
Implications of International Human Rights Law and Bride Kidnapping in Kyrgyzstan*

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Introduction

This article outlines the history and current practice of a serious human rights violation against women in Kyrgyzstan: bride kidnapping.¹ The relevant international conventions, protocols, and covenants that Kyrgyzstan has signed is reviewed with the objective of isolating the size and scope of international human rights law that protects women from the practice of bride kidnapping. This article hopes to encourage the government of Kyrgyzstan to fulfill their international commitments to uphold women's and international human rights agreements. The analysis may also be useful for local and international NGOs, local courts, lawyers, and judges, and international donor agencies in their quest to promote human, social, legal, and judicial development.

History of Bride Kidnapping

Like many revised traditions, tracing the origins is a difficult task. Many Kyrgyz have little idea how or why bride kidnapping was originally practiced. The severe climate and lifestyle of mountain nomads mandated capable and equal male-female partnerships. Thus, initially bride kidnapping was perhaps devised, unconsciously, as a means to insure marriages that could improve survival rates. In the old tradition a man asked the father's permission for a horserace with the daughter in question. The woman received a fifteen-second start and a thick leather whip to beat off the man. If the man could catch the woman and kiss her on horseback, then he won 'the right' to ask for the woman's hand in marriage. The resulting tradition is known as *Kyskuumay*, or "kiss the girl" and is now played as a game at festivals representing Kyrgyz traditions.²

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Bride Kidnapping Today

Bride kidnapping today is radically different. Although some kidnappings are mutually agreed to, more often the new version involves three or four men, a car, and lots of vodka. The men go in search of either a girl/woman that they know or any woman they deem attractive. Sometimes kidnapping is done in daylight with the woman captured as she is walking down the street. Other times, the kidnapping is planned at night and she is tricked out of her house or yurt. The man may already have a full wedding feast waiting at home. Once the kidnapped woman crosses the threshold, the oldest woman in the man's family places the *jooluk* scarf, on her head and she is considered married. Although some people assert that marriage happens later with consummation, which often involves rape. If the woman decides to escape she likely faces rejection by her family and village on the ground that she has dishonored Kyrgyz tradition. Many men and women claim it is an honor to be kidnapped because bride kidnapping is seen as the ultimate confirmation of a woman's worth.

Not all bride kidnapping takes place in this manner. A minority of cases, typically in the capital city of Bishkek among educated and Westernized Kyrgyz, occur with the full consent of the woman and her family, often when the man and woman have been dating for a considerable length of time. When they decide to marry, they stage a pre-arranged 'kidnapping' whereby she agrees in advance to be 'kidnapped' while walking to work or doing other daily tasks. One Kyrgyz woman rightly explained that this type of bride kidnapping is akin to the Western/European tradition of a father giving his daughter away at her wedding. When 'bride kidnapping' occurs with the full consent and knowledge of the woman, then the tradition is not detrimental or illegal. It is not this fraction of bride kidnapping cases with which this paper is concerned. Only 600,000 people live in the capital city, the rest of the 4 million plus population lives in a manner and style drastically different from the Kyrgyz of Bishkek. So much so that many urban Kyrgyz, particularly attractive women, are fearful of going to the villages, lest they be subject to village laws, including kidnapping.

Many Bishkek Kyrgyz will dispute the fact that violent, non-mutual kidnapping is widespread. This is not surprising, as the U.S. State Department 1996 Country Report notes, "violence against women is a problem which the authorities often ignore." Although in Bishkek there are many staged kidnappings with the consent of both parties in question and usually after they have been dating for some time, this is the exception rather than the rule.

Background

Since the collapse of the Soviet Union the ancient practice of bride kidnapping has been revived with vigor in Kyrgyzstan. Outlawed by the Soviet Union, bride kidnapping has been on the ascent since Kyrgyzstan declared independence in 1991, largely because it is seen as a positive Kyrgyz cultural identity marker that was denied the Kyrgyz by Soviet rule. During Soviet times there was a penalty for bride kidnapping which was strictly enforced. Although still illegal by Criminal Code of the Kyrgyz Republic, Normative Acts 1994³, the practice is rampant.⁴

Kyrgyzstan, self-identified as the Switzerland of Central Asia and the “Island of Democracy” in Central Asia, has signed numerous UN conventions and has a variety of programs devoted to enhancing women’s development. However, the reality for both democracy and women is radically different from the ‘paper’ version. While Kyrgyz President Askar Akayev promotes both democracy and women’s rights, these are superficial substitutes for authentic human rights and social progress. Since independence, the average woman’s quality of life has moved consistently downward. Despite large amounts of money spent on women’s issues, the human development indicators reflect a depressing reality.⁵ According to the Organization for Economic Cooperation and Development (OECD) aid flow figures since 1991, Kyrgyzstan has received an estimated \$1.45 billion (USD)⁶ in foreign aid, with a significant proportion dedicated to increasing women’s overall quality of life. Yet these funds are not adding up to a better life for either the women or people of Kyrgyzstan.

From poverty to violence, the conditions in which women in Kyrgyzstan conduct their daily life are increasingly dismal.⁷ In addition to economic/physical hardships, women find themselves caught in the struggle created by the men of Kyrgyzstan as to what it means to be Kyrgyz. Indeed, the economic and social despair is both a reflection of and stems from the increasing lack of rights that women are afforded in the new ‘democracy’ of Kyrgyzstan. And, of all the violations committed against women in the current nation building process, bride kidnapping stands out as a primary assault that produces a progressive de-legitimization of women and retards their social development.

In order to understand bride kidnapping it is imperative to illustrate the social background in which this human rights violation occurs. Significantly, Kyrgyzstan is a country of dramatically conflicting identities. After seventy years of Soviet rule and intense Russification, modern Kyrgyzstan encompasses over fifty-one different ethnic groups, with almost all groups divided between Kyrgyzstan and Kyrgyzstan’s neighbors, Uzbekistan, China, Tajikistan, and Kazakhstan. The Kyrgyz ethnic group accounts for fifty-two percent of the population⁸. At the crossroads between the East and the West, with the ancient Silk Road running through Bishkek, the land and people of Kyrgyzstan have been subject to various rulers, from Mongols to Muslims to Russians, for centuries. This has left modern Kyrgyzstan a jumble of cross-laid identities and conflicting concepts of ‘what it means’ to be Kyrgyz. Similar to cultures around the globe, women’s bodies and behaviors are the principal spaces where men project and work out what it means to be a man and thus a Kyrgyz or Uzbek, or Uigher, or whatever nationality is at question⁹. To be Kyrgyz fundamentally means to be a Kyrgyz *man* and being a Kyrgyz man is defined predominantly by *his* treatment of women, how much *he* can drink, and *his* toughness and/or fearlessness.¹⁰

Being a Muslim is one example of the male attempt to define Kyrgyz identity. While most Kyrgyz (men and women) will identify as Muslim, now able to practice after seventy years of Soviet-imposed atheism, their idea of what it means to be Muslim has been heavily influenced by Shamanist and Buddhist traditions inherited from Mongol rule. Being Muslim in Kyrgyzstan manifests itself primarily in ideas about how men should treat women. Making polygamy legal, for example, was debated for two full days in the overwhelmingly male Parliament on the grounds that it is a Muslim tradition that the Russians prohibited; hence, if Kyrgyz men want to be ‘real’ then they must reinstate the tradition of polygamy. The vote to make it legal was narrowly lost. In stark contrast, outlawing vodka as a Russian imposition that is counter to Muslim traditions was never discussed.

Yet, while the revived male Muslim identity is significant, more than any other 'renewed tradition,' bride kidnapping has assumed primacy in defining Kyrgyz identity and manhood. Bride kidnapping has become a means for Kyrgyz men to recapture their selfhood in a violent but definitive act. Kyrgyz women, for their part, should submit to this practice if they are 'real Kyrgyz women' and want to take part in nation building.¹¹ Thus, bride kidnapping has taken on even greater magnitude than Muslim identity, as it is understood to be the fundamental 'authentic Kyrgyz tradition,' not imposed or transplanted but 'homegrown' on the *jailoos*, mountain pastures, of the Tien Shen mountain range.

International Legal Tools to Combat Bride Kidnapping

In addition to the ethical and developmental arguments against bride kidnapping, there is the legal rationale. Kyrgyzstan, as a new state, has ratified the following international conventions and protocols which prohibit bride kidnapping either explicitly or implicitly and the inherent violence against women, loss of dignity and violation of human rights that accompanies its practice.

The United Nations Charter, which Kyrgyzstan ratified on 2 March 1992, particularly the Preamble.¹², Article 1¹³, Article 55¹⁴, and Article 56.¹⁵

Faith in fundamental human rights and the dignity and worth of the human person is violated by treating women as property to be stolen, brought, traded, and/or passed on between family members. There is no dignity for either men or women involved in 'stealing' the human person. Moreover, Kyrgyzstan, by not fostering a legal and social culture that discourages bride kidnapping, is not upholding its obligation as a Member of the UN. The government of Kyrgyzstan is not promoting social progress, higher standards of living, or greater human freedom. Bride kidnapping impedes social progress, enhanced quality of life, and freedom not only for women, but for all citizens of Kyrgyzstan. The entire cultural milieu is affected when half of the population lives without worth and dignity as human beings and is not free to make fundamental decisions such as to where to live and whom to marry. Moreover, equal rights of women cannot and does not occur when bride kidnapping is not only allowed but also sanctified by the local Aksakal courts of elders and the President of Kyrgyzstan, with full knowledge, consent, and approval.¹⁶ Bride kidnapping ignores Paragraph 3 of Article 1 by not encouraging respect for human rights and fundamental freedom. Moreover, by signing the UN Charter, Kyrgyzstan has agreed to promote and nurture human rights and freedom without distinction as to sex. Article 55 and Article 56 are both violated throughout because well-being is not promoted when women are subject to violent theft of body, rape, and loss of freedom and dignity. The pledge that Kyrgyzstan undertook by ratifying the UN Charter is not upheld as long as half of their population is living without freedom, dignity, equality, well-being, higher standards of living, health and social care. Bride kidnapping, rape, and acquiring women as property creates an overall environment that is contrary to the basic agreement that Kyrgyzstan has made with the international community by joining the United Nations. It reduces Kyrgyzstan's standing in the international community and disgraces Kyrgyzstan as a Member State. The violation of

kidnapping cuts across all economic and social divisions and affects the entire population, half the population directly, and the other half, men and children, indirectly. If women are without dignity and worth they cannot teach and reinforce these concepts to their children nor are they able to provide equal and progressive partnerships with men necessary for authentic democratic development. Additionally, women are unable to contribute to Kyrgyz society if they are restricted to a life without basic human rights and fundamental freedoms.¹⁷

*The Universal Declaration of Human Rights*¹⁸

Articles 3¹⁹, 4²⁰, 5²¹, 9²² and 12²³ are disregarded in that the liberty and security of person are most obviously violated by kidnapping. Less obvious is the fact that kidnapping is a form of slavery. Slaves are defined as people who are captured, forcibly removed from their natural environment, and compelled, through threat of violence and/or loss of life, to work for free. Bride kidnapping is the forced capture of a woman, against her will, who is then removed from her environment and forced by threat of violence, extending to loss of life, to work in servitude, at the bidding of the man and his family who have captured her. She is considered to 'belong to' the man even after he dies in that she remains the property of his family and could be then coerced to become the 'wife' of any man within the family unit that the family's oldest living male deems appropriate.

At the moment of capture the woman is subjected to torture and/or cruel, inhuman, degrading treatment and/or punishment in that she often suffers rape, sometimes gang rape and trade of her body for sexual purposes between her husband and his friends and/or family. She may be beaten frequently and she categorically treated inhumanly without the respect and rights the members of the male community enjoy. She is property of the man who has kidnapped her and must obey his wishes. She has neither protection by law nor recourse through the courts if she chooses to escape and/or to prosecute the man on kidnapping or slavery charges. She is subject to constant compromise of her security of person and of her dignity and honor at any point.

Article 16²⁴ holds particular relevance in that it deals with marriage and consent. Women do not hold equal rights within the Kyrgyz marriage, during marriage, and/or its dissolution and are not allowed to enter marriage with free and full consent. Bride kidnapping thus violates the spirit of marriage and the sanctity and dignity of the family unit, as the family that is created through capture, force, and violence does not and cannot provide a solid, legitimate foundation that contributes to the social progress and development of the future generation.

It follows that kidnapping also violates Article 29²⁵ because men who participate in the practice are not upholding their duty to the Kyrgyz community to promote free and full development of themselves, their female counterparts, and their children.

*The International Covenant on Civil and Political Rights [hereinafter ICCPR}, which was ratified by Kyrgyzstan 7 Oct 1994.*²⁶

Article 2²⁷ clearly establishes that all citizens in Kyrgyzstan are to be afforded the rights in the ICCPR and that the legal structure of Kyrgyzstan shall be cultivated to provide effective remedy for enforcement and protection of these human rights. Moreover, Kyrgyzstan has committed to providing competent judicial, administrative, and legislative bodies to promote judicial remedy. To date, Kyrgyzstan has shirked this pledged commitment and nowhere is this failure more evident than in the case of women's rights, particularly demonstrated through bride kidnapping.

A number of ICCPR articles provide explicit reinforcement of the Universal Declaration of Human Rights (UDHR)'s provisions. ICCPR's Article 9²⁸ is particularly relevant in that it restates Article 9²⁹ of the UDHR and brings more detail to the idea that bride kidnapping is considered a deprivation of liberty by arrest and detention, particularly when the Asykal Courts sanctify bride kidnapping as a legitimate detention of women. Indeed, Paragraph 5 provides the legal grounds for a woman to sue for compensation when subject to arbitrary arrest and detention as a 'wife' without her consent. Paragraph 5 also allows her to gain financial compensation for damage done to her honor, dignity, and loss of freedom.

*The International Covenant on Economic, Social and Cultural Rights [hereinafter ICESCR] , which Kyrgyzstan ratified on 7 Oct 1994, particularly in Article 10, Paragraph 1.*³⁰

Article 10, Paragraph 1³¹ is the third international legal commitment to which Kyrgyzstan has committed itself to undertake the explicit responsibility of ensuring that marriage is entered into with the free consent of both intended spouses. Without free intent and consent, marriage is not marriage, it is slavery.

*The Convention on the Elimination of All Forms of Discrimination Against Women.*³² [hereinafter CEDAW], which Kyrgyzstan ratified on 10 February 1997, in Article 16³³ and in its entirety.

Although Kyrgyzstan has ratified CEDAW, nothing has been done to promote a social and legal culture that provides for free and equal rights entering marriage, nor has any effort been made to establish equality within marriage, or at its dissolution. Moreover, many of the females kidnapped are in fact still girls.

*The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery [hereinafter Supplementary Convention on Slavery]*³⁴ that Kyrgyzstan ratified on 5 September 1997.

Kyrgyzstan, as state party to the Supplementary Convention, has not taken all practical and necessary measures, including legislative, to abolish slavery and institutions relating to slavery. Article 1³⁵ of the Slavery Convention expressly defines slavery as the practice and institution whereby a woman, without the right to refuse, is promised or given in marriage with consideration of payment or in kind contribution,³⁶ and whereby the husband and husband's family has the right to transfer the woman to other people and the right to will the woman to other members of his family by inheritance.

Bride kidnapping violates the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,³⁷ which was ratified by Kyrgyzstan, 10 Feb 1997, via Article 1.

Article 1³⁸ stipulates, yet again, that marriage shall be legally entered into with the full and free consent of both parties. This is not the case when kidnapping occurs.

Prescriptive Measures

Bride kidnapping and the corresponding violence against women can be eradicated through a comprehensive campaign initiated in cooperation with the government, local and international NGOs, individual citizens, and the donor community. The following inexpensive activities require little in the way of funding but promise a large return in the increase of human capacity and future development of the country by promoting a better life for half of the population. Policy and advocacy recommendations can be separated into three prescriptive categories; Government, NGOs/Donors, and Individuals.

1) Government

The Government of Kyrgyzstan can and should uphold and enforce the following³⁹:

- The Declaration on the Protection of All Persons from Enforced Disappearances,⁴⁰ which would protect against bride kidnapping in Article 1⁴¹ and 2.⁴²
- The Declaration on the Elimination of Violence against Women⁴³ in its entirety would protect against bride kidnapping and all the violence, torture and slavery that accompanies and is the direct result of forced marriage.

More important than ratifying international instruments would be for the government to take proactive initiatives to create a legal and social culture that would uphold the legal responsibilities which Kyrgyzstan has already undertaken. This could be done via:

- Specific Kyrgyz legislation making bride kidnapping illegal;
- Enforcement of violations with strict fines and imprisonment;
- Encouragement of the Askal Courts by the President of Kyrgyzstan to enforce the international conventions that Kyrgyzstan has signed in the way of bride kidnapping and violence against women;
- Action against Askal Courts if they render a local decision inconsistent with international laws to which Kyrgyzstan is party; and
- Funds could be spent on a public service campaign, via radio, television, and posters, enforcing the idea that bride kidnapping and violence against women is illegal and counter productive to the development of Kyrgyzstan and, furthermore, does not provide a positive image⁴⁴ of Kyrgyzstan to the international community.

2) National and International NGOs and Donors

The local and international NGOs and donors could initiate the following activities:

- Create an advocacy campaign, lobbying the government, the White House, and the Parliament to implement measures curbing kidnapping;
- An education project in secondary and post-secondary schools can be implemented encouraging students to resist kidnapping and discouraging it as a means to pursue Kyrgyz identity;
- A center for pro-bono legal assistance for women wishing to bring claims in local and national courts could be created with the assistance of The American Bar Association's CEELI project and other USAID funded legal projects; and
- Training for local court officials to enforce Kyrgyzstan's international commitments and legislation against kidnapping.

3) Individuals

Additionally, individuals in Kyrgyzstan can fill out the Confidential Violence against Women Information Forms⁴⁵ and submit these to the UN in Geneva. Indeed, a local NGO could initiate a campaign of form filling in order to publicize the issue internationally, which would serve to bring pressure to bear locally.

Conclusion

Bride kidnapping today has been re-constructed in a manner that is harmful to women and the Kyrgyz community at large. Recreated bride kidnapping does not promote accountability, responsibility, and honor, but rather cowardice, weakness and dishonor for all involved. Bride kidnapping, as it is currently practiced is not only a violation of women's rights and dignity but, like all violations of women's rights, serves to injure and reduce the dignity of the men involved, the community, and ultimately the society in question. As long as men continue the practice of modern bride kidnapping they are not only bringing degradation to the women but to themselves and to their children as well. By promoting this modern version of bride kidnapping, Kyrgyz are disabling the Kyrgyz culture and people and contributing to a downward spiral of emotional and physical well-being that is evident in the reports on decreasing life-span and physical health, increasing maternal death rate, child mortality, illiteracy and poverty, suicides, and desperation.⁴⁶

Kidnapping violates women's human rights in many ways, the most severe including torture and slavery. Kidnapping is in violation of the spirit and the laws of the international human rights conventions, protocols, and agreements that Kyrgyzstan has signed. Until the Kyrgyzstan government takes serious and intense measures to eradicate bride kidnapping, it is unlikely that it will succeed in human, economic, and political development as it is well documented that including women in development is the single vital factor imperative to overall developmental success⁴⁷. Women cannot actively contribute and participate in the development of Kyrgyzstan if the majority of the female population is under constant fear of kidnapping.

Endnotes

* The author would like to thank Aidai Sulaimanova and Ramo Saidumarova for their outstanding research assistance in Kyrgyzstan.

¹ Kidnapping is not exclusive to Kyrgyzstan or Central Asia alone but is increasingly a serious personal security threat throughout Asia and the FSU. See Samantha Marshall, "Double Crossing: They Don't Say 'I Do,' These Kidnap Victims Taken from Vietnam," Wall Street Journal, 3 August 1999; A1 and A8.

² There are many Kyrgyz fairy tales and oral histories passed down that reflect strong courageous women. The Soros Foundation has published some of these including; *Kyrgyz Folk Tales*, available in Soros Foundation-Kyrgyzstan (Bishkek: Detay Baslm Ltd., 1998). A revival of these traditions, via children's books in school, would greatly benefit the image and idea of the ideal Kyrgyz woman.

³ The penalty is three to seven years in jail or a fine of 100-200 percent of the salary of the person in question. Ugolovnyi Kodeks of Kyrgyz Republic [Criminal Codes of Kyrgyz Republic], available in *Nasha Gazeta* 14 October 1997.

⁴ There have been no statistics completed on the estimated number of kidnappings; however, through the author's 1999 doctoral research surveying the entire country, it is evident that kidnapping is widespread. An estimated one out of ten respondents answered that bride kidnapping was their tradition of choice when asked to name local traditions.

⁵ When asked (September 7, 1999) by telephone for an exact figure of aid spent on women in Kyrgyzstan since 1991 both the United Nations Development Programme's Women in Development Project and President Akayev's 'special women's program, the Ayalzat National Program, could not provide an answer. However there are, according to the United States Agency for International Development's list of non-governmental organizations in Kyrgyzstan, one hundred and twenty-nine NGOs dealing with women's issues operating in Kyrgyzstan, with the majority receiving international funding.

⁶ The Organization for Economic Cooperation and Development (OECD)'s aid flow database on CD-ROM provides comprehensive data on the volume, origin and types of aid and other resource flows to recipient countries. Aid flow figures available in OECD's Washington, DC Data Bank; Site Map available at <http://www.oecdwash.org/PUBS/ELECPUBS/epdevt.htm#geodist>; (1999) [hereinafter OECD].

⁷ The UNDP's Transition report notes that a major cost of 'transition' has been rising gender inequality and increased threat to female personal security including domestic violence. *Transition 1999 - Human Development Report for Central and Eastern Europe and the CIS*, available at <http://www.undp.org/rbec/pubs/hdr99/foreword.pdf>, ISBN No: 92-1-126109-0-Sales No: E.99.III.B.6; 7 (1999).

See also Armin Bauer, David Greer and Kathleen Kuehnast, *Women and Gender Relations: The Kyrgyz Republic in Transition* (Asian Development Bank, 1997).

⁸ In 1989, the ethnic Kyrgyz became a majority in their own country for the first time with 52 percent of the national count. After 1989 there is a near absence of information. Nadia H. Youssef, *The Demographics of Ethnicity: Implications for Project Support in Central Asia*, The World Bank, 11, 25 (1995).

⁹ For more on this subject see Nira Yuval-Davis, *Gender and Nation* (1997) and Radhika Coomaraswamy, *A Question of Honour: Women, Ethnicity and Armed Conflict, Third Minority Rights Lecture*, International Centre for Ethnic Studies (Colombo, Sri Lanka: Unie Arts (Pvt) Ltd, 1999).

¹⁰ Ann Phillips writes most comprehensively on identity seen as *male* identity. Anne Phillips, *Engendering Democracy* (1991).

¹¹ This knowledge is based on the author's nearly two consecutive years of living in Kyrgyzstan and working on gender issues, including interviews with various women in diverse villages.

¹² *U.N. Charter*, pmbl.

"We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the

obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom...”

¹³ *Id.* art. 1, para 3.

“To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and...”

¹⁴ *Id.* art. 55, para a, b, and c.

“With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: a. higher standards of living, full employment, and conditions of economic and social progress and development; b. solutions of international economic, social, health, and related problems; and international cultural and educational co-operation; and c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”

¹⁵ *Id.* art. 56.

“All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.”

¹⁶ Aksakal (literally translates as White Beard) Courts consist of the oldest men in the village who, unelected, make all the decisions and rule the villages and also have the power to judge on moral and family decisions. There have been cases in Kyrgyzstan where girls/women who have escaped from a kidnapping have been sentenced to stoning by the villagers as punishment for violating local custom and rules. President Akayev has publicly supported the role of Aksakal Courts and has reinforced their importance to Kyrgyz society. See President Akayev’s speech to members of Aksakal Courts, *Utro Bishkeka*, May 8 (1999).

¹⁷ *U.N. Charter*, 15, art. 55, 56.

¹⁸ Universal Declaration of Human Rights (UDHR), *adopted* 10 Dec. 1948, G.A. Res. 217A (III), U.N. GAOR, 3d Sess., (Resolution, part 1), at 71, U.N. Doc. A/810 (1948), *reprinted in* 43 AM. J. INT’L. L. SUPP. 127 (1949), art. 3, art. 4, art. 5, art. 9, art. 12, art. 16 (1, 2, 3), art 29 (1, 2, and 3),.

¹⁹ *Id.* art. 3.

“Everyone has the right to life, liberty and security of person.”

²⁰ *Id.* art. 4.

“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”

²¹ *Id.* art. 5.

“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

²² *Id.* art. 9.

“No one shall be subjected to arbitrary arrest, detention or exile.”

²³ *Id.* art. 12.

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”

²⁴ *Id.* art. 16.

“Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. Marriage shall be entered into only with the free and full consent of the intending spouses. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”

²⁵ *Id.* art. 29.

“Everyone has duties to the community in which alone the free and full development of his personality is possible. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.”

²⁶ International Covenant on Civil and Political Rights (ICCPR), *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, art. 2, (1, 2, 3), art., 7, art., 8 (1, 2, 3), art., 9 (1, 2, 3, 4, 5), art., 17 (1, 2), art., 23 (1, 2, 3, 4), U.N. Doc. A/6361 (1966), 999 U.N.T.S. 171 (*entered into force* 23 Mar. 1976).

²⁷ *Id.* art. 2.

“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”

²⁸ ICCPR, art. 9.

1. “Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.”

2. “Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.”

3. “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.”

4. “Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.”

5. “Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.”

²⁹ UDHR, art. 9.

³⁰ International Covenant on Economic, Social and Cultural Rights (ICESCR), *adopted* 16 Dec. 1966, G.A. Res. 2200 (XXI), U.N. GAOR, 21st Sess., Supp. No. 16, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3 (*entered into force* 3 Jan. 1976).

³¹ ICESCR, art. 10 (1).

“The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.”

³² Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), *adopted* 18 Dec. 1979, G.A. Res. 34/180, U.N. GAOR 34th Sess., Supp. No. 46, U.N. Doc. A/34/36 (1980) (*entered into force* 3 Sept. 1981), *reprinted in* I.L.M. 33 (1980), art. 16 (1, 2).

³³ *Id.* Art. 16.

1. "States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women: (a) The same right to enter into marriage; (b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent; (c) The same rights and responsibilities during marriage and at its dissolution; (d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount; (e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights; (f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount; (g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation; (h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. *"The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory."*

³⁴ Convention the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (CSCASSTI), 226 U.N.T.S. 3, , U.N. Doc No. 3822, U.N.T.S. 266, p. 3 (*entered into force* April 30, 1957) *available in* <http://www1.umn.edu/humanrts/instree/f3scas.html>.

³⁵ *Id* Art. 1

"Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of the following institutions and practices, where they still exist and whether or not they are covered by the definition of slavery contained in article 1 of the Slavery Convention signed at Geneva on 25 September 1926: (a) Debt bondage, that is to say, the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined; (b) Serfdom, that is to say, the condition or status of a tenant who is by law, custom or agreement bound to live and labour on land belonging to another person and to render some determinate service to such other person, whether for reward or not, and is not free to change his status; (c) Any institution or practice whereby: (i) A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group; or (ii) The husband of a woman, his family, or his clan, has the right to transfer her to another person for value received or otherwise; or (iii) A woman on the death of her husband is liable to be inherited by another person;"

³⁶ There is a bride price, the *kalym* to be paid by the husband to the father of the wife, although the poorest men who cannot pay this price often kidnap in order to avoid the bride price. The price is usually enforced unless the husband has taken the wife to villages far away and without the knowledge of anyone in her family, which does occur.

³⁷ Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted Nov. 7 1962, G.A. Res 1763 (XVII), 521 U.N.T.S. 231 (*entered into force* 9 Dec. 1964) *available in* http://www.un.org/Depts/Treaty/final/ts2/newfiles/part_boo/xvi_boo/xvi_3.html. [hereinafter Marriage Convention].

³⁸ *Id.* Art. 1

1. "No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.

2. Notwithstanding anything in paragraph I above, it shall not be necessary for one of the parties to be present when the competent authority is satisfied that the circumstances are exceptional and that the party has, before a competent authority and in such manner as may be prescribed by law, expressed and not withdrawn consent."

³⁹ *Supra* note 15.

⁴⁰ Declaration on the Protection of All Persons from Enforced Disappearances, G.A. res. 47/133, 47 U.N. G.A.O.R. Supp. (No. 49) at 207, U.N. Doc. A/47/49 (1992) *available in* <http://www1.umn.edu/humanrts/instree/auoh.htm>, [hereinafter Declaration on Disappearances].

⁴¹ *Id.* Art. 1

"1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.

2. Any act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, inter alia, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life."

⁴² *Id.* Art. 2

"1. No State shall practice, permit or tolerate enforced disappearances.

2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance."

⁴³ Convention on the Elimination of Violence Against Women (DEVAW), *adopted* 23 Feb. 1994, G.A. Res. 48/104, U.N. GAOR, 48th Sess., Agenda Item 111, U.N. Doc. A/Res/48/104 (1994), *reprinted in* 33 I.L.M. 1050.

⁴⁴ U.S. State Department 1996 Country Report states, "Violence against women is a problem which the authorities often ignore." See *U.S. State Department Country Reports* (1996) *available in* <<http://www.usis.usemb.se/human/kyrgyzre.html>>.

⁴⁵ The following is the form for individuals or organizations to use when submitting information to the Special Rapporteur. It has been devised to ensure that information received is sufficiently detailed to make it actionable and ensure that the Special Rapporteur can communicate the results of her discussions with the government concerned back to the source. Women's groups and human rights organizations are encouraged to use this form and to provide copies to others where and when needed. See Confidential Violence against Women Information Form *available in*

<<http://www.hri.ca/uninfo/unchr96/appendx2.shtml>>.

⁴⁶ *Transition 1999 - Human Development Report for Central and Eastern Europe and the CIS*, *available in* <http://www.undp.org/rbec/pubs/hdr99/foreword.pdf>, ISBN No: 92-1-126109-0-Sales No: E.99.III.B.6; 7 (1999).

⁴⁷ "The gender analysis approach is increasingly considered by many development professionals as a means to an end.... U.N. studies also assert that the consideration of women's contributions and potentials is critical to the outcome of development." See, David R. Martin, Audrey E. Solis, Wyley P. Neal, and Casey A Barrs, U.S. General Accounting, "Foreign Assistance: US Had Made Slow Progress in Involving Women in Development," GAO/NSIAD-94-16-1994:55.