

## KYRGYZSTAN

### 1. Discriminatory family code

The Family Code was revised in 2012,<sup>1, 2</sup> and under the new Family Code, the **legal age of marriage** is 18 for women and men. However, for ‘good reasons’, the minimum age for marriage can be reduced by one year by local authorities; previously, it could be reduced by two years.<sup>3, 4</sup> Living in a de facto marriage with a girl under the age of 17 is a criminal offence.<sup>5</sup>

Customary and religious law are not considered valid sources of law under the Constitution, in regard to marriage or any other issue.<sup>6</sup> Only marriages registered at a state registry office are legally valid.<sup>7</sup>

Since the Kyrgyzstan became independent in 1991, there has been a trend towards couples not registering their marriages. According to a 2013 report by the Institute for War and Peace Reporting, one in three married women in rural areas are in an unregistered marriage, while in urban areas, the figure is one in four.<sup>8</sup> In such cases, the union is usually solemnised in an Islamic marriage ceremony, giving it legitimacy in the eyes of the family and the community, but meaning that the marriage has no legal recognition. This affects the woman’s rights in regard to divorce, and land and property ownership.<sup>9</sup>

In a report following her mission to Kyrgyzstan, the Organisation for Social Co-operation in Europe (OSCE) Special Representative for Gender Issues also noted that it is often difficult for women in unregistered marriages to obtain birth certificates for their children, meaning that they then cannot access state benefits; this has the effect of making such women further financially dependent on their husbands.<sup>10</sup> USAID reports similar findings.<sup>11</sup> Attempts to introduce legislation to ban Muslim religious officials from conducting marriages unless the couple can produce a civil marriage certificate have so far been unsuccessful.<sup>12, 13</sup>

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<sup>1</sup> CEDAW (2013), p. 33

<sup>2</sup> The Law of Kyrgyzstan. On Amendments and Additions to Family Code

<sup>3</sup> Ilibezova, Larisa (2012), p. 2

<sup>4</sup> CEDAW (2013), p. 33

<sup>5</sup> Criminal Code, Article 154

<sup>6</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 98

<sup>7</sup> CEDAW (2013), p. 33

<sup>8</sup> Myrzabekova, Altynai (2013)

<sup>9</sup> Ilibezova, Larisa (2012), p. 4

<sup>10</sup> Patten, Wendy (2011), p. 4

<sup>11</sup> USAID (2010), p. 34

<sup>12</sup> Ilibezova, Larisa (2012), p. 4

<sup>13</sup> Myrzabekova, Altynai (2013)

**Early marriage** practices are common among several ethnic groups, including Uzbeks, Dungans, Turks and Tajiks.<sup>14</sup> According to qualitative research from the United Nations Population Fund (UNFPA) on early marriage in Kyrgyzstan, rates of early marriage have been increasing since the early 2000s, indicating that the laws relating to early marriage are not being implemented in practice. The research found that poverty, desire to protect family ‘honour’ by controlling adolescent girls’ sexuality, and the willingness of religious officials to conduct marriages involving underage girls were important factors driving the practice. In addition, rates of early marriage increased significantly in southern Kyrgyzstan following the riots of 2010, as parents sought to ‘protect’ their daughters.<sup>15</sup>

According to the Family Code, women and men have equal rights in marriage, including in regard to **parental authority** over children.<sup>16</sup> The Kyrgyzstan Family Code states that parental authority should be shared by the mother and father and that housework should be shared equally between the two spouses.<sup>17</sup>

Both women and men can legally be recognised as the head of the household.<sup>18</sup>

Women and men retain equal decision-making authority over children following **divorce**.<sup>19</sup>

Customary and religious law are not considered valid sources of law under the constitution, in regard to parental rights or any other issue.<sup>20</sup>

Women have equal **inheritance** rights as wives and as mothers, under the Family Code.<sup>21, 22</sup> As for land inheritance, it is regulated by the Civil Code as well as by the Law on Management of Agricultural Land. The Civil Code does not discriminate children based on their gender; all children have equal rights to inherit land from their parents.<sup>23</sup>

Since 1995, male-dominated local elders’ courts (*aksakals*) have been legally responsible for resolving land disputes at the local level, presumably also in regard to inheritance. Such courts draw on both customary and written laws.<sup>24</sup>

According to the Law on Management of Agricultural Land, until 2006 agricultural land was indivisible. Following efforts of the “Women’s land rights” project in Kyrgyzstan (UNIFEM), the law was amended in 2006, allowing inheritance of agricultural land by several heirs. However, there is still a legal clause that defines the minimum size of land share that can be divided.<sup>25</sup>

Particularly in rural areas, women are discriminated against in the disposal of family property, and disputes regarding inheritance are typically resolved in favour of men. In many families, the youngest

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<sup>14</sup> UNFPA (2012), p. 3

<sup>15</sup> Ilibezova, Larisa (2012)

<sup>16</sup> Family Code, Article 66

<sup>17</sup> CEDAW (2007), p. 13-14, 60

<sup>18</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 98

<sup>19</sup> Family Code, Article 71

<sup>20</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 98

<sup>21</sup> CEDAW (2013), p. 32

<sup>22</sup> FAO (n.d.)

<sup>23</sup> Law on Agricultural Land Management of the Kyrgyzstan, Articles 14,15,16,28

<sup>24</sup> FAO (n.d.)

<sup>25</sup> UN Women (2012)

son and his wife are expected to remain at home and care for his parents in old age, often inheriting the parents' property on their death. Although the legislation allows to dispute inheritance rights in courts, women often are often unaware of their inheritance rights, or do not want to go into disputes due to informal rules and traditions.<sup>26, 27, 28, 29</sup>

### **More**

Women and men have the same **rights to initiate divorce** under Kyrgyzstani law.<sup>30</sup> However, in unregistered religious marriages, men are considered to have the right to divorce their wives unilaterally.<sup>31</sup> In addition, as discussed above, the property and land rights of women living in unregistered marriages are not protected in the event of divorce.<sup>32</sup> A shadow report submitted to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) committee in 2008 notes that divorced women are often socially marginalized and live in poverty.<sup>33</sup>

In practice, roles within the household are premised on rigid gender and age hierarchies, with women and girls expected to defer to husbands and other male family members (and daughters-in-law to defer to mothers-in-law), and responsible for the bulk of **domestic labour**.<sup>34, 35, 36</sup> According to the International Labour Organization (ILO), women spend on average 18% of their time on domestic work. By comparison, men spend just 5% of their time on this work.<sup>37</sup>

A 2012 study by HelpAge International found widespread evidence of elder abuse, neglect, and isolation in Kyrgyzstan, primarily affecting older women, including **widows**. The report noted that victims of elder abuse rarely seek help from police or health providers, out of shame and the belief that domestic abuse of any form is a private affair, because they are reliant on their children for support, or because they blame themselves for the abuse.<sup>38</sup>

The practice of **polygamy** is officially recognised as illegal, it is openly acknowledged to exist and the law is largely unenforced. The Government has made numerous attempts to introduce civil polygamous marriage bills and decriminalise the practice, the latest one was in 2007.<sup>39</sup>

## **2. Restricted physical integrity**

**Domestic violence** is not a specific criminal offense under the country's Criminal Code. The 2003 Law on Social-Legal Protection from Domestic Violence defines domestic violence as 'any deliberate action of one member of a family against another, if that action infringes legal rights and freedoms of the family

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<sup>26</sup> Asian Development Bank (2005), p. 36-37

<sup>27</sup> Council of NGOs (2008), p. 41

<sup>28</sup> CEDAW (2007), p. 21

<sup>29</sup> USAID (2010), p. 34

<sup>30</sup> Family Code, Article 22

<sup>31</sup> Radio Free Europe / Radio Liberty (2012)

<sup>32</sup> Kaiser Hughes, Alley (2013)

<sup>33</sup> Council of NGOs (2008), p. 41

<sup>34</sup> ILO (2008), p. 1

<sup>35</sup> USAID (2010), p. 26

<sup>36</sup> Human Rights Council (2010), p. 7

<sup>37</sup> ILO (2008), p. 1

<sup>38</sup> Efimov, Natasha (2012)

<sup>39</sup> Yovanovitch, M. L. (2007)

member, causes him/her physical or psychological suffering and moral loss or poses a threat for physical or personal development of a minor member of the family'.<sup>40</sup> It also covers couples living in unregistered marriages.<sup>41</sup>

Under the 2003 Law, victims of domestic violence can file a complaint, request a protection order, and appeal to the local elders' court (*aksakal* court). Interim protection orders (up to 15 days) can be issued immediately by a law enforcement officer, and prohibit the perpetrator from having any contact with the victim, and oblige him to pay for any necessary medical treatment. Courts can also issue longer-term protection orders of up to six months; if these are violated, the perpetrator can face administrative or criminal proceedings.<sup>42</sup>

According to a shadow report submitted to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) Committee, an earlier National Action Plan for Achieving Gender Equality (2002-2006) included commitments to provide effective services to women experiencing domestic violence through the establishment of public crisis centres. The report notes that these commitments had not been realised in 2008.<sup>43</sup>

In its Concluding Observations, the CEDAW committee expressed its concern regarding the inadequate implementation of legislation on domestic violence.<sup>44</sup> This is echoed in the report of the Organisation for social Co-operation in Europe (OSCE) Special Representative on Gender Issues, who visited Kyrgyzstan in 2011, and who noted that while interim (15 day) protection orders are routinely issued, longer-term court-ordered protection orders are not.<sup>45</sup>

Most cases of domestic violence are said to go unreported, because women are reluctant to reveal what are seen as 'private' problems to the outside world, fear retaliation from partners on whom they are financially dependent, or are unaware of their legal rights or of what support services are available. In her report, the OSCE Special Rapporteur notes that if women do seek help, they often prefer to turn to NGO-run women's crisis centres or elders' courts for help, due to a lack of trust in the police.<sup>46</sup>

According to data from the Supreme Court, between 2008 and 2011, there were 2144 convictions in cases of domestic violence. Of these, 242 resulted in criminal convictions, and 1811 resulted in administrative convictions (presumably protection orders and fines).<sup>47</sup> A poll conducted in 2008-09 by the Association of Crisis Centres indicated that for 83% of the respondents, there was physical violence against women at home. In addition, according to the UN Women's Development Fund, about 40 to 50 women and girls are hospitalised in the Bishkek city hospital every month due to domestic violence.<sup>48</sup>

In her report, the Special Rapporteur notes that police attitudes play a strong role in discouraging women to report abuse. For instance, police often push the couple towards reconciliation, are reluctant

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<sup>40</sup> Human Rights Council (2010) p. 15

<sup>41</sup> Law on the Social and Legal Protection against Violence in the Family of 2003, Article 1

<sup>42</sup> Human Rights Council (2010), p. 15-16

<sup>43</sup> Council of NGOs (2008), p. 18

<sup>44</sup> CEDAW (2008), p. 4

<sup>45</sup> Patten, Wendy (2011), p. 4

<sup>46</sup> Human Rights Council (2010), p. 18

<sup>47</sup> CEDAW (2013), p. 4

<sup>48</sup> Human Rights Report (2010)

to get involved in what they see as a private matter, and prefer to issue administrative fines or interim protection orders.<sup>49</sup> The OSCE Special Representative states that training for police on how to handle domestic violence cases and how to issue protection orders has been effective to a certain extent, but such training has often been one-off, and not all police officers have received it. As a result, the treatment that victims of domestic violence receive varies considerably, depending on the knowledge and effectiveness of the officers handling their case.<sup>50</sup>

**Rape** is a criminal offence addressed in the Criminal Code of Kyrgyzstan.<sup>51</sup>

Marital rape is not specifically included as a criminal offence in the Criminal Code.<sup>52</sup>

The penalties for rape are between five and fifteen years' imprisonment, depending on the age of the victim, the number of perpetrators, and the nature of the attack.<sup>53</sup>

According to the US Department of State, legislation on sexual violence is not effectively implemented, and prosecutions are rarely brought.<sup>54</sup> No further information was found regarding how the law is implemented in practice, or whether there is a mechanism to oversee implementation of the law. In her report, the Special Rapporteur notes that sexual violence remains largely unacknowledged as a significant problem in Kyrgyzstan.<sup>55</sup> In its Concluding Observations, the CEDAW committee expressed concern about the lack of detailed information regarding rape and sexual violence in Kyrgyzstan.<sup>56</sup>

According to the United Nations Office on Drugs and Crime, 314 cases of rape were registered with the police in 2010.<sup>57</sup> It is unclear how many of these resulted in a conviction. However, the US Department of State reports that rape is significantly underreported.<sup>58</sup>

The Forum of Women's NGOs notes that police do not deal satisfactorily with victims of sexual violence, and do not provide them with adequate protection.<sup>59</sup> In her report, the Organization for Social and Economic Co-operation in Europe (OSCE) Special Representative on Gender Issues stated that women who had tried to report sexual violence to police during and after the June 2010 events in southern Kyrgyzstan (see below), they had 'encountered a justice system that often did not take these cases seriously'. The failure of police to respect victims' confidentiality was also reported. As the Special Representative notes, such handling of sexual violence cases makes it less likely that women will report sexual violence, and creates a climate of impunity for perpetrators.<sup>60</sup>

Survey data collected by the National Statistical Committee and included in the Special Rapporteur's report found that public awareness of sexual violence as a crime continues to be very low; of those

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<sup>49</sup> Human Rights Council (2010), p. 18

<sup>50</sup> Patten, Wendy (2011), p. 4

<sup>51</sup> Criminal Code, Article 129

<sup>52</sup> Human Rights Council (2010), p. 16

<sup>53</sup> Criminal Code, Article 129

<sup>54</sup> US Department of State (2013)

<sup>55</sup> Human Rights Council (2010), p. 12

<sup>56</sup> CEDAW (2008), p. 4

<sup>57</sup> United Nations Office on Drugs and Crime (2010)

<sup>58</sup> US Department of State (2013)

<sup>59</sup> Forum of Women's NGOs (2008), p. 25

<sup>60</sup> Patten, Wendy (2011), p. 3-4

survey respondents who had experienced sexual violence themselves, in 81% of cases this had been at the hands of a husband or partner; in another 11%, the perpetrator had been an ex-husband or ex-partner.<sup>61</sup>

There is no legislation in place specifically addressing **sexual harassment**.<sup>62, 63</sup> As a shadow report by the Council of NGOs submitted to the CEDAW committee in 2008 notes, charges can be brought under Article 131 of the Criminal Code, which covers coercion to perform sexual acts, but in practice, only if the attack involves physical violence.<sup>64</sup>

Under the Criminal Code, coercion to perform sexual acts is punishable by a fine or up to two years imprisonment.<sup>65</sup>

The US Department of State notes that sexual harassment is rarely reported or prosecuted.<sup>66</sup>

Following her visit to Kyrgyzstan in 2009, the Special Rapporteur on Violence against Women observed that sexual harassment is a significant but unacknowledged problem in Kyrgyzstan.<sup>67</sup>

There is no evidence to suggest that **female genital mutilation** is practised in Kyrgyzstan.

### **More**

**Abduction for forced marriage** (bride kidnapping), involves the abduction of a girl or young woman by a group of men, including the 'groom', who may be someone the woman knows, or a complete stranger. It is illegal under Kyrgyzstan's Criminal Code.<sup>68</sup> Kidnappings occur principally among the ethnic Kyrgyz majority, and in every region of the country but most commonly in rural areas. Women and girls under the age of 25 are most at risk. Following abduction, the woman is taken to the abductor's house, where she is physically and/or psychologically coerced by the abductor's mother and other female relatives into agreeing to the marriage. In some cases, this includes being raped by the abductor, after which she may be shamed into marrying him rather than returning to her family.<sup>69, 70</sup>

In some cases, the kidnapping may in fact be staged and purely symbolic, functioning as a way of allowing a couple to marry without their families' consent and justified on the grounds of tradition. But as the Special Rapporteur notes in her report, '[t]he cultural dimension and the misunderstandings surrounding this phenomenon have impeded efforts to recognize, combat and punish genuine cases of bride kidnapping'.<sup>71</sup>

It is very difficult to ascertain the number of women who are forced into marriage this way, but the practice is considered to be widespread in some areas. According to the Office of the Human Rights'

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<sup>61</sup> Human Rights Council (2010), p. 13

<sup>62</sup> Council of NGOs (2008), p. 21

<sup>63</sup> Forum of Women's NGOs (2008), p. 23

<sup>64</sup> Council of NGOs (2008), p. 21

<sup>65</sup> Criminal Code, Article 131

<sup>66</sup> US Department of State (2013)

<sup>67</sup> Human Rights Council (2010), p. 12-13

<sup>68</sup> Criminal Code, Article 155

<sup>69</sup> Human Rights Council (2010), p. 9-10, 16

<sup>70</sup> Human Rights Watch (2006), p. 87, 91-92

<sup>71</sup> Human Rights Council (2010), p. 9

Ombudsman, approximately 13,000 to 15,000 kidnappings take place each year.<sup>72</sup> In 2011, 28 criminal cases relating to abduction for forced marriage were registered by the Ministry of Internal Affairs, including cases of the abduction of underage girls.<sup>73</sup> In 2012, a man was sentenced to six years' imprisonment for incitement to suicide, rape, and forced marriage, following the death by suicide of a young woman who he had kidnapped, raped, and forcibly married.<sup>74</sup> Few incidents of bride abduction, however, are registered as criminal cases with the police, as parents may dissuade the girl to go to the police (even if they support her leaving) for fear of social condemnation. In other cases, police refuse to investigate.<sup>75, 76</sup>

Following changes to the law in early 2013, the penalty for abduction for forced marriage has been raised from three years' imprisonment to seven, or ten years if the victim is under 17; under the new law, prosecutors will be able to bring a case even if the victim has not made a complaint, or if the two families have reconciled.<sup>77, 78</sup>

As of 2012, Amnesty International and Human Rights Watch noted that authorities in Kyrgyzstan had as yet failed to 'fairly and effectively' investigate the **conflict** that took place in Osh and Jalalabad in June 2010 and its aftermath, including sexual violence.<sup>79, 80</sup> In her report, the OSCE Special Representative also noted that women who had been subjected to sexual and gender-based violence during the events had yet to obtain justice. In addition, many have been unable to access meaningful protection, counselling, and medical and social assistance. It has also been difficult for women victims to claim promised compensation, in part due to the requirement that they provide forensic evidence that they were raped or sexually assaulted, which is impossible for many victims to provide after the fact, and in part because few know how to go about making a claim.<sup>81</sup>

**Sex workers**, including women, men and transgender people suffer extreme stigmatization and are frequent targets of violence by police, clients and hostile segments of society. Twice in recent years (2006 and 2012) attempts were undertaken to criminalize sex work, but both attempts failed.<sup>82</sup>

**Abortion** is available on demand in Kyrgyzstan.<sup>83</sup>

In 2009 the Kyrgyz government has issued new restrictions on conditions under which pregnancies can be terminated. Under the new policy, abortions can be performed up to the 22<sup>nd</sup> week of pregnancy with the consent of both spouses or of the pregnant woman, if she is not married. Minors require approval from their parents or guardians. An abortion can be performed, however, only if one or more specific circumstances apply. These include the death or permanent disability of the husband during his

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<sup>72</sup> Myrzabekova, Altynai (2013)

<sup>73</sup> Ilibezova, Larisa (2012), p. 2

<sup>74</sup> Human Rights Watch (2013), p. 457

<sup>75</sup> Myrzabekova, Altynai (2013)

<sup>76</sup> Ilibezova, Larisa (2012), p. 2

<sup>77</sup> Myrzabekova, Altynai (2013)

<sup>78</sup> Kalybekova, Asel (2013)

<sup>79</sup> Amnesty International (2013), p. 154

<sup>80</sup> Human Rights Watch (2013), p. 454

<sup>81</sup> Patten, Wendy (2011), p. 1, 3

<sup>82</sup> NSWP (2013)

<sup>83</sup> United Nations Department of Economic and Social Affairs, Population Division (2013); Abdullo, Z. (2009)

wife's pregnancy, imprisonment of either spouse, termination of parental rights, pregnancy resulting from rape, having multiple children without a husband, or if the family already has a disabled child and is poor.<sup>84</sup>

According to the UNDP 2009/2010 National Human Development Report, on average, a woman has had one abortion by the age of 22 in Kyrgyzstan; by the time she is 30.7 years old she has had two abortions; and by the time she is 36, she has had three abortions.<sup>85</sup>

### 3. Son bias

The male/female **sex ratio** for the working age population (15-64) in 2013 is 0.96 while the sex ratio at birth is 1.07.<sup>86</sup> There is some evidence to suggest that Kyrgyzstan is a country of concern in relation to **missing women**.

#### **More**

In 2012, the ratio of female to male primary school enrolment was 98.2. There is virtually no gender gap for secondary education.<sup>87</sup>

### 4. Restricted resources and assets

Women and men have the same legal **rights to own and access land** in Kyrgyzstan.<sup>88</sup>

Customary and religious law are not considered valid sources of law under the constitution, in regards to land rights or any other issue.<sup>89</sup> However, since 1995, local male-dominated elders' courts (*aksakals*) have been legally responsible for resolving land disputes at the local level, including in cases of divorce. Such courts draw on both customary and written laws.<sup>90</sup>

Women contribute from 30 to 70% in agricultural production and in farming and carry primary responsibility for farming the land of the household plot. Women's employment in agricultural sector is about 46.5%<sup>91</sup>.

According to the Food and Agricultural Organization, approximately 13% of land in the Kyrgyzstan is owned by women.<sup>92</sup> However, even in this case, often women's actual rights to land are secured by their male relatives"<sup>93</sup>

Under land reform introduced following independence in 1991, land titles distributed following the break-up of collective farms were issued to households rather than individuals, and registered in the name of the household head. As most households are headed by men, this meant that few women were

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<sup>85</sup> UNDP (2010)

<sup>86</sup> CIA. <https://www.cia.gov/library/publications/the-world-factbook/fields/2018.html> (accessed 28/03/2014)

<sup>87</sup> World Bank Development Indicators Database

<sup>88</sup> CEDAW (2013)

<sup>89</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 98

<sup>90</sup> FAO (n.d.)

<sup>91</sup> Women and Men of the Kyrgyzstan (2006)

<sup>92</sup> FAO (2010), p. 1

<sup>93</sup> Women and Men of the Kyrgyzstan (2006)

able to register as land owners. In addition, a return to manual family farming has revived practices that favour men over women, and there is evidence of the re-emergence of stereotypes that prevent women from fully exercising their rights to own and dispose of property in rural areas.<sup>94, 95</sup> For instance, women's rights to access communal pasture land are now dependent on their male relatives, who are seen as owning those rights.<sup>96</sup>

Women living in unregistered marriages are usually unable to claim ownership of land in the event of divorce, which thus leaves them in a state of penury.<sup>97</sup> According to USAID, women's lack of knowledge regarding land and property rights is a significant barrier to their empowerment in Kyrgyzstan.<sup>98</sup>

Women have equal rights to own and **access property other than land**.<sup>99</sup>

The Family Code (Article 3) establishes that within marriage, women and men have equal property rights. When a couple marries, they must sign a marital contract stating the division of property between them.<sup>100</sup> Decisions about communal property can only be made with the consent of both spouses.<sup>101</sup>

Customary and religious law are not considered valid sources of law under the constitution, in regard to property rights or any other issue.<sup>102</sup>

In practice, most couples living in rural areas will live with the husband's parents; this means that they do not own any property or other assets themselves. In addition, as with land rights, women living in unregistered marriages have no legally protected rights over property and other assets in the event of divorce or abandonment.<sup>103</sup> FAO notes that rights over property and other assets (such as livestock) are almost always assigned to the (male) head of household.<sup>104</sup> According to the 2007 the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) report, in rural areas in particular, the right of women to dispose of family property is often ignored, as under customary practices, men own land and buildings, while women own moveable property within the home.<sup>105</sup>

According to data from the World Economic Forum's 2013 Global Gender Gap, women' access to property other than land in the Kyrgyzstan is ranked 0.50, where 1 is the worst score and 0 is the best score.<sup>106</sup>

Women and men have equal **rights to credit and bank loans** (law not specified).<sup>107</sup>

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<sup>94</sup> Asian Development Bank (2005), p. 36

<sup>95</sup> CEDAW (2007), p. 21

<sup>96</sup> FAO (n.d.)

<sup>97</sup> Myrzabekova, Altynai (2013)

<sup>98</sup> USAID (2010), p. 34

<sup>99</sup> CEDAW (2013), p. 32

<sup>100</sup> FAO (n.d.)

<sup>101</sup> CEDAW (2013)

<sup>102</sup> International Bank for Reconstruction and Development/The World Bank (2011), p. 98

<sup>103</sup> Kaiser Hughes, Alley (2013)

<sup>104</sup> FAO (n.d.)

<sup>105</sup> CEDAW (2007), p. 21

<sup>106</sup> The World Economic Forum (2013), p. 140

<sup>107</sup> CEDAW (2007), p. 21

According to the 2007 official CEDAW report, women are often refused credit because they are unable to offer sufficient guarantees, or because of prejudice on the part of bank officials.<sup>108</sup> A CEDAW shadow report also notes that credit organisations often view women-headed households as high risk, again meaning that it is difficult for them to access loans.<sup>109</sup>

Financial inclusion data held by the World Bank indicates that 4% of men and 4% of women had a bank account in 2011. In the same year, 11% of adults had taken out a loan with a financial institution (defined as a bank, credit union, microfinance institution, or another financial institution such as a cooperative); these data were not disaggregated by gender.<sup>110</sup> A shadow report submitted to the CEDAW Committee in 2008 notes that unmanageable debts are a significant problem for many low-income women, particularly in rural areas.<sup>111</sup>

To help women overcome barriers in accessing finance, the Women Entrepreneurs Support Association (WESA) in Kyrgyzstan launched a project in 2002 on women's land rights. The project provides women across the country with free legal consultations about property ownership and land rights, as well as assistance in applying for credit and joining credit unions. The legal consultants serve remote areas once a month. As of 2009, over 10,000 women had received legal advice and assistance.<sup>112</sup>

According to the Microfinance Information Exchange, in 2012, women constituted 54.75% recipients of micro-credit in Kyrgyzstan.<sup>113</sup>

## 5. Restricted civil liberties

Under the 2010 constitution and other legislation (not specified), women and men have the same rights to freedom of movement within and outside of the country, to obtain a passport, and to choose their place of residence.<sup>114</sup> However, certain groups of women do face legal restrictions on their free **access to public space** and freedom of movement. For instance, women internal migrants face restrictions on their free access to public space. While citizens of Kyrgyzstan can choose where they wish to live, they are also legally required to register their place of residence. It is very difficult to secure registration in urban centres, and especially in the capital, Bishkek, where large numbers of people migrate from other areas of the country. Internal migrants who do not have the right registration documents face restrictions on access to healthcare, education, labour rights, and social protection (e.g. pensions and disability support). According to some accounts, there are up to a million internal migrants in the country, who do not have registration documents for their actual place of residence.<sup>115</sup> In addition, as of 2013, a new law was under discussion that would ban young women under the age of 23 from leaving the country without permission from their parents or guardian.<sup>116</sup>

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<sup>108</sup> Asian Development Bank (2005)

<sup>109</sup> Council of NGOs (2008), p. 41

<sup>110</sup> World Bank (n.d.)

<sup>111</sup> Council of NGOs (2008), p. 16

<sup>112</sup> UNECE (2009)

<sup>113</sup> Microfinance Information Exchange (2013)

<sup>114</sup> CEDAW (2013)

<sup>115</sup> USAID (2010), p. 29

<sup>116</sup> Mukhametrakhimova, Saule (2013)

On a day-to-day basis, it appears that freedom of movement for some women in Kyrgyzstan is restricted: in a study cited in the Special Rapporteur's report, 40% of women interviewed had been denied the right to work or study outside the home.<sup>117</sup>

Certain particular groups of women face de facto restrictions on their free access to public space. Fear of abduction for forced marriage places significant restrictions on young women's freedom of movement in some areas, impacting on education and employment.<sup>118</sup> Lesbian, bisexual, and transgender women face violence and discrimination along with other members of the LGBTI community, impacting on their free access to public space. This has included documented cases of forced marriage and so-called 'curative rape'.<sup>119</sup>

While women can choose where to live, in rural areas in particular, women are expected to move to live with their husband's family when they marry.<sup>120</sup>

As of 2011, there has been a 30% **quota** in place for the underrepresented sex on electoral lists in elections to the national parliament. No more than three positions can separate men and women on electoral lists, and lists that fail to meet the quota requirement will be rejected.<sup>121</sup>

There is also a quota at sub-national level for elections to city councils and at district level: the Law on Elections to the Local Councils states that "formation of lists of candidates to local keneshes political parties, groups of voters shall observe gender parity via a mandatory alternation of men and women's names in the list".<sup>122</sup>

According to the Central Election Committee, in 2012 there were 13,4% women deputies in the Local Councils (ayil kenesh) and less than 4% women among heads of Local Self-Governance bodies (as of 25 October 2012).<sup>123, 124</sup>

### **More**

**Media** monitoring carried out in 2010 revealed that in broadcast media, women made up 49% of presenters and 69% of reporters, but were the subject on news items just 20% of the time. They were also in the minority as commentators and experts in stories on politics and government, social and legal affairs, and crime and violence, but were the majority of commentators and experts in stories on health and science.<sup>125</sup> USAID notes that while women comprise the majority of journalists in Kyrgyzstan, they rarely address gender issues in their work, except in regards to what are considered to be traditional

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<sup>117</sup> Human Rights Council (2010), p. 8

<sup>118</sup> USAID (2010), p. 34

<sup>119</sup> Human Rights Watch (2013), p. 457

<sup>120</sup> Efimov, Natasha (2012), p. 16

<sup>121</sup> Code on Elections, Articles 60, 61

<sup>122</sup> Law of the Kyrgyzstan on Elections to Local Governments (2011), Article 49, « Nomination of candidates to local keneshes», point 7. European Commission for Democracy Through Law (Venice Commission).

[http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2011\)022-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2011)022-e), p. 48 [accessed 20/05/2014]

<sup>123</sup> Central Election Committee statistics

<sup>124</sup> Talking points of the Chair of the Central Electoral Committee of the KR Mr. Tuigunaly Abdyraimov's press-conference on results of the local elections

<sup>125</sup> Global Media Monitoring Project (2010), p. 66

‘women’s issues’, which are approached in a way that upholds rather than challenges gender stereotypes.<sup>126</sup>

Discrimination in the **workplace** on the basis of gender is prohibited in Kyrgyzstan under the Labour Code.<sup>127</sup> USAID notes that in general, laws designed to protect women from discrimination are poorly implemented.<sup>128</sup>

Under the Labour Code, pregnant women are entitled to 126 days of paid **maternity leave**.<sup>129</sup> For the first 10 days of their maternity leave, women are entitled to 100% of their salary, paid by their employer; following that, they receive a sum calculated on the basis of the minimum wage, paid by the state.<sup>130</sup>

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<sup>126</sup> USAID (2010), p. 35

<sup>127</sup> Labour Code, Article 9

<sup>128</sup> USAID (2010), p. 29

<sup>129</sup> Labour Code, Article 307

<sup>130</sup> Resolution of the Government of Kyrgyzstan No. 414 on the procedure for the eligibility and payment of temporal disability and maternity benefits, dated 31 July 2008; ILO (2008), p. 2

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