

Jogorku Kenesh of the Republic of Kyrgyzstan

Advancing Gender Equality in the Jogorku Kenesh

Report on the Participatory Gender Assessment of the Parliament

Bishkek, May 2023

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This report was developed with the support of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). The opinions and information it contains do not necessarily reflect the policy and position of ODIHR.

1. INTRODUCTION

National parliaments are well placed to champion the objective of gender equality and promote gender mainstreaming, by responding to the needs and interests of both men and women in its composition, structures, operations, working methods, and day-to-day work. Parliaments are also responsible for producing gender-responsive policy outcomes, through decision-making and the adoption of documents within the competence of the parliaments, or indirectly through gender-sensitive oversight of the performance of the executive.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has a mandate to assist OSCE participating States in promoting women's political participation and to provide expertise and support to strengthen democratic institutions for advancing gender equality. The OSCE Ministerial Council Decision No. 14/04 on the OSCE Action Plan for the Promotion of Gender Equality tasks ODIHR with the following mandate:

- "...ODIHR will assist in the development and implementation of specific programmes and activities to promote women's rights, to increase the role of women at all levels of decision-making, and to promote equality between women and men throughout the OSCE area...", and
- "ODIHR will assist participating States in developing effective measures to bring about the equal participation of women in democratic processes and will assist in developing best practices for their implementation..."

In continuation of ODIHR's efforts to promote women's political participation and to further advance the level of gender sensitivity of democratic institutions, ODIHR is supporting national parliaments in conducting participatory gender assessments¹. ODIHR and the Jogorku Kenesh agreed, as per letters from 17 May and 6 July 2022, to conduct a gender assessment of the Parliament of Kyrgyzstan². The gender assessment was conducted by ODIHR staff, facilitated with the support of an ODIHR national consultant, in the period August until 15 December 2022 and resulted with this report.

2. GENDER-SENSITIVE PARLIAMENTS: THE CONCEPT

A parliament is gender-sensitive when it actively and in practice respects and delivers on gender equality. One of the earliest and most used definitions comes from the Inter-Parliamentary Union (IPU). The IPU defines gender-sensitive parliament as follows:

¹ The established term in English language that is regularly used is 'participatory gender audits'. Nevertheless, taking into account that the term 'audit' has also different meanings in different political and legal systems, it was agreed that for the purpose of the gender audit in Kyrgyzstan we would use the term participatory gender assessment.

² By conducting this gender audit, the Jogorku Kenesh of the Republic of Kyrgyzstan is also meeting its commitment as per the 2022 Kigali Declaration of the Inter-Parliamentary Union. The Kigali Declaration obliges all participating national parliaments to conduct at least two gender audits in the period of ten years. See more in *Annex 2*.

A parliament that responds to the needs and interests of both men and women in its composition, structures, operations, methods and work. Gender-sensitive parliaments remove the barriers to women's full participation and offer a positive example or model to society at large. They ensure that their operations and resources are used effectively towards promoting gender equality. A gender-sensitive parliament is one in which there are no barriers – substantive, structural or cultural – to women's full participation and to equality between its men and women members and staff. It is not only a place where women can work, but also one where women want to work and contribute. A gender-sensitive parliament sets a positive example by promoting gender equality and women's empowerment among society both nationally and internationally. A gender-sensitive parliament is therefore a modern parliament; one that addresses and reflects the equality demands of a modern society. Ultimately, it is a parliament that is more efficient, effective and legitimate.³

Parliaments are working organisations with rules, norms, internal procedures, and a specific gendered culture like any other working place; whether a member of parliament is a man or a woman in parliament makes a difference in terms of power and influence and this difference is exacerbated depending on other intersecting factors such as ethnic origin, minority status, disability, age, class, sexual orientation and identity. Parliaments are, however, also very specific work places as they are symbols of democracy, representation and legality, and responsible for making laws, budgets and overseeing the government.

Gender-sensitive parliaments are not a simple nor static phenomenon. They have a high level of complexity and change across countries and across time. There is not a single path that leads to gender-sensitivity: one country may start from increasing the number of women MPs, while another may focus on creating more gender-sensitive parliamentary working practices. What is common for all is that gender-sensitive parliamentary institutions are more efficient in and able to respond to the needs of both women and men.

In gender-sensitive parliament both women and men are equally included in its work, are made aware of gender responsive internal rules and norms, and make meaningful efforts to pursue gender equality both internally and externally through gender-sensitive policies. Ultimately, concentrating on gender equality means contributing to building a fairer society where social justice is a shared value, effectively implemented.

National parliaments are uniquely placed to champion progress towards, and full achievement of, gender equality in politics and indeed in all spheres. This crucial role for parliaments has also been well entrenched in international conventions and commitments. The 1995 UN Beijing Declaration and Platform for Action, for example, required governments to report “on a regular basis, to legislative bodies on the progress of efforts, as appropriate, to mainstream gender concerns” (paragraph 109).

In the ensuing decades, the concept of gender-sensitive parliaments has become the clearest expression of parliaments' responsibility to promote and achieve gender equality. International parliamentary organisations such as the Commonwealth Parliamentary Association (CPA) and the IPU have been at the forefront of these efforts, having produced

³ [Plan of Action for Gender-sensitive Parliaments](#), Inter-Parliamentary Union, 2017.

an evidence base as well as political texts that encourage further action in support of gender sensitivity around the world.⁴ Today, a number of intergovernmental entities, including ODIHR, the European Institute for Gender Equality (EIGE), the Organisation for Economic Co-operation and Development (OECD) as well as the United Nations, have dedicated resources to support the removal of barriers to women’s full and effective participation in parliaments.

3. PARTICIPATORY GENDER ASSESSMENT: THE APPROACH

The purpose of the participatory gender assessment is to help parliaments assess the degree to which they are gender-sensitive and gender-responsive in their key functions of representation, law-making and oversight, and to formulate recommendations to improve gender sensitivity within parliament. The assessment applies an intersectional approach, understanding that women and men are very diverse, based on other personal characteristics.

A parliamentary participatory gender assessment (hereafter also referred to as “gender assessment” or just “assessment”) is an assessment, designed and undertaken by external experts, together with the parliamentary leadership, members of parliament, parliamentary staff, civil society organizations, and other relevant organisations. A participatory gender assessment entails gathering and discussing information from multiple and diverse sources to develop an objective understanding of current practices and processes.

Parliaments vary in their level of gender sensitivity and there is room for improvement across the OSCE region. Participatory gender assessments are relevant to all parliaments, whatever the political system and whatever the stage of development. The participatory gender assessment process is not intended to rank parliaments, but rather to help parliaments to identify their strengths and weaknesses in order to determine priorities for strengthening the institution. The assessment provides a framework for discussion among members of parliament, decision-makers in the parliamentary administration and parliamentary staff. The approach involves answering questions about the policy frameworks and work of the parliament concerned.

The gender assessment of the Jogorku Kenesh has been undertaken based on the ODIHR methodology, elaborated in the publication “Participatory Gender Audits. A step-by-step Guidance Document for OSCE Parliaments”.⁵ The ODIHR methodology sets gender sensitivity within the framework of the three main functions of parliaments:

- representation,
- law-making and
- oversight

⁴ [Gender Sensitising Parliaments Guidelines: Standards and a Checklist for Parliamentary Change](#), Commonwealth Parliamentary Association, 2020;

[Gender-Sensitive Parliaments: A Global Review of Good Practice](#), Inter-Parliamentary Union, 2011.

⁵ [Participatory Gender Audits. A step-by-step Guidance Document for OSCE Parliaments](#), ODIHR, 2022.

For each of the functions there is a list of standards leading the assessment process (see Appendix 1). It is important to highlight, that the gender assessment does not analyse the outcome of the law-making process, i.e. the content of the laws that are adopted in parliament and the degree to which they are gender-sensitive or respond to the needs of women and men.

The gender assessment approach recognises that parliaments are both places for democratic representation and places of work. ODIHR's guidance document is designed to enable systematic and comprehensive examination of the ways in which institutional gender insensitivities mediate parliamentary interactions and outputs, across its activities. The assessment includes both formal rules and procedures and informal practices, parliamentarians' and parliamentary staff's experiences and preferences, individual behaviour and collective interactions, as well as the wider parliamentary culture. Just increasing the number of women in parliament is not sufficient to make parliaments more gender-sensitive. Women frequently enter highly masculinised institutions where the formal and informal rules and practices reflect the behavioural and historical preferences of men who have long inhabited parliaments. In short, the assessment process moves attention from "fixing women" to "fixing institutions". Being a female member of parliament in an environment designed around and for men creates challenges and can make it difficult for women to achieve their potential in parliament and to remain as members of parliament for long periods of time. It also adds to the difficulty of encouraging women to consider a parliamentary career.

4. METHODOLOGY

The assessment has been led by ODIHR experts, with the involvement of an ODIHR national consultant. The assessment involved quantitative and qualitative data collecting and analysis, including information from recent questionnaires, reports, legal documents, interviews and focus groups. A desk review was undertaken on the situation of women in politics in Kyrgyzstan and the efforts that have been made to increase the number of female representatives. As part of the desk review, the parliament collected a set of data and responded to a pre-structured questionnaire.

An inception visit was undertaken from 24 to 26 October 2022. Interviews and focus groups were undertaken with 24 (14 women and 10 men) members of parliament, members of the parliamentary service, and civil society organisations. A one-day workshop with 22 participants (10 members of parliament and 11 parliamentary staff; 13 women and 9 men), on 24 October 2022, was held with the following objectives:

- Introduce the concept of gender-sensitive parliaments;
- Provide an overview of the international framework on gender equality;
- Contribute through discussions to the participatory gender assessment; and
- Identify potential actions for parliament to take to become more gender sensitive.

The report has been finalised based on written feedback received from the Jogorku Kenesh in March 2023.

5. FINDINGS & RECOMMENDATIONS

DIMENSION 1:

GENDER-SENSITIVE PARLIAMENTARY REPRESENTATION

1. The Republic of Kyrgyzstan has undergone significant reforms and changes in its political system in the last few years. In 2021, a new Constitution⁶ entered into force. Art. 24(3) of the Constitution recognizes the equal rights and freedoms of men and women as well as equal opportunities for their fulfilment. Next to the general provision on equality of all citizens when it comes to political participation, the Constitution does not contain any other gender-specific provisions relevant specifically to women's participation in political and public life; neither does it explicitly oblige public authorities to take temporary special measures in order to address gender- and sex-based discrimination.
2. Kyrgyzstan is a party to all major international human rights treaties, including the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). It regularly reports to the CEDAW Committee. In the Concluding Observations on the Fifth Period Report⁷ of Kyrgyzstan, the CEDAW Committee stressed the crucial role of the legislative power in ensuring the full implementation of the Convention, recommending, among others, two concrete measures:

“Review its the electoral legislation to reach parity of women and men in political life and to that effect take targeted measures, including temporary special measures, such as increased quotas, to strengthen the representation of women at all levels of government, in the Zhogorku Kenesh and in local councils, in the judiciary and in academia, in particular at decision-making levels;

Require political parties to include an equal number of women and men candidates on their electoral lists, with the women's and men's names appearing on alternating rows (the zipper system);”

3. Kyrgyzstan has undertaken legislative steps to implement international commitments and standards related to gender equality on the national level. Important national laws protecting and enhancing the rights of women were adopted, including the 2008 Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women. The Law prescribes equal political rights for women and men and, in its Art. 10, limits representation of each sex in state and local self-government bodies to 70 per cent.
4. The 2021 Constitution introduced a presidential political system. The parliament was reduced in size, from 120 to 90 members of parliament. Among other significant changes,

⁶ The Venice Commission and ODIHR have issued a Joint Opinion on the Draft Constitution, issued on 19 March 2021, available at <https://www.osce.org/files/f/documents/e/7/481840_1.pdf>

⁷ Concluding Observations on the Fifth Period Report of Kyrgyzstan, CEDAW Committee, 29 November 2021, available at <<https://www.ohchr.org/en/documents/concluding-observations/cedawckzco5-concluding-observations-fifth-periodic-report>>

the new Constitution introduced a mixed electoral system, moving away from a proportional electoral system. 54 out of the 90 parliamentary seats are filled from open party lists, with a nationwide constituency. Regardless of the number of votes received, a political party is limited to maximum 27 seats in the proportional contest. The remaining 36 members of parliament are elected in single mandate districts in a first-past-the-post system⁸.

5. A legal gender quota is applicable to the parliamentary elections, but only in the proportional component of the new electoral system. A candidate list must have at least 30 per cent of candidates from each sex, with the less represented sex given at least one place in each group of four candidates on the list. Women receive at least 30 per cent of seats received by each party through the proportional component even if they do not receive enough preferential votes. As per electoral legislation, in case of termination of the MP status, the mandate is to be assigned to the next candidate on the electoral list from the same sex. There are no gender-specific legal provisions related to the candidacy in the single mandate districts.
6. ODIHR's Election Observation Mission Final Report on the 2021 parliamentary elections concludes: "While recent legal amendments strengthened the 30 per cent gender quota for candidates competing in the proportional race, the re-introduction of the majoritarian component made existing quota mechanism insufficient to advance equal representation of women and men in parliament. The ODIHR (Election Observation Mission) noted an overall low visibility of women in campaign events, and gender equality issues did not feature in the campaign discourse. Some 36 per cent of candidates in the proportional contest and only 6.5 per cent in the (single-mandate-districts) were women. The new parliament only has 19 female members of parliaments (21 per cent), including one elected through a single mandate district." Additionally, the report states: "Some IEOM interlocutors expressed concern that the reduction in the size of parliament combined with the introduction of a majoritarian component of the electoral system, which traditionally favours male contestants, negatively impacted women's overall participation in the campaign and their representation in parliament."
7. At the moment of the gender assessment, an Inter-departmental Working Group on Improving Electoral Legislation has been meeting, aiming at improving legal provisions and considering, among others, recommendations from the ODIHR election observations reports.
8. Women's representation in the parliament has been significantly fluctuating in the past 20 years, reaching its highest level at 26 per cent following the 2007 parliamentary elections. Since then, the number has decreased. At the time of the conduct of the gender assessment (October/November 2022), there were 19 women MPs, making up 21 per cent of all members of parliament.
9. Article 4(9) of the Rules of Procedure of the Jogorku Kenesh foresees that no sex should be represented with more than 70% in the bodies of the parliament. Overall and in

⁸ Learn more about elections related issues in the ODIHR's report on the 2021 parliamentary elections, issued on 26 May 2022, available at <<https://www.osce.org/odihr/elections/kyrgyzstan/519087>>

practice, women are significantly under-represented in leadership positions in the current convocation of the parliament. Both the Speaker and Secretary General of the parliament are male. The following sex-disaggregated breakdown has been reported by the parliament (as per December 2022):

Position	Male	%	Female	%
Speaker and Deputy Speakers	3	75	1	25
Committee chairs	6	75	2	25
Deputy committee chairs	16	80	4	20
Head of party fractions	7	100	0	0
Deputy heads of party fractions	6	86	1	14
Secretary General and Deputies of the Secretary General	3	100	0	0

10. As documented by ODIHR's OSCE-wide study⁹, parliamentary committees are composed based on a stereotypical distribution of policy areas among women and men, where men dominate defence, finances and industry related areas, and women represent the majority in policy areas related to social policy and education. There are two committees without a single female MP and the Committee on Social Policy has only one men. Following sex-disaggregated breakdown has been reported by the parliament (as per November 2022):

Committee	Female	Male	% of women
Committee on Constitutional Legislation, State Structure, Judicial and Legal Issues, and the Rules of Procedure of the Jogorku Kenesh	2	11	15%
Committee on the Law and Order, Combating Crimes and Anti-Corruption	1	8	11%
Committee on the Foreign Affairs, Defence, Security and Migration	5	10	33 %
Committee on Budget, Economy and Fiscal Policy	5	14	26%
Committee on Social Policy	5	1	83%
Committee on Agriculture Policy, Water Resources, Ecology and Regional Development	0	7	0%
Committee on Fuel and Energy Complex, Subsoil Use and Industrial Policy	0	11	0%
Committee on Transport, Communications, Architecture and Construction	2	12	14%

11. The Rules of Procedure of the Jogorku Kenesh do not foresee any provisions when it comes to minimal representation targets for women and men MPs, neither in leadership positions or when it comes to the composition of working bodies and parliamentary delegations.

12. The Jogorku Kenesh has multiple formal and informal gender-related working bodies. The Committee on Social Policy is taking the lead on gender equality-related legislation. Next to it, an informal Forum of Women MPs exists. In 2022, the Speaker re-appointed an

⁹ [Realizing Gender Equality in Parliament](#), ODIHR, 2021, page 26.

advisory body - the Council on the Rights of Women, Children and on Gender Equality. The Council brings together MPs and civil society and is one of four advisory councils appointed by the Speaker. As per interviews, it seems that the Forum and to a certain degree the Council in the current convocation are less active, compared to previous convocations. Nevertheless, civil society representatives believe that the Council has a unique potential to be an arena for effective cooperation with women's rights activists. The Forum and Council did not receive funding from the Jogorku Kenesh budget so far, as of November 2022.

13. Based on the interviews, political parties do not consider women's representation and gender equality policies a priority. There are no binding gender quotas in the significant majority of political parties. If existent at all, women wings do not play a role in political parties. None of the male party leaders in the parliament recognised women's underrepresentation as an issue that needs further pro-active action; some of them even expressing strong views related to women's primary role in family and private life, compared to their engagement in public life. Women MPs expressed opposing opinions, highlighting the absence of support of male political leaders and their low level of gender awareness. When asked about barriers to political participation, male parliamentarians mentioned high financial costs for campaigning or the complexity to win the support of voters, while female MPs were often focusing on gender-related barriers, including gender-based stereotypes from political parties and voters, lack of family support and violence against women politician.
14. Civil society representatives expressed their concerns over gender-based discrimination of women members of parliament, calling to pay more attention to this issue. Civil society representatives spoke of a need for a more comprehensive understanding of women's interests and needs, where the latter are advanced by both male and female MPs. Civil society representatives also mentioned examples of MPs and their assistants addressing women's organisations as 'foreign agents'.
15. The parliament does not monitor the participation rates of women and men MPs, including their presence in parliamentary working bodies, or how often, when and for how long they speak, in the plenary session or committee meetings. The parliament also does not collect sex-disaggregated data on the number and type of legislative initiatives.¹⁰
16. The Parliament's public relations team covers the work of the Council and Forum, which have their own pages on the parliament web page. Parliamentary staff working on public affairs expressed the interest to further explore gender-sensitive reporting.
17. Meeting rooms in the parliamentary building have gender-neutral names. Art presented in the building is not documented, there is no analysis on who is portrayed or if there any policies that would preclude gender bias in selection of artists.
18. Article 18(13) of the Rules of Procedure of the Jogorku Kenesh assigns the Speaker the competence to make appointments in the Parliamentary Service, respecting the rule that no sex should be represented with more than 70%. In practice, this provision is met, as

¹⁰ Such data is regularly collected and analysed by the parliaments in Denmark, Finland, Norway, North Macedonia, Sweden, UK, among other.

men make 59% of all Parliamentary Service employees (compared to 41% of female employees). However, 100% of leadership and 61% of middle management positions are occupied by men (compared to 39% for women).

19. The national Labour Code applies also to parliamentary staff which does not provide for any paid paternity leave. The parliament does not take into account family and care duty related issues when it comes to extended plenary sessions in the evening. It should also be noted that 40% parliaments¹¹ in the OSCE area attempt to align its calendar with school break periods as part of a gender responsive policy. The parliament has no childcare facility, family room or breastfeeding room. The entrance of children into the parliamentary building is prohibited. Flexible working arrangements are not formalised. Overall, parliamentary service staff reported long working hours, including overtime, some of those being compensated through additional fixed higher payment. Especially women from the parliamentary service recognised the need for children friendly rules and practices for the parliament building.
20. The Parliament's Human Resources unit does not offer gender equality-related training as part of its work plan, designed by the State Personnel Service. There are no regular awareness raising or technical trainings for parliamentary staff. Recruitment of staff is centralised and gender considerations are not taken into account in the recruitment or annual staff award process. Sex-disaggregated statistics are not collected.
21. The Jogorku Kenesh has a Code of Ethics¹², establishing principles to guide ethical behaviour of members of parliament. It contains important provisions that are largely based on and have been inspired by international standards and good practices on developing ethical guidance for public officials, but it would benefit from revision, among others, related to gender-based discrimination, including sexual harassment. As stated in the interviews, civil society representatives also do not consider the existing framework efficient in preventing and addressing violence against women in politics, including in parliament.
22. Gender-based and sexualised violence against women members of parliament was mentioned explicitly during the interviews. There are no cases formally reported within the parliament when it comes to gender-based discrimination and violence between members of parliament and staff. Additionally, Parliamentary Service staff were reluctant to speak openly about the topic, signalling a need for general awareness raising on the issue among staff and members of parliaments.

¹¹ This includes countries like Belgium, Canada and Denmark. See more in [Realizing Gender Equality in Parliament](#), ODIHR, 2021, page 33.

¹² ODIHR has prepared, based on the request from the Jogorku Kenesh, an Opinion on the Code of Ethics, issues in in November 2022 and available at: <<https://legislationline.org/Kyrgyzstan>> The Opinion, among others, highlights the need for a regulation related to gender-based discrimination and violence against women in parliament. Based on the ODIHR review, a revision of the Code of Ethics is ongoing.

Recommendations

In order to improve gender-sensitive parliamentary representation and ensure a gradual but ambitious and continuous progress towards gender-balanced representation, on all levels of government and with the parliament as a whole, the following recommendations are put forward for consideration of the parliamentary leadership:

- 1.1 Conduct an impact assessment of existing temporary special measures in electoral legislation and consider taking additional measures, aiming at advancing the number of women candidates and women elected as MPs, in line with the international representation targets on gender-balanced representation;
- 1.2 Establish the Parliament to act as one of the main democratic institutions in the political system promoting gender-sensitive participation on all levels and branches of governance, by for example
 - a. Running regular outreach and awareness raising activities, promoting gender equality through recognition of gender equality achievements, championing public and academic events, artistic and cultural activities or other initiatives;
 - b. Encouraging political parties to take voluntary measures aiming at increasing women's political representation and advancing gender-sensitivity among party members, including male party leadership. Political parties shall also consider further advancing the participation of women from minority and other historically disadvantaged groups;
 - c. Setting up a Men Engage group among male MPs, to serve as role model to the broader society and promote gender equality in politics and broader society;
- 1.3 Review the existing Rules of Procedure and consider introducing
 - a. minimal representation rates for female and male MPs in all parliamentary working bodies and delegations;
 - b. minimal representation rates for leadership roles of parliamentary working bodies;
 - c. other instruments and mechanisms, that will promote gender-responsive representation;
- 1.4 Review the existing Code of Ethics and consider amending it, aiming at introducing a stronger normative framework and explicit aspirational values to prevent and address gender-based discrimination and violence, including violence against women in politics in all its forms¹³;
- 1.5 Design and conduct on a regular basis awareness-raising activities, including annual trainings for MPs and parliamentary staff, on prevention of all forms of gender-based discrimination and violence within the parliament;

¹³ ODIHR has published a practical and hand-on toolkit on how to address violence against women in politics in all its forms. The tool 2 provides an overview of good practice on how parliaments can set up effective policies and mechanisms. See more in [Addressing Violence against Women in Politics in the OSCE Region: Toolkit](#), ODIHR, 2022.

- 1.6 Consideration could be given to assign the role to a formal parliamentary body, for example to one of the committees, or set up a new formal parliamentary body, to lead gender equality advancement activities, including activities related to making the parliament a gender-sensitive institution. Make sure to allocate funds from the annual budget for gender-targeted activities;
- 1.7 Consider taking temporary special measures aiming at gender balance within the middle and senior management positions in the Parliamentary Service;
- 1.8 Consider setting up a staff position of a Gender Adviser in the office of the Secretary General, tasked to lead gender mainstreaming activities in the parliament;
- 1.9 Consider conducting gender analysis of the human resources policies and practices aiming at abolishing gender-based barriers for recruitment and promotion;
- 1.10 Introduce the monitoring of sex-disaggregated data when it comes to participation practices and start issuing publically available reports. Based on the conducted data, assess if there is a need for additional measures to be taken, aiming at making the parliament a gender balanced and women friendly institution;
- 1.11 Provide for broad consultations with members of parliament and parliamentary staff, aiming at amending rules and practices, introducing family and children friendly spaces in the parliament building, revising the rules that forbid children entrance to the Parliament building, and adjusting working hours and sitting periods;

DIMENSION 2: GENDER-SENSITIVE LAW-MAKING

23. The obligation to ensure women’s participation in decision- and policy-making, in order to ensure that diverse interests, needs and perspectives are taken into account, and overall gender mainstreaming is enshrined in international treaties and standards¹⁴ to which Kyrgyzstan is a party.
24. In the Concluding Observations on the Fifth Period Report of Kyrgyzstan from 29 November 2021, the CEDAW Committee:
- a. “(8.) stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (...). It invites the Zhogorku Kenesh, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.”
 - b. Furthermore, “(9.) The Committee welcomes the progress made by the State party in establishing a progressive national legislative framework to protect women’s rights and promote gender equality. The Committee is concerned: (a) That the Act on State Guarantees of Equal Rights and Opportunities for Men and Women does not cover intersecting forms of discrimination and that the adoption of comprehensive anti-discrimination legislation has been delayed; (b) About the reliance on the legally undefined terms of morality, ethics and traditional family values in the context of the ongoing large-scale inventory of legislation, which can be used to undermine women’s rights.”
25. Additionally, the CEDAW Committee concluded that it “remains concerned about the lack of understanding in the State party (report) of the non-discriminatory nature of temporary special measures, their limited use in most areas of the Convention in which women are underrepresented or disadvantaged, and their limited impact on achieving substantive equality between women and men.” Temporary special measures are a key instrument, which should be considered to not just improve gender-balanced representation, but also overall to abolish inequalities in all areas of live.¹⁵
26. As part of its international commitment, Kyrgyzstan participates regularly in the review of the implementation of the Beijing Declaration and Platform for Action. The 2019 national review¹⁶ on the occasion of Beijing +25 concluded: “Ministries and agencies have no

¹⁴ As stated earlier, the Kyrgyz Republic acceded to the CEDAW Convention on 10 February 1997. See also: the 1966 UN International Covenant on Civil and Political Rights (Article 26), acceded by the Kyrgyz Republic on 7 October 1994; 1989 CSCE Concluding Document of Vienna – The Third Follow-Up Meeting, Questions Relating to Security in Europe, Principles, par 13.8; 1991 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE, par 40; 2009 OSCE Ministerial Council Decision No. 7/09 on Women’s Political Participation in Political and Public Life.

¹⁵ For further reference please see [General recommendation No. 25](#), on Article 4, Paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures.

¹⁶ The full report on the National Review is available at <<https://kyrgyzstan.un.org/en/15417-beijing25-national-level-review-implementation-bpfa>>

personnel with expertise sufficient to assess and analyse the impacts of sectoral policies and programmes on different groups of women and men. The understanding of the gender equality concept in ministries, government agencies and local self-government bodies is limited to simple counting of men and women participating in events and activities. In fact, gender mainstreaming has not been institutionalized in the government system. Gender equality is still perceived as a niche area of the Gender Department of (the Ministry of Labour and Social Development).”

27. The international commitment to gender mainstreaming in decision- and policy-making has been transferred into national legislation. As per Art. 29 of the 2008 Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women an (ex-ante) gender analysis of draft laws and draft normative legal acts is to be conducted. The purpose of the gender analysis, according to the law, is to identify and prevent gender equality violations, and to overall align national legal documents with international treaties and agreements to which the Kyrgyz Republic is a party.
28. The 2010 Government Instruction No. 319 provides detailed specifications on how a gender analysis of draft laws is to be conducted, as part of a broader regulatory impact assessment/analysis on legal, human rights, gender, environment and anti-corruption impact. The instructions applies specifically to legislation drafted by the government.
29. Furthermore, the requirement to integrate gender equality issues into programmes and plans is included in the Government’s Strategic Planning Methodology for Sustainable Development, which is mandatory for all public and municipal authorities.
30. Art. 46 of the Rules of Procedure of the Jogorku Kenesh obliges the initiator of a draft law to present a gender analysis of their proposal. The gender analysis is not a separate document, but part of a package of regulatory impact assessments related to social, economic, legal, human rights, corruption and environmental issues. The Parliamentary Service, as per Art. 49, is to present its conclusions on the submitted impact assessment of the draft laws before their review by the responsible committee and submission for the first reading, but also throughout other stages of consideration and approval of the draft law (and potential amendments on it), including during the three parliamentary readings. Art. 152 also allows a broad range of stakeholders, including experts and civil society representatives, to submit the results of public expert reviews (expert findings, analyses, opinions, assessments, proposals, including legal, human rights, gender, environmental, anti-corruption and other types of review) for the draft law under review by the deputies. Proposers of the external review are to be invited to committee meetings and the committee has the obligation to provide a written responses to the submission.
31. The Rules of Procedure do not foresee any requirement to analyse sex-disaggregated data when relevant during the law-making process. There are also no provisions related to gender-sensitive and/or gender-neutral language, aiming at abolishing discriminatory language or stopping the use of masculine linguistic norms as the only standard in legal texts. There are also no obligations for the parliament to apply a gender perspective when discussing or approving the State Budget. Also in practice, as reported by the parliament, sex-disaggregated data is not part of parliamentary deliberation of the State Budget.

32. The Parliamentary Service was not able to provide an example of a gender analysis of a draft law from the last three years. Staff and MPs interviewed apply a very limited understanding on what an impact assessment from a gender perspective should contain, reducing it to the absence of provisions of direct discrimination based on sex and the introduction of provisions on representation targets in draft laws. Staff expressed a clear interest for further capacity building in order to be able to improve gender-based legal assessments.
33. When it comes to the formal parliamentary bodies, as per interviews, there are two parliamentary committees that are considering gender implications within their work: (1) the Committee on Constitutional Legislation, State Structure, Judicial and Legal Issues, and the Rules of Procedure of the Jogorku Kenesh, within its generic human rights mandate; and (2) the Committee on Social Policy, within its gender equality policy mandate, that is assigned to the social policy related ministries in the government. Chairs of both committees expressed their concern about the limited space to consider gender equality in a comprehensive way, taking into account the big number of policy portfolios those committees are covering.
34. Even though parliamentary staff were not able to provide official statistics, they did highlight that a significant proportion of draft laws, up to 30%, is submitted by members of parliament, while the rest is prepared by the Government or by the Administration of the President. As per interviews, gender equality initiatives in Jogorku Kenesh are overwhelmingly lead by women members of parliament, especially in the broad area of violence against women and domestic violence. Male parliamentarians are almost fully absent from gender equality initiatives, while female MPs are rarely receiving visibility for initiatives related to national security, defence, finances or economy issues, confirming a strong gender-based segregation in decision- and policy-making.
35. Civil society representatives recognise the Council on the Rights of Women, Children and on Gender Equality as their counterpart in the parliament, with particular praise to the Council on Gender Equality in the sixth convocation (before the last parliamentary elections in 2021). Some mentioned their collaboration with individual members of the Committee on Social Policy. Women rights activists are worried about the reduced interaction since the beginning of the COVID-19 pandemic, which has continued in the current convocation despite the end of the pandemics.
36. Overall, the Jogorku Kenesh has no pro-active outreach to women's organisation and civil society organisations working on gender equality. Especially women from minority or disadvantaged social groups, like women from rural areas, only rarely interact with the formal bodies of the parliament. The parliament building is not accessible to people with disabilities. All of this has an impact on the inclusivity of the law-making process.

Recommendations

In order to improve gender-sensitive law-making practices, including the cooperation with civil society organisations, and to ensure that gender impact assessments are conducted in a meaningful and systematic way, following recommendations are put forward for the consideration of the parliamentary leadership:

- 2.1 The results of legislation need to be anticipated during the drafting process and verified *ex post* during impact assessment or post legislative scrutiny.
- 2.2 Review the existing rules and practises to reflect gender and diversity perspectives, specifically those related to the impact assessment of draft legislation, aiming at gradually introducing a more comprehensive approach to gender assessments that will include an analysis based on sex-disaggregated data, a projection of desired outcome a law should have, aiming at reducing existing inequality between women and men. Consider:
 - a. Amending the Rules of Procedure, strengthening the respective legal provisions related to gender sensitive law-making¹⁷;
 - b. Consider introducing on the job trainings and capacity development initiatives, aiming at strengthening the capacities of parliamentary staff related to gender equality and gender mainstreaming, including on gender impact assessments, all with the overall goal to produce gender-sensitive laws;
 - c. Consider producing a guidance note, as well as holding an orientation seminars, at the beginning of every convocation, for all members of the parliament, on gender equality, gender mainstreaming, gender-sensitive legislation and gender impact assessments, aiming at raising the awareness of all MPs on their role on how they can contribute to the advancement of gender equality in the society through an advanced gender sensitive law-making process;
- 2.3 Strengthening co-operation with government bodies, including the state statistical body, aiming at advanced sex-disaggregated data collection; Improve rules and practices when it comes to gender consideration related to the adoption and implementation of the State Budget;
- 2.4 Improve rules and practices when it comes to usage of language of the law that should explicitly consider its audiences and make specific linguistic choices. In particular, ensure that legal drafters adopt a gender-neutral and/or gender inclusive approach when formulating legal provisions in order to ensure that laws address all persons equally, regardless of their gender and other characteristics,
- 2.5 Formalise and advance a pro-active approach to civil society cooperation, aiming at involving civil society representatives into parliament's work, among others by pro-

¹⁷ Based on the request from the Jogorku Kenesh, ODIHR is, at the moment of drafting of the report, conducting a legal review of the Rules of Procedure. The legal opinion is still to be published in the first half of 2023.

actively inviting gender equality NGOs and experts to committee meetings and giving them space to contribute to debates;

2.6 Ensure active and meaningful involvement of women and representatives of minority and vulnerable groups in targeted public consultations;

2.7 Strengthen the exchange with government bodies during the law-making process, also in cases when legislation is proposed by members of parliament, aiming at using government expertise and sex-disaggregated data in sectoral policies;

DIMENSION 3: GENDER-SENSITIVE PARLIAMENTARY OVERSIGHT

37. The new Constitution from 2021 introduced a shift from a parliamentary to a presidential political system, strengthening the power of the President and reducing the role of the Jogorku Kenesh. Nevertheless, the parliament still plays a key role and it has a clear oversight role, which is further elaborated in Art. 3 of the Rules of Procedure. Thus, the Parliament is empowered to mainstream gender into a set of oversight activities, including the review and discussion of annual reports of key government bodies and review of the implementation of the annual state budget. It can also use gender considerations as part of parliamentary investigation and interpellation, MP inquiries, parliamentary hearings, and questions and answers with the government.
38. Two parliamentary committees have a clear mandate to apply gender consideration within their work: (1) the Committee on Constitutional Legislation, State Structure, Judicial and Legal Issues, and the Rules of Procedure of the Jogorku Kenesh, within its generic human rights mandate; and (2) the Committee on Social Policy, within its gender equality policy mandate, that is assigned to the social policy related ministries in the government. Together with the other parliamentary committees, those two committees play a formal role in gender-sensitive parliamentary oversight and oversight of gender equality legislation, as per the Rules of Procedure of the Jogorku Kenesh.
39. Besides the parliamentary committees, two additional non-formal bodies exist: the Forum of Women MPs and the Council on the Rights of Women, Children and on Gender Equality. Neither have a formal role in parliamentary oversight, but can play a part in gender equality advocacy and overall transformation of the parliament, aiming at becoming a gender sensitive institution. Nevertheless, it is important to highlight that informal bodies, which are not equal to permanent parliamentary committees, should not be regarded as replacement of the committees, but only as complimentary.
40. Even though mandated, the Jogorku Kenesh is not conducting a regular oversight of the implementation of the 2008 Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women. The parliament did not amend the law in line with the recommendations from international monitoring body (CEDAW Committee's 2021 Concluding Observations on the Fifth Period Report of Kyrgyzstan).
41. MPs, parliamentary staff and civil society representatives highlighted the need for a thematic and permanent gender equality committee in the parliament, taking into account that existing committees are overloaded with a diverse list of sectoral areas they are in charge. Especially the representatives of the Committee on Social Policy highlighted a lack of time, resources and prioritization of gender equality related oversight.
42. Parliamentary staff expressed the need for further awareness raising and capacity development in order to be able to perform the expertise support function, also as part of parliamentary oversight function.

43. Civil society representatives expressed their concern on the reduced role of the parliament in monitoring and overall overseeing the implementation of legislation, especially when it comes to legislation that should improve the position of women and gender equality in general.
44. As it appears from the interviews and information shared, the parliament plays no significant role in monitoring compliance with international standards, including on the follow up to concluding observations from the CEDAW committee.

Recommendations

In order to improve gender-sensitive oversight practices and to ensure that gender equality consideration become part of the regular committee work, following recommendations are put forward for the consideration of the parliamentary leadership:

- 3.1 Consider setting up a targeted and permanent Gender Equality Committee, mandated to take a lead, together with other parliamentary committees, in integrating a gender perspective into oversight activities, or strengthen the role and provide a formal mandate as per parliamentary regulation to one existing parliamentary committee;
- 3.2 Carry out a comprehensive review on the implementation and potential shortcomings of the Law on State Guarantees of Equal Rights and Equal Opportunities for Men and Women and consider working on amending the law or adopting a new one, based on review observations and international standards;
- 3.3 Through the parliamentary oversight function aim at strengthening the governmental institutional mechanism for the advancement of women and of gender equality;
- 3.4 Apply a proactive approach to civil society cooperation, aiming at involving civil society representatives into the application of the diverse set of potential oversight tools that can be applied related to gender-sensitive oversight;

6. TEMPLATE FOR THE ACTION PLAN ON THE PROMOTION OF GENDER EQUALITY IN THE JOGORKU KENESH

The below table presents an example of an action plan which the Jogorku Kenesh may use as a template to develop a full, multi-year action plan on the promotion of gender equality in the parliament. The action plan would systematize the implementation of all or a selection of the recommendations provided in the report on the participatory gender assessment.

Objective 1: To continuously advance the representation of women in parliament and develop a gender-sensitive working environment for all women and men working in parliament

Activity	Indicator of success	Baseline and target	Parliamentary body or unit in charge	Time frame

Objective 2: To strengthen policies, rules and practices on gender-sensitive law-making

Activity	Indicator of success	Baseline and target	Parliamentary body or unit in charge	Time frame

Objective 3: To advance the role of parliament in overseeing government actions related to gender equality enhancement in all areas of life

Activity	Indicator of success	Baseline and target	Parliamentary body or unit in charge	Time frame

Appendix 1. Assessment Areas

As per ODIHR’s participatory gender assessment of parliaments methodology.

The full methodology is available in the publication:

“Participatory Gender Audits. A step-by-step guidance document for OSCE Parliaments”

ODIHR, August 2022, <<https://www.osce.org/odihr/524226>>

1.1 Gender-sensitive representation

Subject	Issues
Electing women to parliament	<ul style="list-style-type: none"> • The proportion and numbers of women and men in parliament in recent elections • Barriers women face when running for parliament • Actions by political parties to improve gender equality and representation of women, including tackling violence against women in politics • The electoral system and temporary special measures in electoral legislation
Leadership roles in parliament	<ul style="list-style-type: none"> • The proportion of each sex in leadership roles such as speakers, committee chairs or in the parliamentary administration
Participation in parliament	<ul style="list-style-type: none"> • Participation by sex, including speaking, asking questions and being members of committees
Caring responsibilities	<ul style="list-style-type: none"> • The infrastructure for MPs and staff with caring responsibilities, including sitting times and the provision of child care
Dignity and respect	<ul style="list-style-type: none"> • Formal mechanisms — codes of conduct and regulations including policies on discrimination and harassment • Cultural issues — stereotypes and demeaning behaviour • Sharing responsibility for equality by women and men
Parliamentary staff	<ul style="list-style-type: none"> • Representation of each sex in the parliament’s staff, including in leadership positions, and whether roles reflect gender-stereotypical views of men and women

1.2 Gender-sensitive law-making

Subject	Issues
Gender sensitivity in law-making	<ul style="list-style-type: none"> • Access to relevant sex-disaggregated data • Availability of a checklist or other practical tools for gender-sensitive legislative scrutiny • Requirements for gender analysis and gender impact assessments

	<ul style="list-style-type: none"> • Requirement for consultations with beneficiaries of laws, including civil society organizations, representing different interests and groups • Use of gender-sensitive language, i.e., a gender-neutral and/or gender-inclusive approach when formulating legal provisions, and compliance with human rights and gender-equality standards in the content/substance of the laws
Gender sensitivity in reviewing the budget	<ul style="list-style-type: none"> • Access to relevant sex-disaggregated data and also disaggregated by numerous other personal characteristics, such as age, ethnicity, race, religion or disability • Requirements for gender analysis and gender impact assessments • The rights and needs of women and men, and of groups representing minorities, people with disabilities and others, are reflected in supporting budgetary documentation
Gender impact assessment expertise	<ul style="list-style-type: none"> • Availability of in-house expertise to help ensure that law-making activities support the elimination of all forms of gender-based discrimination • Availability of external expertise to complement in-house expertise

1.3 Gender-sensitive oversight

Subject	Issue
Parliamentary bodies	<ul style="list-style-type: none"> • Existence, format and mandate of parliamentary bodies in charge of gender equality
Gender mainstreaming	<ul style="list-style-type: none"> • Gender-equality considerations in questions, debates and committee work and in diverse forms of oversight activities, to protect law drafters against unconscious bias and to ensure laws cover everyone equally • Availability of sex-disaggregated data • Gender balance in public hearings
Expertise	<ul style="list-style-type: none"> • Availability of in-house expertise to ensure that activities support the elimination of all forms of gender-based discrimination • Availability of external expertise to complement in-house expertise
International standards	<ul style="list-style-type: none"> • Monitoring compliance with international standards and norms, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Appendix 2. Excerpt from IPU Kigali Declaration

Parliamentarians from around the world have adopted the Kigali Declaration “Gender equality and gender-sensitive parliaments as drivers of change for a more resilient and peaceful world” at the 145th Inter-Parliamentary Union Assembly in Kigali, Rwanda.

The full Declaration is available at the following link

<<https://www.ipu.org/news/press-releases/2022-10/ipu-member-parliaments-commit-accelerating-gender-equality>>

Here is an excerpt of the ten commitments at the end of the Declaration:

“Our commitment to gender-sensitive parliaments today must be more ambitious than it was 10 years ago. Looking forward, we pledge the following 10 actions to make many more parliaments gender-sensitive over the next 10 years:

1. Assess the level of gender-sensitivity of our parliaments twice to ensure progress in-between the two milestones.
2. Create a gender-balanced steering committee to follow up on the findings and recommendations of the gender sensitivity assessments that has the power, resources, and mandate to lead reforms.
3. Recognize the individual differences among women and prioritize the inclusion of underrepresented groups such as young women, indigenous women and women with disabilities.
4. Create, resource and empower a gender equality committee or similar body which can effectively hold government and parliament to account, and a women’s caucus that can effectively support women MPs in their parliamentary work.
5. Adopt formal rules to establish gender-balance across all parliamentary leadership positions, ensure the parity of participation of women and men across all parliamentary activities, and prohibit single-sex committees and groups.
6. Engage men MPs and other men active in the parliamentary ecosystem to act as allies for gender equality, including by co-sponsoring bills, initiatives and actions with women MPs, across the legislative, oversight and representation fields.
7. Ensure that gender sensitivity, gender equality and gender mainstreaming and budgeting guide all of a parliament’s work at all times.
8. Conduct gender audits of legislative, budgetary and oversight actions but also of initiatives aiming to introduce or reform, inter alia, parliamentary technology, measures to make parliaments greener, initiatives to engage citizens’ in the work of parliament, and implement the respective recommendations from such audits.
9. Become caring parliaments by providing fully for the caring needs of men and women MPs and staff as they carry out their parliamentary duties.
10. Introduce stringent policies with the objective of zero tolerance of violence against women, sexual harassment and bullying in parliament, and establish independent and efficient grievance procedures with strong sanctions.”