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The Law of the Kyrgyz Republic

"On Fighting Domestic Violence and Measures of Social and Legal Protection of Victims of Violence"

With amendments

The Law herewith shall regulate relations in the area of social and legal protection of victims of domestic violence, and determine the activities of entities involved in prevention of domestic violence.

1. General provisions

Article 1. Basic Concepts

The Law shall use the following concepts:

- family shall be persons connected by relations of marriage, kinship or affinity living together or separately. The law shall apply also to families based on marriage that is not registered with the civil registration agencies (factual marriage); to people having entered in family relations based on adoption (affiliation), or on guardianship provided joint living of guardians and pupils, or on placement of children into family for upbringing according to regulations established by the legislation of the Kyrgyz Republic; to persons continuing joint living after termination of the marriage as well as to relatives living together as family members;
- unsafe family - defined as a family where violence factually takes place
- domestic violence (family violence) shall be any deliberate action of one family member against another provided that such action infringes constitutional rights of a family member, inflicts physical or psychological suffering, and inflicts harm or contains threat to physical or personal development of a juvenile family member;
- physical domestic violence shall be deliberate battery, infliction of harm to health, deliberate deprivation of freedom, residence, food, clothes and other living conditions, coercion to hard physical work done by one family member to another, as well as evasion of parents, guardians or adopters of juveniles to satisfy their needs in care, health and safety that can result in harm to juvenile's physical or psychological health, inflict harm to his personality as well as to his psychological, physical or personal development of the victim child, or in death of a family member;
- psychological domestic violence shall be deliberate humiliation of honor and dignity of one family member by another, or coercion (concussion) by means of threat, insults, blackmail to commitment of offenses or actions endangering his life or health, or leading to infringement of psychological, physical or personal development of a juvenile family member;
- sexual domestic violence shall be action assaulting sexual integrity and sexual freedom of another family member as well as acts of sexual nature towards a juvenile;
- dependent family member shall be family member being dependent on other family members materially or due to old age, disability or disease;
- social and legal protection against domestic violence shall be preventive activities of relevant services on resolution of conflict situations in families related to danger of emergence or to emergence of domestic violence, on social support to family members suffered from domestic violence, provision of social support and services, social adaptation and rehabilitation of persons creating danger of commitment or having committed domestic violence in the event that they are isolated from family and society by law;
- social prevention of domestic violence shall be a set of measures on social and legal protection against domestic violence implemented in special order upon the court decision in

cases of obstruction of resolution of crisis situation by the person committed violence, and protection of rights and freedoms of the dependent family member suffered from violence;

- social restraint of domestic violence shall be emergency social support provided by a relevant service in cases of immediate danger to life and health of a family member with the purpose of elimination of such danger, as well as ensuring security of a dependent family member in a situation of no delay by means of provision of temporary shelter upon the decision of court or a guardianship body, as well as general restraint of unlawful repetitive and systematic actions resulting in continuing violence by methods of social and legal nature.

- protection order is a procedural legal document that grants a victim of violence state support and a warning to the person guilty in the form of certain measures whose execution is up to the appropriate bodies

Article 2. The Purposes of the Law

The law has its purpose to establish a social and legal system of protection of life and health of family members against violence, as well as mechanisms of provision support to family members having suffered from violence, based on observation of international human rights standards.

Special priority for the state is protection against violence of juveniles and elderly family members.

Article 3. Legislation of the Kyrgyz Republic

Legislation of the Kyrgyz Republic on domestic violence and measures of social and legal protection of victims of domestic violence shall consist of the given Law, other laws and legal acts of the Kyrgyz Republic.

Article 4. Principles

The Law is based on the following principles:

"observation of international human rights standards in the area of family life;

"rule of law;

"humanity;

"protection against religious and cultural traditions as well as ethnic differences that can inflict harm to family relations;

"liability for inflicted domestic violence;

"confidentiality for the information on the inflicted violence

"preventive orientation [nature]

"participation of public and civil institutions in prevention of domestic violence and in rehabilitation of the victims thereof.

Chapter 2. The scope of entities subject to violence

Article 5. Entities subject to violence

Entities subject to violence (victims) shall be family members as well as relatives living together.

Victims shall be considered a person towards whom physical, psychological or other harm has been inflicted.

Article 6. Rights of victim of domestic violence

The victim shall have the following rights:

"to submit an oral or written complaint (petition) about the fact of violence committed or about threat of such violence to the bodies of Interior or Prosecutors offices;

"the complaint may be submitted in any language;

"to be transported to a medical institution and provided with first aid;

"upon victim's will s/he may be placed into a safe place or shelter;

"to receive legal advise.

"A victim is also entitled to approach the court of elders [aksakals] in his/her place of residence to exercise public admonition upon the inflictor

Chapter 3. The scope of entities providing assistance to victims of violence. Their rights and responsibilities

Article 7. Entities providing assistance to victims of violence

Entities providing assistance to victims of violence shall be as follows:

1. State institutions represented by relevant bodies;
2. Bodies of justice (law enforcement agencies): bodies of interior, prosecutor's offices;
3. Court institutions;
4. Citizens involved into social and legal support;
5. ~~DELETED COMPLETELY~~ Public organizations (including NGOs) involved into social activities (social support).

Article 8. ~~ENTIRE ARTICLE DELETED~~ Principles of activities of entities providing assistance to victims of violence

The principles of support to victims of domestic violence are:

"rule of law;

"humanity;

"confidentiality;

"targeted nature;

"accessibility;

"preventive orientation;

"voluntariness;

"priority given to provision of social support to juveniles.

Article 8. Responsibilities of state institutions providing assistance to victims of violence

State institutions providing assistance to victims of violence shall be: local self-governance bodies, akimiats, commissions on juvenile affairs, bodies of educational and health administration, and other municipal bodies.

The above-listed bodies shall ensure control after execution of decisions on prevention of domestic violence and provision of support to victims thereof; develop a programme on prevention of domestic violence; conduct study of causes and conditions creating domestic violence and awareness-building with various social groups of population; in case of necessity, Commissions on juvenile affairs shall raise the issue of withdrawal of parental rights from those parents who commit violence against

juveniles, or shall file a petition on alimony for dependent family members (elderly, disabled), and in case of necessity shall decide upon their placement to rest-houses for elderly or to medical institutions, and shall inform the bodies of interior for taking measures.

PARA DELETED The local self-governance bodies may establish temporary asylums (shelters) for victims of domestic violence. The local self-governance bodies may establish services of social and legal protection against domestic violence that will be operating on the basis of a common Statute.

Article 9. Responsibilities of bodies of interior on prevention and restraint of domestic violence

A body of interior shall:

"receive and file complaints (petitions) related to domestic violence;

"personally attend the location of the domestic conflict;

"interview the parties;

"provide consultation to the victim of violence, and clarify the procedure of issuance of Protection Order to the guilty, or incrimination of the guilty of administrative or criminal offence;

"in case of necessity arrange transportation of the victim of violence to a medical institution or shelter;

"take measures for isolation of the person guilty in the domestic violence;

"perform all actions necessary to solve the issue of prosecution of the guilty.

- prepare materials to the court in order to grant the guilty a Protection Order to incriminate the guilty of administrative crime

- to regularly conduct preventive work in the families that are at risk of violence

Article 10. Responsibilities of prosecutor's office on prevention of domestic violence

A prosecutor's office shall:

- oversee the lawfulness of actions taken by institutions, organizations and citizens listed in Article 7 of the present law as well as to take measures to void unlawful procedural or other decisions, examine comprehensiveness and timeliness of records on the reported facts of domestic violence;

- examine the causes and conditions of domestic violence and develop preventive measures;

"DELETED SECTION - examine lawfulness of rejection of criminal prosecution of a person guilty in domestic violence as well as lawfulness of application of administrative measures;

"represent the interest of the victim in court.

Article 11. Responsibilities of the court

The court shall make a decision in compliance with the present law or other procedural regulations on execution of measures of social and legal protection against domestic violence.

Article 12. Responsibilities of citizens as well as public and other non-governmental organizations

The public and other non-governmental organizations involved into provision of support to victims of domestic violence, as well as citizens involved into provision of support to victims of domestic violence shall:

"provide social and legal support to victims of domestic violence in compliance with the Statute;

"in cases of necessity inform the law enforcement agencies about the fact of violence committed.

Chapter 4. Organization of social and legal protection against domestic violence

Article 13. Types of social and legal protection against domestic violence

Social and legal protection against domestic violence shall be executed:

1. through the system of social services under the executive bodies (akimiats);
2. through the local self-governance bodies (locals keneshes);
3. through the law enforcement agencies and the bodies of judicial power in compliance with the acting legislation of the Kyrgyz Republic;
4. through the system of public and other non-governmental organizations;
5. through the system of institutions of health, education and guardianship.

Article 14. Social and legal service

Social and legal service shall be a special body for protection against domestic violence established in any form of property.

Social and legal service may provide full or limited scope of services to a victim of domestic violence.

Social and legal service shall be subject to compulsory registration as a legal entity and shall operate on the basis of its Statute and legislation of the Kyrgyz Republic.

Article 15. Responsibilities of social and legal service

Social and legal service shall have provision of support to victims of domestic violence as the main direction of its activities.

Social and legal service shall:

- "provide services on social and legal protection to a dependent family member, as well as protection of his personal and material rights infringed by family members who committed violence;
- "in case of necessity provide comprehensive social, medical and psychological examination of victims of violence;
- "inform law enforcement agencies about the committed violence or about threat thereof;
- "prepare all necessary materials to submit to the court for rehabilitation of infringed rights;
- "together with the body of interior to prepare a protocol on administrative offense.

Article 16. Grounds for provision of social and legal protection against domestic violence

Grounds for provision of social and legal protection against domestic violence shall be recourse for support by a person having suffered from domestic violence.

Grounds for provision of social and legal protection shall be also established facts of domestic violence or presence in the family of a crisis situation related to violence against family member or creating danger of commitment of such violence proved by a law enforcement agency.

Article 17. Procedures of provision of information on domestic violence

Upon receipt of information about domestic violence through educational institutions (schools, universities and other), the officials shall transfer it to relevant law enforcement agencies for taking

measures. In case of necessity victims of violence - juveniles - shall be placed into shelter or be provided with appropriate aid.

In case of receipt or disclosure of facts of domestic violence by local authorities or guardianship institutions, all information shall be transferred for examination to law enforcement agencies.

Law enforcement agencies upon receipt of information (oral or written) shall take urgent measures to prevent domestic violence and protect the victim from continued violence.

In case of support to victims of domestic violence by public organizations or individuals authorized for performance of such activities, the information about domestic violence towards an adult family member shall be transferred upon consent of the adult.

Article 18. DELETED ENTIRELY Procedures of consideration of pleas and statements about domestic violence by the law enforcement agencies

In accordance with the Code on Administrative Responsibility, a body charged with the authority to consider cases on administrative offenses shall take all measures to implement social and legal protection against domestic violence.

Upon receipt of information about domestic violence, officers of bodies of interior shall:

"register the application;

"perform urgent check of the application;

"in case of necessity take measures on provision of medical and other aid to the victims of violence;

"isolate the offenders from family;

"make a decision on administrative or criminal liability of the offender;

"conduct regular preventive work with families in danger of violence.

Chapter 5. Special means of social and legal protection against domestic violence

Article 18. Types of special means of social and legal protection against domestic violence

Special means of social and legal protection against domestic violence shall be as follows:

1. temporary asylums (shelters);
2. special rehabilitation centers for juveniles;
3. consultative-preventive centers (crisis centers);
4. measures of special social restraint of domestic violence (protective order).

Article 19. Organization of special means of social and legal protection

Special means of social and legal protection may be established by both local self-governance bodies and public organizations or legal entities.

Article 20. Provision of special means of social and legal protection

Special means of social and legal protection may be provided to any family member having suffered from domestic violence, as well as to women having been victim of rape or other physical violence.

Bodies of interior in presence of body of social and legal service shall take measures to ensure elimination of threat to life and health of the victim in family.

The victim of violence shall be provided with living facilities and right of residence for 10 days. Prolongation of term of residence shall be performed upon the act of the body of interior, or body of guardianship, or body of social and legal service.

Article 21. Prevention of domestic violence

Prevention of domestic violence shall be performed upon court's decision in compliance with procedures established by civil procedural law.

Prevention of domestic violence shall be performed by relevant entities in form of:

1. initial examination of the family for the purpose of establishing the character of the crisis situation related to the committed violence or to threat thereof;
2. examination of living conditions of the victim and causes of the crisis situation related to the committed violence;
3. establishing within the body's competence the character of the committed domestic violence and provision in case of necessity of comprehensive medical and psychological examination of the victim as well as the person committed violence upon their consent;
4. referral of a victim family member as well as the person committed violence upon their consent to preliminary examination;
5. involvement of the person who created the crisis situation in the family into work in correctional or psychotherapeutic groups, provision of other adaptation, rehabilitation or re-socialization services to them;
6. referral of a victim family member upon his consent to examination to a medical or other specialized institution as well as to treatment with the control thereof.

The entities executing control with the purposes of prevention of domestic violence shall develop plans of correctional measures to be implemented within 3 months.

Article 22. Measures for restraint of domestic violence

Upon receipt of complaint all entities specified in this Law shall take measures for restraint of domestic violence. In case of necessity joint measures shall be taken.

Measures for restrains shall be as follows:

1. urgent provision of temporary asylum to a victim of domestic violence upon his request;
2. taking urgent measures for in-place resolution of crisis situation that is creating immediate threat to life or health of a family member;
3. urgent withdrawal of a dependent family member under immediate threat to his life or health, and provision of temporary shelter, or referral to an appropriate medical institution depending on his state of health with further notification thereof to the court; in regard to a juvenile or a person under guardianship this shall be done upon consent of the body of guardianship;
4. provision of urgent psychological and social aid to victims of violence;
5. social and legal service on protection from domestic violence shall immediately notify court or bodies of interior about provision of temporary shelter to a dependent family member whose life or health is in danger. In case of provision of temporary shelter or referral to examination of a juvenile or a person under guardianship, a body of guardianship shall be notified;
6. officials of an organ of interior shall have right of uninterrupted entry to citizens' premises or land allotments (yards, backyards, etc.) in presence of reasonable grounds to believe that there are family members whose life or health is in immediate danger, or for performing extreme measures allowing in place to solve the crisis situation that has resulted in such danger;

7. social workers of relevant services shall have the right of uninterrupted entry with provision of necessary safety measures by officers of the bodies of interior.

Article 23. WHOLE NEW SECTION Protection Order

A Protection Order can be issued in order to protect the victim (with only exceptions for juveniles) against the violence and prevent future violence. A Protection Order can be issued by a court upon consent of the victim. A Protection Order can be issued from 1 - 6 months. The guilty that received a Protection Order shall comply with all requirements indicated in it. In case of non-compliance with the Order the guilty shall be subjected to an administrative penalty in accordance with the existing legislation. Control over the compliance with requirements established in the Protection Order is done by court and bodies of social-legal service. Upon expiration of the Protection Order and in the case of repetitive violence in the family, the guilty shall be subjected to other measures of state compulsion. The guilty shall attend a 2 month training course Tolerance and Conflict-less Conduct in a Family, 30 hours duration, organized by social-legal services.

Article 24. WHOLE NEW SECTION Procedure for Issuing Protection Order

The Court (Judge) determines the issuance of a Protection Order and its period of effectiveness upon consideration of the materials presented by the bodies of the Interior. The Court (Judge) familiarizes the guilty with the requirements of the terms of the Protection Order and consequences of non-compliance with it, being signed. The term of the Order begins with the day of issuance.

Article 25. Referral and treatment of victims of domestic violence in residential social and legal protection institutions

A victim of domestic violence shall have the right to apply personally for help to a specialized institution, or may be referred thereto by the organs of social and legal service, organ of educational or health administration, commission on juvenile affairs, law enforcement agencies, or judge.

The procedures of reception and placement of victims of domestic violence shall be regulated by the relevant statute.

Article 26. Fee for services on social and legal protection against domestic violence

Provision of temporary shelter, as well as provision of medical, legal and other social support shall be implemented on contract basis.

Article 27. Confidentiality of information involved into social and legal protection against domestic violence

In provision of social and legal protection to victims of domestic violence, all the received information about health, living conditions or other information related to personal secrets or personal life shall be protected by law. Information of personal nature may be used only upon consent of the victim, or in case of criminal or administrative prosecution.

The persons due to their official position having become aware of confidential information about the family where domestic violence has taken place or about individual family members received during provision of social and legal protection, shall not disseminate such information except cases provided by law.

In case of divulgence of such information, the above persons shall be liable in accordance with the law of the Kyrgyz Republic.

Chapter 6. Conclusion

Article 28. Statistics on cases of domestic violence

Statistics on cases of domestic violence shall be collected by:

"National Statistics Committee;

"Ministry of Interior;

"Ministry of Health;

"Ministry of Justice;

"Ministry of Education;

"Local self-governance bodies.

Statistical reports on domestic violence shall include indicators reflecting the number of registered cases of domestic violence classified by types and by measures taken; social and demographic data on family members committed violence and victims of violence.

Article 29. Enforcement of the Law

The Law shall be enforced on date of its official publication.