women, Family and Gender Development under the President; Presidential Administration; The Government Office
15.	To recommend the implementation of a standard form contract on gender policy partnership between public administration, local state administrations, local administrations, town councils, city halls and gender-oriented non-governmental organizations	National Council on the Issues of Women, Family and Gender Development under the President; The Government Office; National Agency for Local Self-Government Affairs
16.	To include in the Regulations of the Strategic Analysis and Evaluation Institute the gender policy analysis activities.	Strategic Analysis and Evaluation Institute
17.	To develop and introduce a system of primary statistical data collection and analysis on various gender-based violence cases, including domestic violence.	National Statistical Committee; Ministry of Internal Affairs; Department of Courts; Prosecutor General's Office; Ministry of Health
18.	To formalize, in a Terms of Reference, the duties of secretaries of state in public administration bodies. In particular, this should relate to being in charge of ensuring gender parity in the staff structure of the corresponding state body.	Agency on Civil Service Affairs

19.	To recommend the implementation of various incentives for public administration and local self-government bodies that successfully introduce gender-based approaches in their activities.	Government; National Council on Civil Service Affairs; Agency on Civil Service Affairs; National Agency for Local Self-Government Affairs
20.	To develop and approve standard regulations for a gender focal point in local self-government bodies, which defines their legal status and competence.	National Agency for Local Self-Government Affairs
21.	To recommend the implementation of a standard form contract on the gender policy partnership between local councils and non-governmental organizations.	National Agency for Local Self-Government Affairs; National Council on the Issues of Women, Family and Gender Development under the President
22.	To develop and formalize the process of the gender focal point transferring gender-related documentation to their successor, along with strict accounting documents and tangible assets.	The Government Office
23.	To formalize in the Regulations on the Office of Ombudsman the necessity to monitor claims of gender discrimination made by citizens and compliance with gender policy.	Parliament; Office of the Ombudsman
24.	To conduct a gender audit of activities conducted by the Office of the Ombudsman and the Prosecutor General's Office.	Office of the Ombudsman; Prosecutor General's Office
25.	To conduct periodically (not less than once every three years) a gender audit of Provincial Administrations.	Presidential Administration; Government; Provincial Administrations
26.	To develop and introduce sex-disaggregated data collection and analysis methods in the activities of the Office of the Ombudsman.	Office of the Ombudsman
27.	To include in the Ombudsman's annual report to Parliament a separate section dealing with the observance of equal rights and opportunities for men and women.	Office of the Ombudsman
28.	To apply the gender-based quotas when appointing local court judges.	Supreme Court; Presidential Administration
29.	To implement in the judicial system the Collective Agreement of the trade union organization of the Supreme Court, according to which the management undertakes to secure funds for a lump sum payment to employees in case of their marriage or childbirth, and to shorten the working day for women who have children under six years of age by one hour, while salary remains the same.	Department of Courts; Federation of Trade Unions of Kyrgyzstan (as agreed)
30.	To expand moral incentives for representatives of public and civil society organizations who make a considerable contribution to implement gender policies.	Public administration and self-government bodies
31.	To include in the annual work plan of the Prosecutor General's Office regular activities on the execution of statutory and legal acts referring to the public gender policy and specific articles of some statutory and legal acts.	Prosecutor General's Office

32.	To develop mechanisms for the involvement of gender experts during public prosecutor's inspections and joint analysis of the obtained data.	Prosecutor General's Office
33.	To develop and approve gender examination methods of state educational standards, curriculums, textbooks and to conduct expert examination on a regular basis.	Ministry of Education and Science
34.	To develop gender-related training courses for inclusion in the state educational standards system.	Ministry of Education and Science
35.	To allocate funds from local and national budgets to achieve gender-significant projects through the government social order and stimulating (matching) grants.	Ministry of Finance; National Agency for Local Self-Government; National Council on the Issues of Women, Family and Gender Development under the President; Local state administrations

**Standard Recommendations** provided by the example of the Ministries of Internal Affairs and Economic Development and Trade.

<b>Recommendations for the Ministry of Internal Affairs</b>		
1.	To establish and approve by Order of Minister the Gender Council of the Ministry of Internal Affairs consisting of seven ex officio members :  Chairman – (1) Deputy Minister – gender focal point; Members of the Council – Heads of Departments: (2) Human Resources; (3) Public Security; (4) Information-Analytical Centre; (5) Passport and Visa Control; (6) 9th Division; (7) Legal Support and International Cooperation.	Ministry of Internal Affairs
2.	To supplement the Regulations of the Public Security Department of the Ministry of Internal Affairs with the following wording in the 'Functions' section: 'implement public gender policy in the sphere of protecting citizens from domestic violence'.	Ministry of Internal Affairs
3.	To supplement the Regulations on the Passport and Visa Control Department of the Ministry of Internal Affairs with the following wording in the 'Functions' section: 'implement public gender policy in the sphere of combating trafficking in humans'.	Ministry of Internal Affairs
4.	To include the following provision in the Terms of Reference of one of Deputy Ministers of Internal Affairs: 'coordinates and monitors public gender policy implementation in the sphere of protecting citizens against domestic violence and trafficking in humans'.	Ministry of Internal Affairs

5.	To include the following provision in the Terms of Reference of one of Deputy Ministers of Internal Affairs: ‘coordinates and monitors public gender policy implementation in the activities of law enforcement bodies’.	Ministry of Internal Affairs
6.	To include the following provision in the Terms of Reference of the Human Resources Department: ‘bears responsibility for policy formulation and introduction of gender-based approaches in the staffing questions of law enforcement bodies and their gender-focused professionalization’.	Ministry of Internal Affairs
7.	To include the following provision in the Terms of Reference of the Head of the Information-Analytical Centre: ‘bears responsibility for policy formulation and introduction of gender indicators in the data collection and analysis of the law enforcement system’.	Ministry of Internal Affairs
<b>Recommendations for the Ministry of Economic Development and Trade</b>		
8.	To establish and approve by the Order of the Minister of the Economic Trade and Development the gender policy executive organ (for example, the Gender Council of the Ministry of Economic Development and Trade) consisting of: Chairman – (1) Deputy Minister – gender focal point; Members of the executive organ – heads and/or employees of all departments.	Ministry of Economic Development and Trade
9.	To supplement the Regulations on the Ministry of Economic Development and Trade with the following wording in the ‘Functions’ section (6.1) - ‘participates in the formulation and implementation of the public gender policy in the economic sphere’.	Ministry of Economic Development and Trade
10.	To include the following wording in the Terms of Reference of the Deputy Minister of the Economic Trade and Development responsible for gender issues (GFP): ‘carries out coordination and monitoring of public gender policy implementation in the economic sphere’.	Ministry of Economic Development and Trade

### **Section 10.3. Risks and Issues Associated with the Implementation of Recommendations Following the Functional Review**

In process of implementing the recommendations of the functional review, possible risks that may hinder implementation must be taken into account. There are external and internal risks related to implementing the FR recommendations. The external risks cannot be prevented by the people involved. Internal risks (e.g. lack of qualifications, lack of work coordination, etc.) are directly dependent on the activities of the responsible parties (such as government agencies, non-governmental organizations and international donors) and can be prevented (e.g. measures to improve skills, formalization of work schedule, etc.).

External implementation risks would involve Kyrgyzstan’s rejection of its obligations under international agreements. Due to a long-term and sustained commitment of the country to implement all signed and approved international conventions, treaties and other agreements, the authors of this review believe that the external risks in this case are minimized. There is no reason for the Government to abandon its commitments.

The main internal risks to implementing the FR recommendations are:

- risk of failure to implement all the FR recommendations;
- risk of uncertain status of the authorized body on gender policies;
- risk of not complying with timing for implementing the FR recommendations (e.g. stages and activities) indicated in the plans of activities.

### **A risk of failure to implement all the FR recommendations**

Kyrgyzstan has accumulated rich experience in implementing recommendations of the functional review. In 2008, the UN Development Programme examined the extent to which the recommendations of the functional review were enshrined in law. Only a change in the regulatory framework governing the activities of public administration bodies, determines whether specific implementation measures were adopted or not. The study results were published in a separate report and submitted to the Government during roundtable on 14 November 2008.

In general, it should be noted that some recommendations are always carried out by the ministries, since the changes were part of administrative reform. However, it was found that in some ministries, Ministers have abolished the decisions of already adopted and implemented recommendations of the functional review.

In the UNDP report it was recommended to develop a monitoring system to track the recommendations in the functional review, and identify a public administration body which will conduct the monitoring.

### **A risk of uncertain status of the authorized body on gender policies**

Clarification of the authorized body's duties is one of the key points to strengthen the institutional mechanism for gender policy. The risk is that, in the process of administrative reform and reorganization of administration bodies, gender policy will stay in the shadows, and the authority for its preparation and implementation will not be separately assigned to a public administration authority of a ministry or this function will be assigned to authorities of another level.

### **The risks of not complying with the timing for implementing the FR recommendations (e.g. stages and activities) indicated in the plans of activities.**

Given the complex nature of gender policy activities and a lack of state budget resources, there is a risk of falling behind the implementation schedule for functional review recommendations.

Proper activity planning and resource mobilization will significantly reduce this kind of risk. The presence of a fully authorized body for gender policies will also facilitate proper compliance with the implementation timeframe for the recommendations.

#### **In terms of minimizing risks, the following is important:**

- make early amendments to the regulatory framework that validate the status and powers of the public administration body responsible for the development and implementation gender policies;
- develop a monitoring system to oversee the implementation of recommendations in the functional review;
- regular monitoring by the authorized body;
- constant public support and monitoring of activities on gender policy; and
- mobilization of resources for gender policy implementation.

## Glossary

**Affirmative action** refers to measures aimed at equalizing opportunities for men and women in achieving the rights granted by the Constitution and laws.

**Direct gender discrimination** means discrimination with direct reference to gender.

**Domestic violence** (family violence) refers to any deliberate act by one family member towards another if such an act infringes on the legal rights and freedoms of another family member, causes physical and psychological suffering or threatens the physical and personal development of an underage family member.

**Domestic work** is a form of work aimed at meeting the needs of the household. Domestic work is a kind of socially useful and productive work, which lays the foundations of human and social potential of the country.

**Equal opportunities** refer to the system of resources and conditions necessary to achieve gender equality.

**Equal partnership relations** mean cooperation or joint participation in government and public life on equal conditions for persons of different sexes.

**Function** refers to an activity of the management body or system of administrative actions with similar intentions and basic characteristics, aimed at achieving administrative goals and leading to an outcome (product), which is directly linked to the objectives of public bodies/institutions.

**Gender** refers to the acquired, socially embodied behavior of either sex; the social dimension of relations between men and women, which is manifested in all spheres of life, including politics, economics, law, ideology, culture, education and science.

**Gender analysis** is an evaluation process of the different impacts on women and men by existing or proposed programmes, legislation, public policies in all areas of society and state.

**Gender audit** refers to a tool for analyzing an integrated gender mainstreaming in policies, programmes and operation of organizations, as well as an evaluation the degree to which policies have been adopted by organizations.

**Gender discrimination** (direct and indirect) means any distinction, exclusion or preference which restricts the rights and interests of persons on the grounds of gender and aimed at weakening or withdrawal of recognition, enjoyment

or exercise of equality between men and women in political, economic, social, cultural, civil or any other areas of life.

**Gender expertise** means monitoring and socio-legal analysis of the national legislation, as well as evaluating draft regulations for compliance with equal opportunities, rights, duties, responsibilities, fair relations and equality of outcome for men and women, and prevention of gender discrimination.

**Gender equality** means an equal legal status and equal opportunities for women and men that permit persons regardless of sex to freely use their abilities to participate in the political, economic, employment, social and cultural areas of life.

**Gender equity** means equality of rights, duties and responsibilities of the two sexes before the law, except for extenuating circumstances set forth in legislation of the Kyrgyz Republic.

**Gender indicators** refer to indices and instruments that use quantitative and qualitative indicators to summarize significant gender changes in society during a certain period of time.

**Gender mainstreaming** refers to a strategy whereby the interests and experiences of women and men become an integral aspect of the formulation, implementation, monitoring and evaluation of legislation, policies and programmes in all political, economic, labour, social and other areas in order to eliminate inequalities between men and women.

**Gender policy** refers to state and social activities aimed at establishing equality in the relationship between the sexes.

**Gender relations** mean a pattern of behaviour and treatment between the sexes in the process of communication or implementation of various joint activities.

**Gender representation** refers to the representation of men and women in any organization based on fixed proportions.

**Gender statistics** refer to the data that reflect the relevant status of the two sexes in all areas of socio-political life and addresses gender issues and relations in society.

**Gender stereotype** means ideas at a given time about the differences between men and women.

**Indirect gender discrimination** means discrimination without direct reference to gender.



**Job responsibilities** means the complex of an employee's actions aimed at achieving the management system's goals which are legally binding for the employee. These defined and ordered set of responsibilities is the essence of an employee's functions.

**National gender mechanism** refers to the system of management institutions, mechanisms and measures of the state that permit the implementation of the fundamental constitutional principle of equal rights and equal opportunities for men and women in all areas of life.

**Objects of gender equality** mean social, political, economic and other relations which are subject to legal regulation.

**Protection order** means a procedural legal document that provides state protection for the victim of domestic violence or threat from domestic violence, entailing a warning for the person who committed a violent act or threatened to commit a violent act, in a form of punishments envisaged in the Law 'On social and legal protection against domestic violence'.

**Quota** refers to a form of interim special measures, expressed by an institutionalized level of representation of both sexes in political institutions, in the field of labour relations and other areas, which may be waived as to achieve a balanced representation of men and women in government and local self-government bodies.

**Sexual harassment** means sexual acts, expressed verbally or physically, humiliating and insulting a person in employment, service, financial, family and other dependencies.

**Special measures** refer to institutional, legislative, institutional actions aimed at supporting persons of one sex in the most discriminatory aspects of life. Special measures may be temporary.

**System functional review** means a comparison functions in a number of executive bodies, organizations or institutions .

**The equality of result** refers to the concept of equality, which recognizes that to achieve equal results for men and women, it is necessary to

treat them differently, because the living conditions are different.

**Vertical functional review** is a comprehensive evaluation of the efficiency of implementing key functions within a single government body, organization or institution.

**Violation of gender equality** refers to active or passive behaviour expressed as humiliation, contempt and restriction of rights or privileges based on sex.

## List of Acronyms

AFLI	Alliance of Female Legislative Initiatives
BPA	Beijing Platform of Actions adopted on the Fourth World Conference on the Status of Women, 15 September 1995
CCs	Crisis centres
CDS	Country Development Strategy
CEC	Central Elections and Referendums Committee of the Kyrgyz Republic
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CPR	Chamber of People's Representatives
CSA	Civil Service Agency
DP KR	Decree of the President of the Kyrgyz Republic
FR	Functional Review
GE	Gender expert
GFP	Gender Focal Point
IISS	International Institute for Strategic Studies
ILO	International Labour Organization
ISAA	Institute of Strategic Analysis and Assessment
JK	Jogorku Kengesh (Parliament)
KR	The Kyrgyz Republic
LC	Legislative Chamber
LSA	Local state administration
LSG	Local Self-Government
LSGB	Local Self-Government Bodies
MDG	Millennium Development Goals
MEDT	Ministry of Economic Development and Trade
MFA	Ministry of Foreign Affairs
MIA	Ministry of Internal Affairs
MJ	Ministry of Justice
MLSD	Ministry of Labour and Social Development
MM	Mass Media
NA	Normative act
NA LSG	National Agency for Local Self-Government
NAP	National Action Plan on Gender Equality for 2002-2006 and 2007-2010
NAS KR	National Academy of Sciences of the Kyrgyz Republic
NBC	National Broadcasting Corporation
NBKR	National Bank of the Kyrgyz Republic
NC	National Council on the Issues of Women, Family and Gender Development under the President of the Kyrgyz Republic
NLA	Normative and Legislative acts
NGO	Non-governmental Organization
NSC	National Statistical Committee
NTRC	National TV and Radio Corporation
GM	The Government Office of the Kyrgyz Republic
OSCE	Organization for Security and Cooperation in Europe
PA	Presidential Administration of the Kyrgyz Republic
PAB	Public Administration Bodies
SA	State Agency
SAEI	Strategic Analysis and Evaluation Institute
ST SP KR	State Parliament of the Kyrgyz Republic
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNIFEM	United Nations Development Fund for Women

# ANNEXES

**ANNEX 1.**

**Requested information needed for the functional review**

**ANNEX 2.**

**Questionnaire 1 Details of organization**

**ANNEX 3.**

**Questionnaire 2 Characteristics of the function for the development/implementation of gender policy**

**ANNEX 4.**

**Information on state and non-government organizations at national, sector and local levels included into the focus of the functional review of the national institutional mechanism for gender equality in the Kyrgyz Republic**

**ANNEX 5.**

**Scheme of institutions which develop and implement the national gender policy in the Kyrgyz Republic on the basis of the Law 'On state guarantees of equal rights and opportunities for men and women'**

# ANNEX 1

## Requested information needed for the functional review:

1. Regulations, scheme of organizational structure of the state administration or local self-government body;
2. Number, date and regulatory act (order, resolution, etc.) of the state administration or local self-government body adopted to implement Presidential Decree No. 369 (20 August 2007);
3. Plan of activities of the state administration or local self-government body to implement Presidential Decree No. 369 (20 August 2007);
4. Number, date and regulatory act (order, resolution, etc.) of the state administration or local self-government body upon which the GFP's position and functions were approved;
5. Name, title, contact details of the gender focal point in the state administration or local self-government body;
6. Approval of the GFP's job descriptions ;
7. Functional obligations of the gender focal points;
8. Regulations for the collegiate body responsible for gender issues (group, council, committee, commission, etc.);
9. List of collegiate body members (title, contact information, main functional responsibilities);
10. List of implemented and/or under ongoing activities (strategies) on gender policy according to Table 1.

No.	Name of decree, programme, strategy	Activity	Responsible	Budget <sup>69</sup>
1.	Government Resolution No. 325 (6 May 2006) 'On implementation of the Presidential Decree No. 36 (20 March 2006) "On measures of enhancement of the gender policy"'			
2.	Presidential Decree No. 369 (20 August 2007) 'On the National Action Plan for Gender Equality in the Kyrgyz Republic (2007–2010)'			
3.	Law 'On state guarantees of equal rights and equal opportunities for men and women' (4 August 2008).			
4.	Government Resolution No. 837 (12 November 2008) 'On approval of matrix of activities aimed at implementing the CEDAW Committee's Concluding Comments to the second periodical report of the Kyrgyz Republic regarding implementation of the Convention on Elimination of All Forms of Discrimination Against Women' ( last amended by Government Resolution No. 90, 10 February 2006)			
5.	Law No. 62 (25 March 2003) 'On social and legal protection against domestic violence'			
6.	<i>Continue the list if necessary</i>			

69 Indicating the total amount and sources of funding (national budget, local budget, special funds, international organizations' funds).

# ANNEX 2

Questionnaire 1.  
Details of organization

**Name of central public administration administration body (ministry, agency, local state administration)** \_\_\_\_\_

**Number of structural units:**  
department \_\_\_ administration \_\_\_\_ division \_\_\_ sector \_\_\_

<b>Name:</b>	<b>Number of staff members</b>	<b>Actual number of staff members</b>	<b>Number of men</b>	<b>Number of women</b>
Total (persons.):				
<b>Including administrative and technical staff (persons):</b>				

**Management:**

<b>Name</b>	<b>Title</b>	<b>Sex</b>	<b>Age</b>

**Persons responsible for gender policy:**

<b>Name</b>	<b>Title</b>	<b>Sex</b>	<b>Age</b>

# ANNEX 3

Name of the state administration/local state administration body

## Questionnaire 2 Characteristics of the function for the development/implementation of gender policy

Name of function: \_\_\_\_\_

Name of administration/department/division: \_\_\_\_\_

Name and title of the head: \_\_\_\_\_

No.	Requested information	Response to the requested information
1	Regulatory act based on which the function is implemented (law, decree, resolution, regulations, order etc)	
2	Outcome of the function implemented (final 'product', e.g. draft order, implemented action, etc.)	
3	User of function (for whom the function is implemented)	
4	Indicate other public administration bodies with which you communicate during implementation of the function	
5	Number of staff members/administrative and technical staff necessary for implementation of the function ( <i>if only one person, then go to section 10</i> )	
6	Actual number of staff/administrative and technical staff, in charge for implementation of the function ( <i>if one person in charge, then go to section 10</i> )	
7	Budget for function <sup>70</sup>	
8	Which body is responsible for monitoring the implementation of the function	
9	What will happen if financing for the function is not available?	
10	Name, title, sex and age of the person in charge for the implementation of the function	

70 Insert the amount of annual salaries of all staff members responsible for the function.

## ANNEX 4

Information on public and non-government organizations at national, sector and local levels included into the focus of the functional review of the national institutional mechanism for gender equality in the Kyrgyz Republic

### 1. Information on meetings-interviews held during FA.

No.	Name of public administration body	Participants of meetings and interviews
	<b>Presidential Administration</b>	<ul style="list-style-type: none"> <li>○ Head of the Department for Organizational Work and Public Policy Body</li> <li>○ Head of the Department for Economy and Social Policy;</li> <li>○ Expert of the Social and Economic Policy Sector</li> <li>○ Head of the Department for Legal Policy</li> <li>○ Head of the Human Resources Service</li> <li>○ Head of the Press Service</li> <li>○ Head of the Commission for State Awards</li> <li>○ Executive Secretary of the Commission for Education and Science</li> </ul>
2.	<b>Secretariat of the President</b>	<ul style="list-style-type: none"> <li>○ Head of analytical service</li> </ul>
3.	<b>Institute of Strategic Analysis and Evaluation under the President</b>	<ul style="list-style-type: none"> <li>○ Director</li> </ul>
4.	<b>Parliament</b>	<ul style="list-style-type: none"> <li>○ Head of the parliamentary group for the People's Party 'Ak-Jol'</li> <li>○ Head of the parliamentary group for the Communist Party of Kyrgyzstan</li> <li>○ Chairperson of the Committee for Constitutional Legislation, State System, Rule of Law and Human Rights</li> <li>○ Chairperson of the Committee for Education, Science, Culture and Information Policy</li> <li>○ Chairperson of the Committee for Migration, Employment and Social Policy</li> <li>○ Chairperson of the Committee for Ethics and Rules of the Parliament</li> <li>○ Head of the Office</li> <li>○ Head of the Legal Department</li> <li>○ Head of the Department of Civil Service and Human Resources</li> </ul>
5.	<b>Constitutional Court</b>	<ul style="list-style-type: none"> <li>○ Head of the Office</li> </ul>
6.	<b>Supreme Court</b>	<ul style="list-style-type: none"> <li>○ Judge of the Supreme Court</li> <li>○ Head of the Office</li> <li>○ Head of Summarization and Analysis of Judicial Practice</li> <li>○ Advisor to the Supreme Court's Chairperson</li> </ul>
7.	<b>Ministry of Education and Science</b>	<ul style="list-style-type: none"> <li>○ Head of Office</li> <li>○ Deputy minister</li> </ul>
8.	<b>Ministry of Economic Development and Trade</b>	<ul style="list-style-type: none"> <li>○ Minister</li> </ul>

9.	<b>Ministry of Labour and Social Development</b>	<ul style="list-style-type: none"> <li>○ Deputy Minister</li> <li>○ Deputy Head of the Social Policy and Forecasting Division</li> <li>○ Chief Specialist of the Forecasting and Social Policy Analysis Department</li> </ul>
10.	<b>Ministry of Finance</b>	<ul style="list-style-type: none"> <li>○ Head of the Office</li> </ul>
11.	<b>Ministry of Foreign Affairs</b>	<ul style="list-style-type: none"> <li>○ Minister</li> <li>○ Deputy minister</li> <li>○ Attaché of the Department</li> <li>○ Advisor for the Asia and Africa Department</li> </ul>
12.	<b>Ministry of Internal Affairs</b>	<ul style="list-style-type: none"> <li>○ Minister</li> <li>○ Department Manager for Human Resources</li> </ul>
13.	<b>Ministry of Justice</b>	<ul style="list-style-type: none"> <li>○ Minister</li> <li>○ Head of the Office</li> </ul>
14.	<b>Ministry of Culture and Information</b>	<ul style="list-style-type: none"> <li>○ Minister</li> <li>○ Deputy Minister</li> <li>○ Chairperson of the Working Group on Gender Issues, lawyer of the Department of Organizational Works</li> </ul>
15.	<b>Ministry of Health</b>	<ul style="list-style-type: none"> <li>○ Minister</li> <li>○ Deputy Minister</li> </ul>
16.	<b>State Committee on Migration and Employment</b>	<ul style="list-style-type: none"> <li>○ Head of the Office</li> <li>○ GFP</li> <li>○ Director of the Immigration Fund</li> <li>○ Head of the Sector for Combating Human Trafficking</li> </ul>
17.	<b>The Government Office</b>	<ul style="list-style-type: none"> <li>○ Vice Prime Minister</li> <li>○ Head of the Department of Organizational Work and State Governance Policy</li> <li>○ Head of Education, Culture and Sports</li> <li>○ Head of the Department for Legal Support and Human Resources</li> </ul>
18.	<b>National Statistical Committee</b>	<ul style="list-style-type: none"> <li>○ Chairperson</li> <li>○ Deputy Head of the Department of Social Statistics</li> </ul>
19.	<b>National Agency for Local Self-Government</b>	<ul style="list-style-type: none"> <li>○ Director</li> <li>○ Head of Finance and Economic Development of LSG</li> <li>○ Chief Specialist of the Department of Control Over Implementing the Functions and Authorities of LSG, GFP</li> </ul>
20.	<b>Civil Service Agency</b>	<ul style="list-style-type: none"> <li>○ Deputy Director</li> <li>○ Head of the Department of Analysis and Monitoring</li> <li>○ Head of the Deparemnt fo Legal Support</li> </ul>
21.	<b>National Agency for the Prevention of Corruption</b>	<ul style="list-style-type: none"> <li>○ Commissioner</li> <li>○ Head of Office</li> <li>○ Chief Specialist for Human Resources</li> </ul>
22.	<b>Central Elections and Referendums Committee</b>	<ul style="list-style-type: none"> <li>○ Head of the Office</li> <li>○ Head of the Department of Analytical Work and Information Support</li> </ul>
23.	<b>Social Fund</b>	<ul style="list-style-type: none"> <li>○ First Deputy Chairperson</li> <li>○ Deputy Chairperson</li> <li>○ Manager of the Department of Human Resources</li> </ul>



24.	<b>Ombudsman (<i>Akyikatchi</i>)</b>	<ul style="list-style-type: none"> <li>○ Ombudsman</li> <li>○ Deputy Ombudsman</li> <li>○ Head of the Office</li> <li>○ Head of the Department of Juvenile Justice and the Protection of Women and Children</li> <li>○ Expert of the Department of Juvenile Justice and the Protection of Women and Family , GFP</li> </ul>
25.	<b>State Agency for Religious Affairs</b>	<ul style="list-style-type: none"> <li>○ Director</li> <li>○ Head of the Office</li> <li>○ Deputy Director</li> <li>○ GFP</li> </ul>
26.	<b>State Agency for Physical Culture, Sports, Youth and Child Protection</b>	<ul style="list-style-type: none"> <li>○ Director</li> <li>○ Deputy Director</li> </ul>
27.	<b>State Agency for Vocational Education</b>	<ul style="list-style-type: none"> <li>○ Director</li> <li>○ Deputy Director</li> </ul>
28.	<b>Academy of Management under the President</b>	<ul style="list-style-type: none"> <li>○ Dean</li> <li>○ Pro-Rector for International Cooperation</li> </ul>
29.	<b>National Broadcasting Corporation</b>	<ul style="list-style-type: none"> <li>○ Head of the Office</li> </ul>
30.	<b><i>Slovo Kyrgyzstana</i> newspaper</b>	<ul style="list-style-type: none"> <li>○ Editor-in-chief</li> <li>○ Deputy Editor</li> </ul>
31.	<b>Publishing house 'Kyrgyz Tuusu'</b>	<ul style="list-style-type: none"> <li>○ Director</li> </ul>
32.	<b>Mayor's Office of Bishkek</b>	<ul style="list-style-type: none"> <li>○ Vice Mayor on Social Affairs</li> <li>○ Chief Specialist of the Department of Social Policy</li> <li>○ Deputy Head on Social Affairs for Pervomayski District</li> </ul>

## 2. List of public administration bodies which GFPs representatives participated in focus-group discussions in Bishkek

1.	Ministry of Foreign Affairs
2.	Ministry of Defence
3.	Ministry of Finance
4.	Ministry of Agriculture, Water and Processing Industries
5.	Ministry of Transportation and Communication
6.	Ministry of Emergency
7.	Ministry of Health
8.	Ministry of Labour and Social Development
9.	Ministry of Industry, Energy and Fuel Resources
10.	State Committee of Migration and Employment
11.	State Committee of State Property Management
12.	State Committee for Taxation and Collections
13.	State Customs Committee
14.	State Agency of Architecture and Construction

15.	State Agency for Physical Culture, Sports, Youth and Child Protection
16.	State Agency for Religious Affairs
17.	State Agency of Geology and Mineral Resources
18.	State Agency of Tourism
19.	State Agency of Environmental Protection and Forestry
20.	State Agency for Vocational Education
21.	State Agency of Public Procurement and Material Reserves
22.	State Agency of Information Resources and Technologies

**4. List of civil society organizations - members of the National Council on the Issues of Women, Family and Gender Development under the President, who participated in the focus-group discussions in Bishkek**

1.	Forum of Women Non-Government Organizations of Kyrgyzstan
2.	Public foundation 'Centr Prava'
3.	Institute of Equal Rights and Equal Opportunities
4.	Public union 'Akyikat Joolu'
5.	Communist Party of Kyrgyzstan

**5. List of organizations, the representatives of which participated in the focus-group discussions in Bishkek**

1.	Bishkek Women's Centre
2.	Centre of Assistance for Women
3.	Head of the Working Group 'Politics and Governance' of the Alliance of Women's Legislative Initiatives
4.	Association of Crisis Centres
5.	Crisis center 'Sezim'
6.	Public union 'Darshaim'
7.	Association of Civil Society Support Centres
8.	Public union 'Alga' CSCS Kant
9.	Association 'Diamond'
10.	Chui Centre of the network 'Women can do everything!'

**6. List of state and local self-government bodies in Talas Province, the staff members of which were interviewed in focus-group discussions**

1.	Talas Provincial Administration	<ul style="list-style-type: none"> <li>○ Head of the Social Department, GFP</li> <li>○ Head of the Department of Organizational Work and Local Self-Government</li> <li>○ Head of the Department for Social Protection and Health</li> <li>○ Chief Specialist of the Department for Social Protection and Health</li> </ul>
2.	Mayor's Office of Talas	<ul style="list-style-type: none"> <li>○ Vice Mayor</li> <li>○ Chief Specialist of the Mayor's Office, GFP</li> </ul>
3.	Kara-Buura District Administration	<ul style="list-style-type: none"> <li>○ Head of Social Sector, GFP</li> <li>○ Chief Specialist of ОПСД</li> <li>○ Specialist of ОПСД</li> </ul>
4.	Talas provincial PAB divisions	<ul style="list-style-type: none"> <li>○ Specialists</li> </ul>

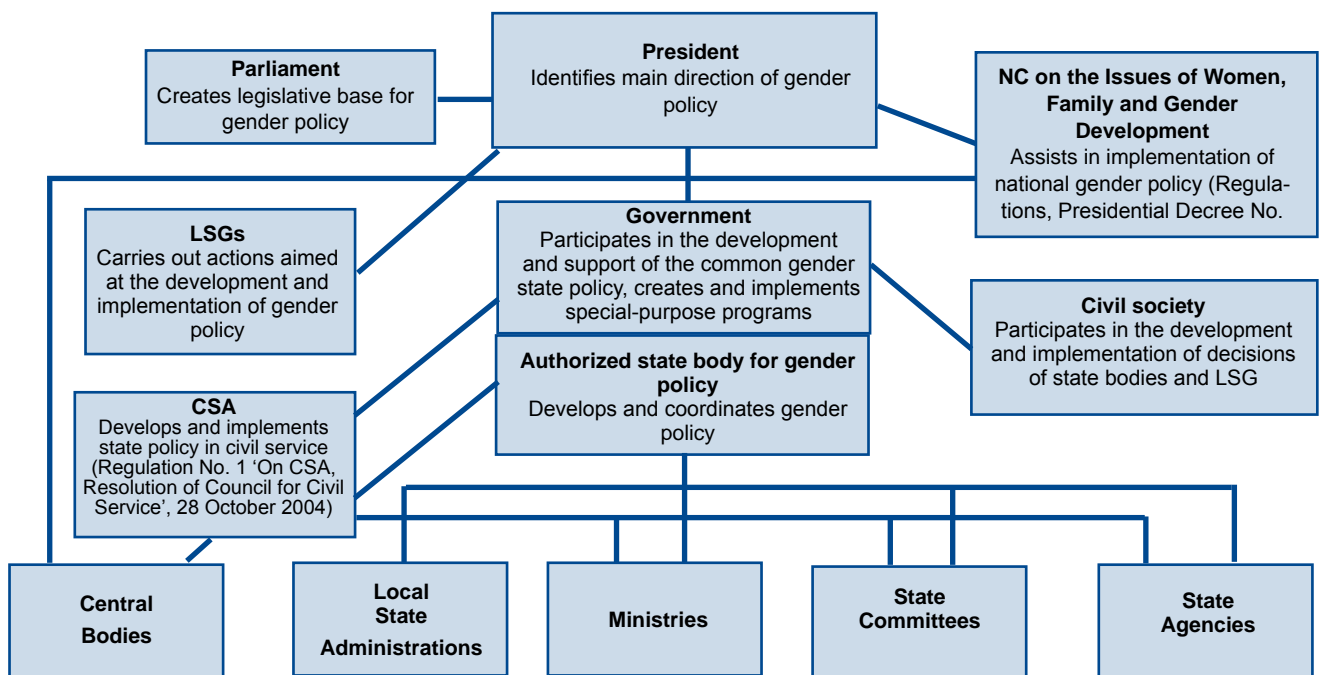
**7. List of Talas Province non-government organizations, the representatives of which participated in focus-group discussions**

1.	Public union 'Centre for Gender Equality'
2.	Public foundation 'Ayalzat'
3.	Public foundation 'Elnaz'
4.	Public union 'Aikol'
5.	Talas branch of 'ARIS'
6.	Public union 'Khava'
7.	Public foundation 'Ariet-Bashat'
8.	Territorial Investment Committee of Uchkorgon Village Council
9.	Public union of May Village
10.	Public foundation 'Ak-Kaiyn'
11.	Public foundation 'Manas-1000'
12.	Public union 'Women's League Tamaris'
13.	Office of the Ombudsman
14.	Public union 'ARZ'
15.	National Centre of the network 'Women can do everything!'
16.	Public foundation 'Lady Shirin'

# ANNEX 5

## Graph. State Gender Policy Formulation and Implementation

(based on the Law 'On State Guarantees of Equal Rights and Equal Opportunities for Men and Women')





*Kyrgyzstan*

**UN House  
in the Kyrgyz Republic**

Kyrgyzstan, 720040, Bishkek  
160, Chui Avenue  
tel.: +996-312-611213, 611214  
VSAT: +47 241-369-67  
fax: +996-312-611217, 611218  
e-mail: [registry@undp.kg](mailto:registry@undp.kg)  
web-site: <http://www.undp.kg>

**UNDP  
Democratic Governance Programme**

Kyrgyzstan, 720017, Bishkek  
28a, Isanova street  
tel.: +996-312-316311  
fax: +996-312-316415  
e-mail: [staff@dgov.undp.kg](mailto:staff@dgov.undp.kg)