



Asia Pacific Forum on Women, Law and Development
Empowering women to use law as an instrument of change and promoting women's human rights in the Asia Pacific region

NGO in consultative status with the Economic and Social Council of the United Nations

CENTRAL ASIA SUB-REGIONAL FEMINIST LEGAL THEORY & PRACTICE (FLTP) 2022

Asia Pacific Forum on Women, Law and Development (APWLD) is the leading network of feminist organisations and individual activists in Asia and the Pacific. Our over 266 members represent groups of diverse women from 30 countries and territories across the region. For nearly 35 years, APWLD has been empowering women to use law as an instrument of change for equality, justice, peace and development. For more information please check www.apwld.org.

Feminist Legal Theory and Practice

Feminist Legal Theory and Practice, or FLTP, is an APWLD training programme which promotes the application of feminist analysis, deeper grounding in human rights and the use of the law or legal strategies to uphold women's human rights. Participatory methodologies and approach to learning are carefully integrated to the programme and effectively challenge systemic and structural barriers to women's human rights. As such the FLTP draws on the experiences and perspectives of women from rural, indigenous, migrant, urban poor women groups and WHRDs in the APWLD network and those they work within the Asia-Pacific region, to make it rich and dynamic.

For APWLD, the FLTP training has been the longest standing training since 1994. It evolved from APWLD's earlier 'Beyond Law' training programme, now running as a core capacity building activity under the Feminist Law and Practice (FLP) programme. Inspired by the radically progressive resolution of our founding members to use law as a tool to achieve equality, human rights, peace, development and justice, APWLD have implemented the training with the purpose to build a community of legal activists, lawyers, policy makers and implementers who are committed to advancing women's human rights through law. Throughout the years APWLD, led by FLP, programme have organised and facilitated FLTP trainings in regional, sub-regional and national levels as it is also important to maintain an active and up-to-date regional, sub-regional and national resource pool through the FLTP Training. FLTP graduates in the last few years demonstrated the bold use of law as a tool to uphold international standards of women's human rights.

Central Asia Sub-Regional FLTP: Context

APWLD will organise its second sub-regional FLTP training in Central Asia targeting young lawyers, attorneys, activists, human rights advocates and Women Human Rights' Defenders (WHRDs) in 2022. All Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) committed to international obligations and have ratified the Universal Declaration of Human Rights (UNDHR), UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Beijing Declaration and Platform for Action (BPfA), etc. Principles of equality and human rights were translated into national laws, mainly in the Constitution of the countries. Despite state commitments, women's human rights realisation and its protection in practice remains fragile.

After thirty years of independence of all the Central Asian countries, women still have to defend their rights. Gender inequality is revealed in many areas, in particular, women, despite state



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programmes, laws and populist statements by the authorities, find it difficult to overcome the barriers to advance their rights for equality, safe life, privacy, education, equal wages, property, careers in politics, governance, distribution of economic benefits and use law. Gender-based violence continues to take many forms, including domestic violence, economic violence, bride kidnapping, early marriage, physical, sexual and psychological abuse, femicide. Domestic violence against women and girls is one of the acute problems in Central Asia. In Kazakhstan, in January 2022, Parliament suspended review of a new draft domestic violence law and has not, since then, proposed any new legislation offering strengthened protection to women. The draft does not criminalise domestic violence as a standalone offence. The Ministry of Internal Affairs of Kyrgyzstan reported that the domestic violence in the country increased by 62 percent in 2020: 9,025 cases of domestic violence were registered, only 947 cases went to trial. By September 2021 there were 7,665 cases of domestic violence. This is almost 30 percent more than for the same period of the previous year. Moreover, legal systems of the Central Asian countries continue to provide a number of opportunities for perpetrators to go unpunished and victims are not provided with adequate support. Legislation provides a number of opportunities for perpetrators to escape criminal liability or punishment, leaving many survivors of a range of violence, especially sexual violence, crimes without access to justice. Cases of violence against women and girls remain underreported in Central Asia and survivors face multiple barriers to accessing services and justice, such as insufficient shelters and other essential services, dismissive response by authorities, stigma, and attitudes that perpetuate harmful stereotypes and practices, including by police, judicial officials, government, religious leaders and mainly by communities.

Gender based violence and discrimination can be traced in so called “unofficial legislative prohibitions” restricting women's rights. For example there were some cases, reported in Mass Media, in Turkmenistan. Bans on beauty cosmetics, modern clothing and other restrictions on women are causing more and more complaints among the population of Turkmenistan. Ban on "attractiveness" is widely discussed among the women in the country. Recently, any makeup, manicure, hair colouring, tight-fitting clothes, as well as jeans and any trousers have been banned for women. In addition, women are required to wear traditional wide-cut dresses and embroidered trousers. Married women are required to wear headscarves. The "beauty" rehearsals began in April 2022. State and public sector institutions and organisations immediately began to follow the requirements. As a result, women faced a real risk of being fired for using makeup. Mass Media reported that police riots were organised in various cities to control the appearance of women. Arbitrary arrests and fines due to the appearance have become more frequent on the streets.

Neo-patriarchy flourishes in all countries of Central Asia. Early and child marriages are quite common in rural areas. Reports of polygamy - while strictly prohibited by the Family Codes of all Central Asian countries - seem to reflect both the economic situation, as well as some strengthened patriarchy that has accompanied a more assertive nationalism.

The growth of nationalism has also seen the reemergence of patriarchal gender ideologies in Central Asia. Despite official decrees supporting women, the full participation of women in society is limited by gender stereotypes that view men as the main actor. Employment and pay gap is another barrier women face in Central Asia. Overview of the women's labour situation in Tajikistan can describe the whole sub-region: women in Tajikistan are more likely to be unemployed: 69 percent of women of working age do not work compared to 49 percent of men.



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Young women are less likely to work or study: 49 percent of women aged 15 to 24 in Tajikistan are neither studying nor working anywhere compared to 7 percent of men. Tajik women are paid less: statistics show that average monthly wages (regardless of type of work) have been consistently higher for men than women in all sectors of the economy. Not only do such beliefs restrict women's access to well paid jobs, but they also threaten the future investment of parents in their daughters' higher and vocational education. Unfortunately, such beliefs complement the reality that view a woman's status in society as lower than a men, and thus still justify men's authority over women.

Authorities of Central Asian countries severely hinder the work of independent nongovernmental organisations (NGOs) with excessive and burdensome registration requirements or passing Laws to regulate the activity and funding of NGOs. The Turkmenistan government does not allow any vestige of independent civil society expression. NGOs are prohibited unless registered, and the registration procedure is burdensome. In Uzbekistan the Justice Ministry holds very complicated registration procedures for NGOs continuing to deny registration to independent groups. Prosecution of NGOs using national legislation is common practice, for example during 2020 and 2021, tax authorities of Kazakhstan targeted over a dozen leading NGOs in the country with fines and suspensions for allegedly violating rules for reporting on foreign grants. After sustained public outcry, authorities in February 2021 dropped the fines and suspension decisions. NGOs in Tajikistan is active, however working on political rights, torture, electoral issues, corruption, freedom of religion, or LGBT rights/issues, remained sensitive in the country. Attacks and harassment of activists happens more often in all Central Asian countries. Human rights defenders complained of the work of state-supported "troll factories" that aim to discredit critical voices online. Women human rights defenders reported both online and physical aggression and violence toward them for their activism. Due to the increased hostile environment, a number of feminist organisations, activists and women human rights defenders stopped their advocacy activities. Rising religious extremism affects countries' efforts to advance gender equality by reinforcing discriminatory norms and practices that hold women and girls back from full participation in economic, social and public life. The shrinking space for women's civil society organisations is one of the major concerns too.

Geopolitical challenges related to the different external factors as Taliban takeover of Afghanistan, border conflicts and armed conflicts' escalation within the region and outside, COVID-19 pandemic outburst, etc lead to turbulence in the region and jeopardise all achievements of women's human rights defenders that has been achieved with the hard work in recent years.

Objective

The main objectives for having the CA FLTP are as follows:

- To develop greater understanding of gender, discrimination, equality, law and human rights;
- To enable participants to share their experiences of feminist legal advocacy;
- To identify and address dilemmas encountered by women's rights advocates in their use of legal strategies to address women's rights;



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- To enhance the capability of participants to effectively challenge discriminatory laws and practices in their countries by feminist, rights-based legal practice and by applying international conventions and precedents for advancement of women's human rights;
- To ignite campaigns to advance women's human rights in the region;
- To bring Central Asian WHRDs and women rights activists to the Regional level feminist movement and build a network of feminist legal practitioners and activists.

The training will focus on the following themes: analysis of women's lives and realities; feminism and women's movement; structural and systemic forces of oppression, feminist development justice, feminist analysis of the Law, Globalisation, Fundamentalism and Militarisation and Patriarchy; women human rights and developments in international law; and feminist legal strategies for supporting women human rights defenders.

This training will create a pool of Central Asia FLTP graduates (FLTP Grads) who will use the FLTP framework as part of the movement to support substantive legal change that uphold women's human rights.

People can apply based on the following criteria:

- Training is open to all genders.
- APWLD members as well as non-members from Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) may apply
- Judges, lawyers, young feminists and activists, prosecutors, case workers, academics, media persons, writers, poets, women human rights defenders, who engage with law or use law for women's human rights and social justice may apply, who protect Human/Women's rights and support feminist values.
- Activists and development workers engaged with national, international and sub-regional bodies on issues of marginalised groups, for example: land, food, climate, migration, labour, information and digital rights, political participation, LGBTQI+ movements etc.

Participants will be selected based on the following considerations:

- Balance in country representation of Central Asia;
- Balance in sectoral areas of work;
- Combination of judges, lawyers, young feminists and activists, paralegals, case workers, para-legal volunteers, prosecutors and academics engaging with the law for women's human rights and social justice;
- Preference given to individuals with institutional/organisational affiliations and/or recommendations from APWLD network;
- The participant group size will be limited to 25.
- The main language of communications and instructions during the training will be English; therefore level of proficiency in English is required.

Monitoring, Evaluation and Learning System

APWLD recognise a key contribution of FLTP training is building the capacity of women's rights organisations and advocates to challenge discriminatory laws, policies and practices. Programme planning and implementation is guided by APWLD'S Theory of Change captured in the following



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domains of change: a) capacity development; b) creation of new knowledge and tools; c) changes in law and policy and d) movement building for structural change.

Through the years the FLTP has developed M-E-L tools and methodologies to measure FLTP as a capacity building programme:

- Pre-test and Training Needs Assessment (TNA). This is distributed at the beginning of the training. The tool comes in two parts:
 1. the pre-test that has been designed for participants to share their self-assessment of their knowledge and skills on different aspects of the training and
 2. TNA where some questions are added in order to ask participants of the particular learning areas that they would like to focus on in the training. Outcomes of the training needs are discussed with the participants in terms of what can be accommodated and how this can be achieved.
- Post-test and Evaluation. This is distributed at the end of the training. The tool comes in two parts: the post test that has been designed for the participants to assess their knowledge and skills after the training, (2) the evaluation where the participants are asked of their significant/new knowledge and/or learnings after the training and their recommendations for improving the training.
- Personal action plan. At the last session of the FLTP training, participants are required to develop a personal action plan that describes how they plan to apply and implement FLTP framework to their future work. This becomes a connecting point for APWLD Secretariat and participants to seek ways for collaborative work or support to achieve personal action plans.