

The United Nations Committee on the Elimination of All Forms of Discrimination
against Women: Implementing the Recommendations to Kyrgyzstan

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By

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Declaration

Herewith I declare that I clearly understand §11 of the Academic Regulations and that the submitted paper is accepted by the OSCE Academy in Bishkek on the understanding that it is my own effort without falsification of any kind. I declare that I am aware of the consequences of plagiarism and/or cheating.

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Abstract

This Master's thesis focuses on the extent to which the Kyrgyz Republic has implemented the recommendations issued by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) following the examination of its Fifth Periodic Report by the CEDAW Committee. Although the country ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997 and made international commitments to ensure gender equality, there remains a significant gap between what is enshrined in law and what is implemented in practice.

The aim of the study is to assess the degree of implementation of the CEDAW Committee's recommendations and to identify the key factors hindering the achievement of substantive equality between women and men in Kyrgyzstan. The research focuses on gender-based violence, harmful practices such as bride kidnapping (kyrg. ala-kachuu) and early marriage, discrimination against marginalized groups of women, women's participation in political and public life, employment, and the impact of gender stereotypes on law enforcement practice.

The research methodology is based on a combination of doctrinal and legal analysis with a non-doctrinal socio-legal approach. The study analyzes international and national legal frameworks, the Concluding Observations and General Recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW), state reports, NGO shadow reports, materials from international organizations, and statistical data. Implementation of the CEDAW Committee's recommendations was assessed on a scale of implemented, partially implemented, or not implemented.

The results illustrate that the majority of the CEDAW Committee's recommendations in Kyrgyzstan are still unimplemented or only partially implemented. Certain legislative reforms had been made in the aftermath of 2021 but these changes have not led to systematic increases in the protection of women's rights. The investigation and prosecution of domestic violence, bride kidnapping, sexual violence, and early and forced marriages are still very weak, along with ensuring the access to the justice for women

belonging to marginalized groups, such as women with disabilities, women living with HIV, women who use drugs, and lesbian, bisexual, and transgender women.

The dissertation argues that the limited implementation of CEDAW recommendations is due not only to legislative gaps but also to institutional weaknesses, insufficient resources, a narrowing of civic space, and the persistence of deeply entrenched gender stereotypes reinforced by neo-traditionalist discourse. Achieving genuine equality requires comprehensive legal reform, the strengthening of institutions, the protection of civil society, and ongoing efforts to transform discriminatory social norms.

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List of Abbreviations

AIDS	Acquired Immunodeficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
GBV	Gender-based violence
HIV	Human Immunodeficiency Virus
ICCPR	International Covenant on Civil and Political Rights Istanbul Convention Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organisation
KR	Kyrgyz Republic
LBT women	Lesbian, bisexual and transgender women
NGO	Non-governmental organization
SOGI	Sexual orientation or gender identity
UDHR	Universal Declaration of Human Rights UNICEF United Nations Children's Fund

INTRODUCTION

The protection of women's rights and the achievement of substantive gender equality remain among the most persistent and complex challenges in international human rights law. Even though a majority of countries have incorporated the principle of equal rights for men and women into their constitutions and have ratified international treaties, a large number of states still have a sizable disparity between the legal provisions on the one hand and the real application of such laws on the other hand. This discrepancy is most noticeable, among other issues, in the field of violence against women, harmful traditional practices, and discrimination of women from vulnerable and marginalized groups.

The Kyrgyz Republic has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1997¹ and its Optional Protocol in 2002.² The State took on legally binding international obligations to guarantee formal and substantive equality between men and women by ratifying these instruments. However, serious and systemic shortcomings in the fulfillment of these obligations are consistently revealed by national statistics, reports from international organizations, and shadow reports created by civil society organizations. Formal legal guarantees do not translate into effective protection in practice, as evidenced by high rates of domestic violence, the continuation of bride kidnapping (ala-kachuu), early and forced marriages, restricted access to justice for women, and discrimination against women from marginalized groups.

The relevance of this topic has also increased significantly against the backdrop of large-scale constitutional and legislative reforms carried out in the Kyrgyz Republic after 2021. These reforms affected key areas of human rights regulation, including criminal law, labor law, electoral legislation, and institutional structures. At the same time, neo-traditionalist discourse has become more prominent, and amendments to the

¹ "Ratification status for Kyrgyzstan," *UN Treaty Body Database, Office of the United Nations High Commissioner for Human Rights*, accessed **December 18, 2025**, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=93&Lang=EN

² "Ratification status for Kyrgyzstan."

legislation on non-commercial organizations have substantially restricted the activities of human rights and women's rights organizations. These developments directly affect the mechanisms through which international standards on women's rights are implemented and monitored, and therefore require comprehensive legal and socio-legal analysis.

Although there are a number of studies on gender equality and women's rights in Kyrgyzstan, there is little systematic academic analysis focused specifically on the implementation of the recommendations of the Committee on the Elimination of Discrimination against Women (CEDAW) made following the consideration of the country's Fifth Periodic Report. Existing research often concentrates on isolated issues or does not fully take into account recent legislative and institutional changes. This thesis seeks to fill this **gap** by providing a comprehensive assessment of the extent and nature of the implementation of the CEDAW Committee's recommendations within the contemporary political and legal context of the Kyrgyz Republic.

The **object of the research** is the system of international and national mechanisms for the protection of women's rights in the Kyrgyz Republic.

The **subject of the research** is the process of implementation of the CEDAW Committee's recommendations in the legislation and law enforcement practice of the Kyrgyz Republic.

The **aim of the research** is to assess the degree of implementation of the CEDAW Committee's recommendations adopted within the fifth reporting cycle and to identify the key barriers preventing the achievement of substantive equality between women and men in Kyrgyzstan.

To achieve this aim, the following **research objectives** were formulated:

1. to analyze the international legal framework of the CEDAW Convention and the evolution of the Committee's practice;
2. to examine the concept of substantive equality and its relevance for assessing compliance with women's rights obligations;

3. to assess the implementation of the CEDAW Committee's recommendations at the level of national legislation of the Kyrgyz Republic;
4. to analyze law enforcement and judicial practice related to the application of relevant norms;
5. to identify political, institutional, and sociocultural barriers hindering the effective implementation of the recommendations;
6. to develop realistic and context-sensitive proposals aimed at improving compliance with CEDAW obligations.

The main **research question** of the study is:

To what extent has the Kyrgyz Republic implemented the CEDAW Committee's recommendations issued following the fifth reporting cycle, and what factors hinder their effective implementation?

The study advances the following **research hypotheses**:

1. despite the formal acceptance of international obligations, the CEDAW Committee's recommendations are implemented in Kyrgyzstan only partially due to institutional, political, and financial constraints;
2. a significant number of the Committee's recommendations could be implemented without substantial financial resources and primarily require political will and institutional reform.

In this Master's thesis, a **mixed legal research design** is employed, combining doctrinal (black-letter) legal analysis and a non-doctrinal legal approach. The use of this methodological combination is determined by the purpose of the study - to assess the extent of implementation of the CEDAW Committee's recommendations in the Kyrgyz Republic not only at the level of formal legislation, but also at the level of law enforcement practice and the sociocultural conditions of their implementation.

The first component of the study is based on the doctrinal (black-letter) method, traditionally used in legal scholarship to analyze law as a system of norms. This method allows for the systematization and refinement/clarification of legislation through the

analysis of authoritative texts (primary and secondary sources).³ This method is aimed at identifying the content of the State's international legal obligations and assessing the compliance of national legislation with CEDAW standards. The advantage of the doctrinal-legal method is that it requires little effort in collecting information - there is no need to conduct field research. It also promotes consistency and certainty in the law and helps identify hidden loopholes. Among the disadvantages of this method are its unambiguous theoretical nature and a lack of understanding of the importance of the socio-economic legal process. In most doctrinal studies, there is a gap between actual behavior and the behavior required by the legal norm.⁴

Within the framework of the doctrinal analysis, primary sources of law were used, including the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to CEDAW; the Constitution of the Kyrgyz Republic; the criminal, administrative, family, and labour legislation of the Kyrgyz Republic, as well as other normative legal acts regulating issues of gender equality and the protection of women's rights.

The second component of the study is based on a Non-Doctrinal Legal Research or Socio-legal approach, which emphasizes not only the law but also people and social values. One type of a Non-Doctrinal Legal Research is empirical research, including socio-legal analysis of published materials (e.g. reports of governmental and non-governmental organizations), which refers to secondary sources.⁵ The advantage of this method is that it helps paint a realistic picture, demonstrating the actual work of law enforcement agencies and judges, highlighting the causes of their inefficiencies, and identifying areas where legislative changes are needed. Among the limitations of this

³ Mike McConville and Wing Hong Chui, eds., *Research Methods for Law* (Edinburgh University Press, 2017), 4.

⁴ Rita Abhavan Ngwoke, Ibiene P. Mbanjo, and Oriafio Helynn, "A Critical Appraisal of Doctrinal and Non-Doctrinal Legal Research Methodologies in Contemporary Times," *International Journal of Civil Law and Legal Research* 3, no. 1 (2023): 10-11, <https://www.civillawjournal.com/article/38/3-1-1-747.pdf>

⁵ Ngwoke, Mbanjo, and Helynn, "Critical Appraisal of Doctrinal and Non-Doctrinal Legal Research," 11.

method, it is important to mention its labor-intensive nature and cost, requiring extensive time for data collection and well-trained specialists.⁶

The socio-legal analysis is based on the study of secondary sources, including: periodic State reports of the Kyrgyz Republic to the CEDAW Committee; the Concluding Observations of the Committee following the consideration of these reports; the General Recommendations of the CEDAW Committee; alternative (shadow) reports of non-governmental organizations; reports of international human rights organizations; Media reports. The use of these sources makes it possible to compare the official positions of the State with independent assessments and to identify systemic problems in law enforcement and institutional accountability.

In this study, both methods will help determine the extent to which Kyrgyzstan fulfills its obligations under the CEDAW Convention at the legislative level, at the level of law enforcement practice, and in the area of combating gender stereotypes.

Given the wide range of recommendations issued by the CEDAW Committee since its fifth reporting cycle (approximately 100 recommendations), this study employs a selective analytical approach. The objective of this approach is to conduct an in-depth analysis of those that are most relevant for assessing the actual implementation of CEDAW in the Kyrgyz Republic.

Recommendations for detailed analysis were selected based on the following criteria:

- repeated references in various Committee reporting cycles;
- availability of reliable and accessible data on legislation and practice;
- high importance of the relevant issues for the protection of women's rights in the Kyrgyz Republic;
- recent significant legislative reforms in the relevant area.

To be included in the analysis, a recommendation had to meet at least two of these criteria.

⁶ Ngwoke, Mbanjo, and Helynn, "Critical Appraisal of Doctrinal and Non-Doctrinal Legal Research," 13.

For the purpose of systematizing the results, each selected recommendation of the CEDAW Committee was assessed using a unified scale: “implemented / partially implemented / not implemented.”

Among the limitations of the study is the fact that the subject of analysis is current events in the country, not historical ones, which to some extent affects the small amount of data produced by relevant actors due to the time factor. I also believe that the amendments to the Law of the Kyrgyz Republic "On Non-Commercial Organizations" regarding so-called "foreign representation" and the broad interpretation of "political activity" have led to a minimization of field data. Many human rights organizations that wrote shadow reports in the previous cycle have closed, cut their programs or no longer prepare such materials, as this could be considered "political activity."⁷ At the same time, this situation clearly illustrates one of the key political barriers to the implementation of the Convention's norms.

As noted earlier, due to the impossibility of analyzing all of the Committee's recommendations (due to time and word limitations, etc.), such rights areas as the right to education, the right to access health care, and the rights of migrant women and etc. were not analyzed in this paper and may be the subject of analysis in other studies.

The study's **literature review and theoretical framework** are based on the idea of substantive equality, which was developed by the CEDAW Committee and legal scholars, as well as on the theory of the transnational legal process, which explains how international norms are internalized within domestic legal systems.

The **scientific novelty** of this research resides in its thorough evaluation of the implementation of the CEDAW Committee's recommendations in the Kyrgyz Republic, considering recent legislative reforms and restrictions on civic space, as well as the

⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Public report on the impact of the Law on Non-Commercial Organizations on civil society in the Kyrgyz Republic*, 45, 46, 71, 72, 80 December 2025, <https://www.ohchr.org/sites/default/files/documents/issues/civicspace/resources/non-commercial-organizations-civil-society-kyrgyz-republic-impact-law-september-31-august-1-en.pdf>

application of the concept of substantive equality to assess both formal legal compliance and the actualization of women's rights.

The thesis's **practical significance** lies in its findings and recommendations, which can be utilized by civil society organizations, international monitoring entities, and state institutions for advocacy initiatives, the formulation of alternative reports to the CEDAW Committee, and the creation or modification of policies designed to advance gender equality and safeguard women's rights.

Structure of the Thesis

This thesis is structured into three chapters and a conclusion.

Chapter 1 presents the historical evolution of the CEDAW Committee, reviews the relevant literature, and introduces the theoretical framework based on substantive equality.

Chapter 2 provides a comprehensive analysis of the implementation of CEDAW recommendations in the Kyrgyz Republic, both at the legislative level and in law enforcement practice, including the impact of gender stereotypes.

Chapter 3 identifies structural and institutional barriers to effective implementation, discusses the role of key actors, and proposes strategies to improve compliance with CEDAW obligations.

The Conclusion summarizes the main findings, addresses the research question, and briefly presents the key results of each chapter.

CHAPTER 1: CEDAW AND THE FRAMEWORK FOR COMPLIANCE: LITERATURE REVIEW THROUGH THE LENS OF SUBSTANTIVE EQUALITY

1.1. The historical timeline of the CEDAW Committee's evolution

In the 1960s, awareness of the forms of discrimination against women began to emerge around the world, resulting in an increasing number of organizations committed to combating the effects of such discrimination.⁸ For example, in 1945, when the UN Charter was signed, more than half of the countries that joined did not allow women to have the same voting rights as men.⁹

In 1946, the United Nations created the Commission on the Status of Women (CSW) to oversee women's conditions and advance their rights.¹⁰ The Commission on the Status of Women drafted the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted in 1979 by the UN General Assembly with 130 votes (10 abstentions and none against).¹¹ In addition to being one of the most extensive international human rights treaties, the Women's Convention is the only significant international agreement that focuses only on women's rights.¹² "On 3 September 1981, 30 days after the twentieth member State had ratified it, the Convention entered into force - faster than any previous human rights convention had done - thus bringing to a climax United Nations efforts to codify comprehensively international legal standards for women" - says on the UN Women website.¹³ States that ratify the Convention pledge to

⁸ "Short History of the Convention on the Elimination of All Forms of Discrimination against Women," *United Nations WomenWatch*, accessed **December 18, 2025**, <https://www.un.org/womenwatch/daw/cedaw/history.htm>

⁹ Jackie Shapiro, *CEDAW as a Tool for Promoting Substantive Gender Equality: The Mechanism of the CEDAW Committee* (CEDAW Capacity Building Programme, n.d.), <https://www.cedaw.org.tw/en/upload/media/Capacity%20Building/1-1The%20Mechanism%20of%20CEDAW%20Committee.pdf>.

¹⁰ Dame Silvia Cartwright, "The Committee on the Elimination of Discrimination Against Women," in *Women and International Human Rights Law*, 165.

¹¹ "Short History of the Convention on the Elimination of All Forms of Discrimination against Women."

¹² Cartwright, "Committee on the Elimination of Discrimination Against Women," 166.

¹³ "Short History of the Convention on the Elimination of All Forms of Discrimination against Women."

implement a number of measures to eradicate discrimination against women in all its manifestations, such as integrating the equality of men and women into their legal framework, repealing discriminatory laws and enacting suitable ones that forbid discrimination against women, setting up tribunals and other public institutions to guarantee the effective protection of women from discrimination, and guaranteeing the eradication of all acts of discrimination against women by individuals, groups, or businesses.¹⁴ Byrnes sees the Convention as a complex tool: a symbolic manifesto and "Bill of Rights for Women," a tool for development that sets the stage for gender equality and social progress, a basis for analyzing and developing public policy, a guide for advocacy and activism, and a legally binding international treaty that requires states to end discrimination against women.¹⁵ In pursuance of Article 17 of the Convention, which states: "For the purpose of considering the progress made in the implementation of the present Convention, there shall be established a Committee on the Elimination of Discrimination against Women" CEDAW Committee was established.¹⁶ The evolution of the Committee and its practice:

- Establishment (1982-the mid-1980s): Both the Convention and the Committee are little known. Geographically, institutionally and substantively isolated from other UN bodies. They establish their internal procedures and begin to consider the first periodic reports of states.¹⁷
- Consolidation (the late 1980s - early 1990s): Reputation and range of participants are still generally limited, but there are more participating states and more periodic reports to consider.¹⁸

¹⁴ Christopher A. Tait, Ifrah Abdillahi, Wendy Wong, Heather Smith-Cannoy, and Arjumand Siddiqi, "Can the Health Effects of Widely-Held Societal Norms Be Evaluated? An Analysis of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (UN-CEDAW)," *BMC Public Health* 19, no. 1 (2019): 279, <https://doi.org/10.1186/s12889-019-6607-6>

¹⁵ Andrew C. Byrnes, "The Convention on the Elimination of All Forms of Discrimination Against Women and the Committee on the Elimination of Discrimination Against Women: Reflections on Their Role in the Development of International Human Rights Law and as a Catalyst for National Legislative and Policy Reform," *UNSW Law Research Paper No. 2010-17* (April 24, 2010), 2, <https://ssrn.com/abstract=1595490>.

¹⁶ Cartwright, "Committee on the Elimination of Discrimination Against Women," 166.

¹⁷ Byrnes, "Convention on the Elimination of All Forms of Discrimination Against Women," 4.

¹⁸ Byrnes, "Convention on the Elimination of All Forms of Discrimination Against Women," 4.

- The period of the world conferences (the early 1990s - the Beijing conference): There is a growing activity to include gender issues in the international human rights agenda. In 1995, the Fourth World Conference on Women in Beijing was held, and interest in the gender issue is growing. During this period CEDAW's profile was significantly raised, and more NGOs began to contribute to the work of the Committee.¹⁹
- Post Beijing (mid-1990s - 2000): Access to the information and the Committee and the Convention (especially via the Internet) is growing, efforts to develop an elective protocol to the Convention gained momentum, which led to the adoption of the optional protocol of the General Assembly in 1999.²⁰
- Post OP-CEDAW or CEDAW in the 21st century: Ratification of the Convention becomes close to the world, the work of the Committee within the framework of the FP begins a new stage as a source of legal interpretation of the Convention. The quality of the dialogue of the committee with the participating states in the form of the provision of detailed recommendations for better compliance with the obligations under the Convention is significantly increased.²¹

At the moment, the committee consists of 23 experts - experts on women's rights from various countries.²² To counter criticism that the CEDAW Convention has a “Western” mentality, it is important that members come from different regions of the world, representing different religious and cultural traditions.²³ The main functions of UN Treaty Bodies are the consideration of periodic reports of the participating states; Consideration of individual complaints (if the State party ratified the Optional Protocol for CEDAW);²⁴ Conducting local investigations; The adoption of general comments and

¹⁹ Byrnes, “Convention on the Elimination of All Forms of Discrimination Against Women,” 4.

²⁰ Byrnes, “Convention on the Elimination of All Forms of Discrimination Against Women,” 5.

²¹ Byrnes, “Convention on the Elimination of All Forms of Discrimination Against Women,” 5.

²² “Committee on the Elimination of Discrimination against Women (CEDAW),” *Office of the United Nations High Commissioner for Human Rights*, accessed **December 18, 2025**, <https://www.ohchr.org/en/treaty-bodies/cedaw>.

²³ Shapiro, *CEDAW as a Tool for Promoting Substantive Gender Equality*.

²⁴ G.A. Res. 54/4, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, U.N. Doc. A/RES/54/4, annex, (Oct. 6, 1999), <https://undocs.org/en/A/RES/54/4>.

the organization of thematic discussions to interpret the provisions of their agreement and other.²⁵

The CEDAW Committee has changed over time from a little-known group to a key way to promote women's rights around the world. Over time, the Committee has improved its processes, gotten more people involved, had more conversations with states, and made its voice heard more through general recommendations and the Optional Protocol. This change is very important because it has turned CEDAW from a symbolic treaty into a useful tool for achieving real equality. It gives both legal guidance and practical oversight to make sure that states take steps to end discrimination against women in all areas of life.

Periodic reports

According to Article 18 of CEDAW, all States Parties are required to submit periodic reports to the Committee on a regular basis on how women's rights are implemented in various areas. The first report must be submitted one year after the State Party's accession to the Convention. The timing of subsequent reports is specified in the Committee's request within the predictable review cycle.²⁶ In February 1997, Kyrgyzstan signed the Convention on the Elimination of All Forms of Discrimination Against Women.²⁷ Kyrgyzstan wrote the Initial Report on the implementation of the CEDAW Convention in August 1998.²⁸ By signing the Convention, countries promise to do everything they can to end all forms of discrimination against women. This means putting the idea of gender equality into their laws, getting rid of laws that are unfair to women, and making laws that clearly say discrimination is not allowed. It also means making sure that women's

²⁵ “What the treaty bodies do,” *Office of the United Nations High Commissioner for Human Rights*, accessed **December 17, 2025**, <https://www.ohchr.org/en/treaty-bodies/what-treaty-bodies-do>.

²⁶ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Reporting guidelines* (Committee on the Elimination of Discrimination against Women), accessed December 18, 2025, <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>

²⁷ “Ratification status for Kyrgyzstan.”

²⁸ Kyrgyz Republic, *Initial report submitted under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW/C/KGZ/1, (28 Aug. 1998), <https://undocs.org/CEDAW/C/KGZ/1>

rights are protected by courts and other public institutions, and that discrimination by people, groups, or businesses is completely stopped and dealt with.²⁹ The latter at the time of writing of this work, the fifth periodic report to the Kyrgyz Republic in the CEDAW committee was considered at the 80th session of the committee, in the fall of 2021³⁰ and Due date of next periodic reports: November 2025.³¹ Evaluations of governments' attempts to adhere to the Convention are usually lacking and have a tendency to downplay issues and highlight achievements. In light of this, the CEDAW Committee requests that countries indicate whether or not NGOs were engaged in the official report's preparation. The Committee has asked for direct involvement from NGOs, whether they are independent or "shadow" reports and oral presentations, in order to raise awareness of women's actual concerns on a national and worldwide level.³² The value of "shadow" reports lies in the fact that they complement the periodic reports of governments, going beyond their scope and depth of narrative, and improve the quality of the reports by providing an independent assessment of a country's compliance with international standards.³³

²⁹ "Convention on the Elimination of All Forms of Discrimination against Women - Introduction," *Office of the United Nations High Commissioner for Human Rights*, accessed **December 18, 2025**, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

³⁰ "Session Details (80th Session)," *UN Treaty Body Database, Office of the United Nations High Commissioner for Human Rights*, accessed December 17, 2025, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2489&Lang=en

³¹ United Nations, *Tentative Schedule of Consideration of Follow-Up Reports (CEDAW), Rev. 15 January 2025*, 15 January 2025, <https://www.un.org/development/desa/women/cedaw-follow-up-schedule-2025>.

³² *Producing NGO Shadow Reports to the CEDAW Committee: A Procedural Guide*, International Women's Rights Action Watch, January 2009, PDF, accessed **December 18, 2025**, <https://humanrts.umn.edu/iwraw/Procedural%20Guide-08.pdf>

³³ Xinyuan Dai, "The Conditional Effects of International Human Rights Organizations," Discussion Paper SP IV 2014-105 (Berlin: Wissenschaftszentrum Berlin für Sozialforschung, June 2014), 19, <https://bibliothek.wzb.eu/pdf/2014/iv14-105.pdf>.

After studying the report, the Committee sends its questions and recommendations in the form of “Concluding Observations”.³⁴ If the State Party does not take the necessary measures, the committee can only remind him of his obligations when considering the next report, since it does not have the authority to apply sanctions. Nevertheless, today such reports and “Concluding Observations” are in the public domain and are easily downloaded from the Internet, which creates an opportunity for public pressure and a kind of “public shame” of the state.³⁵

General recommendations

"General comments" or "General recommendations" are the Committee members' own interpretation of the provisions of the Convention. These encompass a wide variety of topics, from general guidelines on the material that should be included in State party reports relating to specific articles of the treaties to the comprehensive interpretation of substantive provisions, such as the right to adequate food or the right to life.³⁶ At the time of writing this work, the CEDAW committee issued 40 general recommendations on various topics,³⁷ including, General recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992),³⁸ General recommendation No. 40 (2024) on equal and inclusive representation of women in

³⁴ Office of the United Nations High Commissioner for Human Rights (OHCHR), *Reporting guidelines* (Committee on the Elimination of Discrimination against Women), accessed December 18, 2025, <https://www.ohchr.org/en/treaty-bodies/cedaw/reporting-guidelines>

³⁵ Hanna Beate Schöpp-Schilling, *What is CEDAW? The UN Convention on the Elimination of All Forms of Discrimination against Women: The Human Rights of Women and What They Mean* (Vienna: Federal Ministry for Education, Science and Culture, 2009), 7. https://www.bmfwf.gv.at/dam/jcr%3Ac7b1b3a3-9249-4801-9d98-28b338578fa5/cedaw_en_2009_englisch.pdf

³⁶ “General Comments,” *Office of the United Nations High Commissioner for Human Rights*, accessed December 18, 2025, <https://www.ohchr.org/en/treaty-bodies/general-comments>.

³⁷ Office of the United Nations High Commissioner for Human Rights (OHCHR), *UN Treaty Body Database: Committee on the Elimination of Discrimination against Women-General recommendations*, accessed 25 December 2025, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=3&DocTypeID=11.

³⁸ Committee on the Elimination of Discrimination against Women, *General recommendation No. 35 on gender-based violence against women, updating General Recommendation No. 19*, CEDAW/C/GC/35, (26 July 2017), <https://undocs.org/CEDAW/C/GC/35>

decision-making systems³⁹ and etc. In essence, general recommendations are directed to States parties and typically set out the Committee’s interpretation of how the obligations under the Convention should be understood and implemented.⁴⁰ General recommendations are considered “soft law”: they are not legally binding as they are not part of the Convention, but the CEDAW Committee expects States parties to accept and implement them in good faith.⁴¹ Byrnes notes “the Committee’s elaboration of general recommendations has produced a significant body of jurisprudence that has begun to have an impact at the international and national levels”.⁴² Although the General Recommendations are non-binding, they are the means by which Committee members develop progressive case law on the Convention's provisions, ensuring that CEDAW remains relevant years after its entry into force. General Recommendations resolve ambiguities not fully addressed in the Convention, guide States Parties on how to realize women's rights, and are a central aspect of the global human rights system, utilized not only by governments but also by UN agencies, NGOs, and other parties.⁴³

Optional Protocol

CEDAW is one of the UN Treaty bodies who can receive petitions from individuals⁴⁴ in the case if the State is a part of the Optional Protocol to the Convention on the Elimination of Discrimination against Women (OP CEDAW).⁴⁵ The Optional Protocol

³⁹ Committee on the Elimination of Discrimination against Women, *General recommendation No. 40 on the equal and inclusive representation of women in decision-making systems*, CEDAW/C/GC/40, (25 Oct. 2024), <https://undocs.org/CEDAW/C/GC/40>

⁴⁰ “General recommendations adopted by the Committee on the Elimination of Discrimination against Women,” *UN WomenWatch*, accessed **December 18, 2025**, <https://www.un.org/womenwatch/daw/cedaw/recommendations/index.html>

⁴¹ Shapiro, *CEDAW as a Tool for Promoting Substantive Gender Equality*.

⁴² Byrnes, “Convention on the Elimination of All Forms of Discrimination Against Women,” 2.

⁴³ Vijayarasa, “Three Decades of CEDAW Committee General Recommendations,” 7.

⁴⁴ “What the treaty bodies do.”

⁴⁵ “Individual Communications,” *Office of the United Nations High Commissioner for Human Rights*, accessed **December 17, 2025**, <https://www.ohchr.org/en/treaty-bodies/individual-communications#overviewprocedure>

entered into force in December 2000.⁴⁶ It is important to note that women can contact the committee if they believe that their rights provided for by CEDAW were violated not only by the state, but also by a private person, organization or enterprise, and at the same time, these violations of rights were properly considered in the National Court.⁴⁷ Kyrgyz Republic ratified the OP CEDAW in 2002.⁴⁸ At the moment, only one case has been considered from Kyrgyzstan: *R.G. v. Kyrgyzstan*.⁴⁹ If the Committee, in the context of an individual complaint or following an inquiry under article 8 of the CRPD, has made a finding that a remedy has been provided to the victim or has expressed concern about the content of a communication received, the State party should include in its next periodic report information on the steps it has taken following the complaint and/or the inquiry.⁵⁰ An important reservation that in each of the above procedures the committee does not work as a tribunal, but only makes recommendations.⁵¹

Inquiry

Another type of monitoring by the Committee of the implementation of the Convention's provisions is the conduct of investigations under Article 8 of the OP CEDAW. If the Committee receives reliable information that a State party is seriously and systematically violating the provisions of the Convention, the Committee, in cooperation with the State party, conducts a so-called inquiry, which involves collecting information from various

⁴⁶ United Nations, *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, adopted 6 Oct. 1999, entered into force 22 Dec. 2000, <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-elimination-all-forms>

⁴⁷ Schöpp-Schilling, *What is CEDAW?*, 11.

⁴⁸ “OHCHR Dashboard (Human Rights Indicators),” *Office of the United Nations High Commissioner for Human Rights*, accessed **December 17, 2025**, <https://indicators.ohchr.org/>

⁴⁹ “Search Results,” *OHCHR Juris*, accessed **December 17, 2025**, <https://juris.ohchr.org/SearchResult>

⁵⁰ United Nations Office of the High Commissioner for Human Rights (OHCHR), *Compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties: addendum*, HRI/GEN/2/Rev.1/Add.2, 5 May 2003, <https://documents.un.org/doc/undoc/gen/g03/417/51/pdf/g0341751.pdf>

⁵¹ Schöpp-Schilling, *What is CEDAW?*, 11.

persons, including the State, and, if necessary, the Committee members may visit the territory of the State party (with its consent) in relation to which the inquiry is being conducted.⁵² The results of the investigation are then transmitted to the State party, which has the right to comment within six months. The investigation is conducted confidentially, and the Committee strives to cooperate with the State party at all stages.⁵³ A similar investigation was conducted with respect to Kyrgyzstan. The Committee notes that in November 2013, they received information from 14 organizations about gross and systematic rights violations by Kyrgyzstan, namely, the state's failure to prevent the abduction of women for the purpose of marriage and the failure to protect victims of the crime.⁵⁴ In the fall of 2016, the Committee members were able to visit the country and meet with all actors, from government officials to victims of *ala-kachuu*.⁵⁵ In October 2018, the Committee finally released a report containing the findings of its investigation.⁵⁶ A little more than a month later, Kyrgyzstan submitted its observations,⁵⁷ then a year later, in 2019 Kyrgyzstan submitted follow-up report,⁵⁸ describing the subsequent measures taken following the investigation. Later in my analysis, I will delve into the results of the investigation and recommendations after it and the subsequent measures taken by the state.

The Convention on the Elimination of all forms of discrimination against women is a fundamental international tool aimed at protecting women's rights and eliminating

⁵² UN, *Optional Protocol to the CEDAW Convention*, art. 8.

⁵³ UN, *Optional Protocol to the CEDAW Convention*, art. 8.

⁵⁴ Committee on the Elimination of Discrimination against Women, *Inquiry concerning Kyrgyzstan under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: report of the Committee*, CEDAW/C/OP.8/KGZ/1, ¶ 1 (21 Sept. 2018), <https://undocs.org/CEDAW/C/OP.8/KGZ/1>

⁵⁵ CEDAW/C/OP.8/KGZ/1, ¶ 3.

⁵⁶ CEDAW/C/OP.8/KGZ/1.

⁵⁷ Kyrgyz Republic, *Inquiry concerning Kyrgyzstan under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: observations of Kyrgyzstan*, CEDAW/C/OP.8/KGZ/2, (14 Nov. 2018), <https://undocs.org/CEDAW/C/OP.8/KGZ/2>

⁵⁸ Kyrgyz Republic, *Inquiry concerning Kyrgyzstan under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women: follow-up report*, CEDAW/C/OP.8/KGZ/3, (15 Oct. 2019), <https://undocs.org/CEDAW/C/OP.8/KGZ/3>

any form of discrimination. The states that have ratified the Convention undertake to introduce the principles of gender equality into their national laws, to exclude any norms that discriminate against women, create organs to protect women's rights and guarantee that no one and nothing will discriminate against women. The CEDAW committee, consisting of experts in the field of women's rights, plays an important role in the supervision of the fulfillment by the states of its obligations through the consideration of periodic reports, the preparation of final comments and the publication of general recommendations. Thus, the committee forms an important base of interpretations of the Convention. The optional protocol expands the capabilities of the committee, allowing you to conduct investigations and consider individual appeals. Despite the lack of authority, the publication of reports and recommendations creates pressure on states, increases transparency and helps to improve the practice of observing women's rights. In general, the actions of the Committee and CEDAW contribute to the strengthening of gender equality in the system, increase the participation of NGOs in monitoring and guarantee the constant development of international standards for the protection of women's rights.

1.2. Literature Review and Theoretical Framework: Understanding Substantive Equality and State Compliance with CEDAW

The literature review in this paper will focus on showing how researchers, international bodies, and human rights organizations understand the “substantive equality” and the State’s compliance with the CEDAW Convention. The substantive equality model promoted by CEDAW⁵⁹ will be the center of the analysis. It allows us to consider equality not only de jure, but also de facto – how women’s rights are realized in practice,⁶⁰ and in fact, it is substantive equality that is the “genuine and ultimate goal” of the CEDAW Convention.⁶¹ A Problem-Cause-Solution framework was used to structure this review.

⁵⁹ “Substantive Equality,” *CEDAW Principles Overview, IWRAP Asia Pacific*, accessed **December 18, 2025**, <https://cedaw.iwraw-ap.org/cedaw/cedaw-principles/cedaw-principles-overview/substantive-equality/>

⁶⁰ A. Saksena, “CEDAW: Mandate for Substantive Equality,” *Indian Journal of Gender Studies* 14, no. 3 (2007): 483, <https://doi.org/10.1177/097152150701400306>

⁶¹ Shraddha Chaudhary, “Review of Women, Poverty, Equality,” review of *Women, Poverty, Equality: The Role of CEDAW*, by Meghan Campbell, *The Modern Law Review* 85, no. 3 (May 2022), 824.

We will consider what different researchers have understood by the term "substantial equality", then we will examine Kyrgyzstan's non-compliance with CEDAW provisions and how this is reflected in various sources. The next step will be an analysis of the main theoretical and empirical approaches that explain why states do not always fulfill their international obligations. The final section will review the literature that proposes various solutions, including conceptual and institutional methods for achieving substantive equality.

The principle of non-discrimination on the basis of gender and equal protection for all is emphasized in both Kyrgyzstan's national legislation and international law. For example, the Preamble to the Charter of the United Nations affirms the determination of the peoples of the United Nations to "reaffirm faith in... the equal rights of men and women...";⁶² Article 1 of the UN Charter states that one of the purposes of the United Nations is "to achieve international cooperation... in promoting respect for human rights and for fundamental freedoms for all without distinction... as to sex...".⁶³ Also, the UDHR, the ICCPR and the ICESCR also speak about the principle of non-discrimination and equal protection.⁶⁴ But, as the Preamble to the CEDAW Convention states, "...despite these various instruments extensive discrimination against women continues to exist...".⁶⁵ Because the method used is not gender-specific, the key role of gender discrimination is erased and women are not considered as women, but only as birth givers and mothers of their children.⁶⁶ Most violations of women's rights occurred not in the public sphere, but in the private sphere - the home, the family, the workplace - where human rights remained outside the scope of human rights. These spheres were considered to fall outside the scope of not only national but also international human rights law. Discrimination against women was perceived as inevitable, natural, and a consequence of

⁶² United Nations, *Charter of the United Nations*, signed 26 June 1945, entered into force 24 October 1945, <https://www.un.org/en/about-us/un-charter/full-text>.

⁶³ UN, *Charter of the United Nations*, art. 1.

⁶⁴ Saksena, "CEDAW: Mandate for Substantive Equality," 481-482.

⁶⁵ "Convention on the Elimination of All Forms of Discrimination against Women - Introduction."

⁶⁶ Saksena, "CEDAW: Mandate for Substantive Equality," 482.

cultural traditions. Most countries were unwilling to accept responsibility for violations of women's rights occurring in the private sphere. And the most important event of the decade was the adoption of the CEDAW Convention.⁶⁷ The adoption of a separate convention on women's rights was and remains evidence that women continue to be discriminated against and unable to enjoy rights equally with men. The Convention on the Elimination of All Forms of Discrimination against Women shows countries the path to substantive equality, which includes equality not only in legislation and policy, but also in every matter, both public and private, to ensure that all women and girls have the opportunity to enjoy their rights.⁶⁸

The Cambridge Dictionary says that equality is "the right of different groups of people to have the same social status and be treated the same."⁶⁹ Aristotle distinguished between two types of equality: numerical and proportional. He considered proportional equality to be fair, since it means that the distribution of goods is in accordance with their due.⁷⁰ CEDAW doesn't give a clear definition of equality, but the Committee on CEDAW does. They say that equality means getting rid of discrimination against women.⁷¹ Eliminating all forms of discrimination against women is the main objective of the Convention and it has three aspects - ensuring full equality before the law, improving the actual situation of women and combating gender stereotypes and prevailing gender relations.⁷² This triple interpretation of the principle of equality means that women should have not only formal

⁶⁷ Saksena, "CEDAW: Mandate for Substantive Equality," 482.

⁶⁸ Shapiro, *CEDAW as a Tool for Promoting Substantive Gender Equality*.

⁶⁹ "Equality," Cambridge Dictionary, accessed October 21, 2025, <https://dictionary.cambridge.org/us/dictionary/english/equality>.

⁷⁰ Stefan Gosepath, "Equality," *Stanford Encyclopedia of Philosophy*, Summer 2021 Edition, revised April 26, 2021, <https://plato.stanford.edu/archives/sum2021/entries/equality/>

⁷¹ "Equality in CEDAW," *Impact of Artificial Intelligence on Women's Human Rights*, Netidee, accessed **December 18, 2025**, <https://www.netidee.at/impact-artificial-intelligence-womens-human-rights/equality-cedaw>

⁷² Committee on the Elimination of Discrimination against Women, *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*, CEDAW, (2004), <https://www.refworld.org/legal/general/cedaw/2004/en/87588>.

but also substantive equality, which sometimes requires temporary special measures⁷³ - “...It is not enough to guarantee women treatment that is identical to that of men. Rather, biological as well as socially and culturally constructed differences between women and men must be taken into account. Under certain circumstances, non-identical treatment of women and men will be required in order to address such differences”.⁷⁴ The Convention recognizes that women often find themselves in unequal positions due to social, cultural, economic, and political factors. Article 5 of the Convention requires changing established gender roles and stereotypes, including in child-rearing, and Article 2(f) obliges states to eliminate laws and practices that create discrimination.⁷⁵ A more detailed approach to the analysis of substantive equality is given by Sandra Fredman in the article “Substantive equality revisited”.⁷⁶ She suggests not to reduce the definition of substantive equality to one concept (such as dignity, equality of opportunity or equality of results), but to define it through a four-dimensional approach: “1) to redress disadvantage; 2) address stigma, stereotyping, prejudice, and violence; 3) enhance voice and participation; 4) and accommodate difference and achieve structural change”.⁷⁷ Substantive equality, in contrast to formal equality, focuses on historically disadvantaged groups and justifies positive discrimination measures to achieve substantive equality.⁷⁸ It aims to remove barriers that prevent genuine choice,⁷⁹ and takes into account social stereotypes, stigma and discrimination that undermine human recognition and identity.⁸⁰ Fredman emphasizes

⁷³ Rikki Holtmaat, “The CEDAW: A Holistic Approach to Women’s Equality and Freedom,” in *Women’s Human Rights: CEDAW in International, Regional and National Law*, ed. Anne Hellum and Henriette Sinding Aasen, 106.

⁷⁴ Committee on the Elimination of Discrimination against Women, *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*, CEDAW, ¶8 (2004), <https://www.refworld.org/legal/general/cedaw/2004/en/87588>.

⁷⁵ Holtmaat, “CEDAW: A Holistic Approach to Women’s Equality and Freedom,” 106.

⁷⁶ Fredman, Sandra. “Substantive Equality Revisited.” *International Journal of Constitutional Law* 14, no. 3 (2016): 712–38. <https://doi.org/10.1093/icon/mow043>.

⁷⁷ Fredman, “Substantive Equality Revisited,” 712-738.

⁷⁸ Fredman, “Substantive Equality Revisited,” 728-730.

⁷⁹ Fredman, “Substantive Equality Revisited,” 728-730.

⁸⁰ Fredman, “Substantive Equality Revisited,” 730-731.

that only a multidimensional approach to legislation and policy makes achieving true equality possible.⁸¹ Fredman's concept has been criticized by Catharine A. MacKinnon,⁸² whose main point is that Fredman describes substantive equality through a set of abstract "dimensions"⁸³ but does not name the main core - the social hierarchy - which, according to MacKinnon, explains all types of disadvantage and inequality, and without recognizing it, the theory remains too abstract.⁸⁴ Fredman, in turn, responds,⁸⁵ that taking into account only one social hierarchy would be incomplete (power and inequality manifest themselves not only vertically, but also diagonally, horizontally, and in multiple layers (for example, white women can be subordinate to men, but privileged in relation to black women)⁸⁶ and insists that her multi-dimensional model is important and should be considered in a comprehensive manner and in interaction with each other.⁸⁷

The practical application of substantive equality can be illustrated in Rachel Rebouché's article "*The Substance of Substantive Equality: Gender Equality and Turkey's Headscarf Debate*",⁸⁸ which examines how gender equality arguments were used both to support and oppose the ban on headscarves in Turkey.⁸⁹ In the 2005 case *Şahin v. Turkey*, the European Court of Human Rights ruled that prohibiting headscarves in higher education did not violate freedom of religion. Rebouché says that both sides of the ban used gender equality as a reason: some to protect women from patriarchal practices and others to

⁸¹ Fredman, "Substantive Equality Revisited," 734-738.

⁸² MacKinnon, Catharine A. "Substantive Equality Revisited: A Reply to Sandra Fredman." *International Journal of Constitutional Law* 14, no. 3 (2016): 739-46. <https://doi.org/10.1093/icon/mow047>.

⁸³ MacKinnon, "Substantive Equality Revisited," 741.

⁸⁴ MacKinnon, "Substantive Equality Revisited," 740-741.

⁸⁵ Fredman, Sandra. "Substantive Equality Revisited: A Rejoinder to Catharine MacKinnon." *International Journal of Constitutional Law* 14, no. 3 (2016): 747-751. <https://doi.org/10.1093/icon/mow048>.

⁸⁶ Fredman, "Substantive Equality Revisited: A Rejoinder," 747.

⁸⁷ Fredman, "Substantive Equality Revisited: A Rejoinder," 750.

⁸⁸ Rebouché, Rachel. "The Substance of Substantive Equality: Gender Equality and Turkey's Headscarf Debate." *American University International Law Review* 24, no. 5 (2009): 711-37. <https://www.jstor.org/stable/43566170>

⁸⁹ Rebouché, "Substance of Substantive Equality," 712.

argue for women's freedom and access to education.⁹⁰ The CEDAW Committee asked about how the ban affected women's rights and raised concerns about possible limits on education and jobs.⁹¹ The Turkish government, on the other hand, said that there was no gender discrimination because the ban also applied to men, such as when men were not allowed to wear beards.⁹² Rebouché asserts that the government's position embodies formal equality between genders, thereby constraining religious freedom equally for both women and men.⁹³ However, she criticizes substantive equality in this context for being too broad - putting all women in one group without taking into account their different situations - and too narrow, not properly looking at how repressive state measures affect women.⁹⁴

In summary, the literature shows that real gender equality can't be achieved just by having formal legal protections. It also needs to deal with the social, cultural, and structural factors that keep discrimination going. CEDAW and scholars like Sandra Fredman have talked about substantive equality as a way to look at disadvantage, stereotypes, participation, and structural change from many angles. Critiques, such as those by MacKinnon, underscore the difficulties in comprehensively delineating power hierarchies, whereas practical instances, exemplified by Turkey's headscarf debate as examined by Rebouché, demonstrate both the possibilities and constraints of implementing substantive equality in practice. The literature emphasizes that transformative measures are crucial to guarantee that women can access their rights both formally and in practice, thereby directing states such as Kyrgyzstan in meeting their CEDAW obligations.

Problem: Lack of Substantive Gender Equality in Kyrgyzstan

⁹⁰ Rebouché, "Substance of Substantive Equality," 712.

⁹¹ Rebouché, "Substance of Substantive Equality," 730-731.

⁹² Rebouché, "Substance of Substantive Equality," 731.

⁹³ Rebouché, "Substance of Substantive Equality," 731.

⁹⁴ Rebouché, "Substance of Substantive Equality," 733.

Looking at the term substantive equality used in the Committee's Concluding Observations to the States, one can conclude that the CEDAW Committee demonstrates a consistent requirement for States parties to ensure substantive equality of women and men through the integration of its principles into national programmes and strategies,⁹⁵ the use of temporary special measures to accelerate equality in areas where women are underrepresented or disadvantaged (with particular attention to vulnerable groups and intersecting discrimination),^{96 97 98} raising awareness among governments and society of the transformative nature of such measures,⁹⁹ and the consideration of substantive gender equality in the implementation of the 2030 Sustainable Development Goals^{100 101} and the use of international benchmarks such as the Beijing Declaration and Platform for Action.^{102 103} Let me clarify that this is a superficial, rather technical analysis of the use of the term substantive equality in the Committee's recommendations. If we conduct a similar analysis of the recommendations addressed to Kyrgyzstan (the three most recent Concluding Observations from 2008 to 2021 were examined), we would see roughly the same areas of recommendations. Thus, in 2008, the Committee noted that the Kyrgyz Republic was taking insufficient measures to achieve substantive equality, particularly in terms of the application of temporary special measures necessary to improve women's representation in all areas, especially in public life, the economy, and education.

⁹⁵ Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Sri Lanka*, CEDAW/C/LKA/CO/9, 14 (a) (28 Feb. 2025), <https://undocs.org/CEDAW/C/LKA/CO/9>

⁹⁶ CEDAW/C/LKA/CO/9, 23-24.

⁹⁷ Committee on the Elimination of Discrimination against Women, *Concluding observations on the ninth periodic report of Germany*, CEDAW/C/DEU/CO/9, 26 (31 May 2023), <https://undocs.org/CEDAW/C/DEU/CO/9>

⁹⁸ Committee on the Elimination of Discrimination against Women, *Concluding observations on the sixth periodic report of Liechtenstein*, CEDAW/C/LIE/CO/6, ¶ 24 (24 Feb. 2025), <https://undocs.org/CEDAW/C/LIE/CO/6>

⁹⁹ CEDAW/C/LIE/CO/6, ¶ 25.

¹⁰⁰ CEDAW/C/DEU/CO/9, ¶ 58.

¹⁰¹ CEDAW/C/LIE/CO/6, ¶ 8.

¹⁰² CEDAW/C/LKA/CO/9, 65.

¹⁰³ CEDAW/C/LIE/CO/6, ¶ 48.

Furthermore, the importance of informing government agencies, courts, and society about indirect discrimination and substantive equality was emphasized. The Committee also emphasized the need to monitor the impact of laws and programs on the situation of women to practically realize their equality with men.¹⁰⁴ In 2015, the Committee reiterated the lack of understanding of the concept of substantive equality among all branches of the Government and among women themselves, particularly in rural areas. While progress was noted thanks to the introduction of quotas in local elections, the Committee emphasized the lack of a comprehensive strategy of temporary special measures aimed at achieving substantive equality for women and men in all areas where women are underrepresented. Recommendations called for the implementation of time-bound goals and quotas in the remaining areas, the use of education and media to accelerate the promotion of substantive equality and combat stereotypes, and the collection of statistics to monitor progress.¹⁰⁵ In 2021, the recommendations for achieving substantive equality were essentially repeated. Although quotas for parliament and local councils already existed, the Committee noted a weak understanding of their non-discriminatory nature, limited use in areas where women are underrepresented and disadvantaged, and, as a result, insufficient to achieve substantive equality among women and men. The Committee again recommended implementing special measures in the public and private sectors, with attention to vulnerable groups of women, including ethnic minorities, women with disabilities, and older women, and establishing mechanisms to monitor the impact of special measures on achieving substantive equality.¹⁰⁶ Also, for the first time in the last three cycles, the Committee recalled the importance of using the Beijing

¹⁰⁴ Committee on the Elimination of Discrimination against Women, *Concluding observations on the third periodic report of Kyrgyzstan*, CEDAW/C/KGZ/CO/3, ¶¶ 10, 31 (14 Nov. 2008), <https://undocs.org/CEDAW/C/KGZ/CO/3>

¹⁰⁵ Committee on the Elimination of Discrimination against Women, *Concluding observations on the fourth periodic report of Kyrgyzstan*, CEDAW/C/KGZ/CO/4, ¶¶ 7, 13, 14(a), 16(c), 37, (11 March 2015), <https://undocs.org/CEDAW/C/KGZ/CO/4>

¹⁰⁶ Committee on the Elimination of Discrimination against Women, *Concluding observations on the fifth periodic report of Kyrgyzstan*, CEDAW/C/KGZ/CO/5, ¶¶ 17, 18(b, c) (29 Nov. 2021), <https://undocs.org/CEDAW/C/KGZ/CO/5>

Declaration and Platform for Action to advance women's rights to achieve substantive equality, which is also one of the 2030 Sustainable Development Goals.¹⁰⁷

In reports from local human rights NGOs and international organizations describing the situation with women's rights in Kyrgyzstan, the term substantive equality is not used; instead, the term "gender equality" predominates.^{108 109 110} Even the main official documents refer to "gender equality" - the National Strategy of the Kyrgyz Republic for Achieving Gender Equality by 2030,¹¹¹ the National Action Plan for Achieving Gender Equality for 2022-2024.¹¹² Most often, gender equality in these documents is defined as ensuring equal rights and opportunities for men and women in various spheres of life (access to education, healthcare, labor resources, etc.).¹¹³ Regardless of the term used, women around the world continue to be denied both formal and de facto equality with

¹⁰⁷ CEDAW/C/KGZ/CO/5, ¶¶ 7, 52.

¹⁰⁸ Amnesty International, *Kyrgyzstan Submission to the UN Committee on the Elimination of Discrimination against Women, 80th Session, 18 October–12 November 2021*, 8, <https://www.amnesty.org/en/wp-content/uploads/2021/09/EUR5847392021ENGLISH.pdf>

¹⁰⁹ Human Rights Watch, *Submission to the United Nations Committee on the Elimination of Discrimination Against Women on the Fifth Periodic Report of Kyrgyzstan, 80th Session* (September 2021), 2, https://www.hrw.org/sites/default/files/media_2021/09/CEDAW%20submission%20Kyrgyzstan_final.pdf

¹¹⁰ Aizhan Erisheva, "Gender Equality and International Human Rights Law in Kyrgyzstan," in *Human Rights Dissemination in Central Asia*, ed. Anja Mihr and Cindy Wittke, 115.

¹¹¹ Cabinet of Ministers of the Kyrgyz Republic, National Strategy of the Kyrgyz Republic for Achieving Gender Equality until 2030 «Национальная стратегия Кыргызской Республики по достижению гендерного равенства до 2030 года», approved by Cabinet Resolution No. 513, 16 September 2022, (in Russian), <https://cbd.minjust.gov.kg/159472/edition/1189691/ru>

¹¹² Cabinet of Ministers of the Kyrgyz Republic, National Action Plan for Achieving Gender Equality in the Kyrgyz Republic for 2022-2024 «Национальный план действий по достижению гендерного равенства в Кыргызской Республике на 2022–2024 годы», approved by Cabinet Resolution No. 513, 16 September 2022, (in Russian), <https://cbd.minjust.gov.kg/159488/edition/1189689/ru>

¹¹³ Law of the Kyrgyz Republic "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women (in Russian)" «О государственных гарантиях равных прав и равных возможностей для мужчин и женщин», No. 184 of 4 August 2008, art. 1. <https://cbd.minjust.gov.kg/202398/edition/382698/ru>

men,¹¹⁴ and the Kyrgyz Republic, unfortunately, is no exception.¹¹⁵ International human rights organizations such as Human Rights Watch,¹¹⁶ Amnesty International,¹¹⁷ and local human rights organizations in their latest CEDAW reports on Kyrgyzstan noted ongoing problems of violence against women and girls,¹¹⁸ socio-cultural roles of men and women and stereotypes,¹¹⁹ domestic violence against women in general and women with disabilities,¹²⁰ ¹²¹ the abduction of girls and women for child and/or forced marriage, targeting of women activists,¹²² ¹²³ violations of women's rights during the COVID-19

¹¹⁴ G. W. Mugwanya, “Augmenting the Struggle for Gender Equality in Uganda: A Case for the Domestication of International Human Rights Standards,” *Netherlands Quarterly of Human Rights* 19, no. 3 (2001): 239, <https://doi-org.ldb.osce-academy.kg:8443/10.1177/092405190101900302>.

¹¹⁵ Cab. Ministers of the Kyrgyz Republic, National Strategy for Achieving Gender Equality, Cabinet Resolution No. 513 (2022) (in Russian).

¹¹⁶ Human Rights Watch, *Submission on the Fifth Periodic Report of Kyrgyzstan*.

¹¹⁷ Amnesty International, *Kyrgyzstan Submission to the UN Committee on the Elimination of Discrimination against Women*.

¹¹⁸ Human Rights Watch, *Submission on the Fifth Periodic Report of Kyrgyzstan*, 1.

¹¹⁹ NGO Council, *Alternative Report to the Fifth Periodic Report of the Kyrgyz Republic to the Committee on the Elimination of Discrimination against Women (CEDAW)*, Bishkek, 2019, 4, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCSS%2FKGZ%2F41429&Lang=en

¹²⁰ Amnesty International, *Kyrgyzstan Submission to the UN Committee on the Elimination of Discrimination against Women*, 6.

¹²¹ “Abused by Relatives, Ignored by the State: Domestic Violence Against and Neglect of Women and Girls with Disabilities in Kyrgyzstan,” *Human Rights Watch*, accessed December 16, 2025, <https://www.hrw.org/report/2023/12/14/abused-by-relatives-ignored-by-the-state/domestic-violence-against-and-neglect-of>

¹²² Amnesty International, *Kyrgyzstan Submission to the UN Committee on the Elimination of Discrimination against Women*, 8.

¹²³ 8/365 Movement, *Submission to the 5th Periodic Report of the Kyrgyz Republic on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women to the 76th Session of the Committee on the Elimination of Discrimination against Women*, 1, (Bishkek: 8/365 Movement, 2020).

pandemic,^{124 125 126} direct and indirect discrimination against women,¹²⁷ especially among vulnerable groups,¹²⁸ violations of the right to fair trial,¹²⁹ Women in the Governance Bodies,¹³⁰ and the lack of anti-discrimination laws¹³¹ and etc.

As the above-mentioned problems demonstrate, the formal gender equality the state promotes is insufficient. Kyrgyzstan is still far from achieving real equality between men and women, encompassed by the concept of substantive equality described above, which is, in fact, the true goal of CEDAW.¹³² This underscores the need to apply the concept of substantive equality, which allows for an assessment not only of formal rights but also of the actual conditions that create or hinder equality.

Cause: Why states comply or fail to comply with CEDAW obligations

Theoretical Framework

¹²⁴ Human Rights Watch, *Submission on the Fifth Periodic Report of Kyrgyzstan*, 9.

¹²⁵ UN Women, *Measuring the Shadow Pandemic: Violence Against Women During COVID-19 in Kyrgyzstan* (Nov. 2021), <https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic-Kyrgyzstan-EN.pdf>

¹²⁶ Cab. Ministers of the Kyrgyz Republic, National Strategy for Achieving Gender Equality, Cabinet Resolution No. 513 (2022) (in Russian).

¹²⁷ Helen Dubok and Dilbar Turakhanova, *Kyrgyzstan Final Report: Gender Study for Central Asia*, prepared for the European Union, January 9, 2018, 30, https://www.eeas.europa.eu/sites/default/files/kyrgyzstan_final_report_09.01.2018_approved_workshop_final.pdf

¹²⁸ International Network of People who Use Drugs (INPUD) and Asteria, *Women who Use Drugs in Kyrgyzstan: Experience of Writing and Working on a CEDAW Shadow Report*, 12, <https://inpud.net/wp-content/uploads/2022/06/Women-who-Use-Drugs-in-Kyrgyzstan-CEDAW-Case-Study.pdf>

¹²⁹ U.S. Department of State, *2020 Country Report on Human Rights Practices: Kyrgyz Republic*, 7-8, <https://www.state.gov/wp-content/uploads/2021/03/KYRGYZ-REPUBLIC-2020-HUMAN-RIGHTS-REPORT.pdf>.

¹³⁰ NGO Council, *Alternative Report to the Fifth Periodic Report of the Kyrgyz Republic to CEDAW*, 7.

¹³¹ Dubok and Turakhanova, *Kyrgyzstan Final Report*, 1.

¹³² Saksena, “CEDAW: Mandate for Substantive Equality,” 483.

To answer the question of why states comply or fail to comply with their international obligations, I will turn to theories that provide or attempt to answer this difficult question. The theories and empirical research described below will help me answer my research questions in the future.

The theoretical basis of this study is built around the concept of transnational legal process developed by Harold Koh.¹³³ This theory is key to the work, as it explains not only why countries formally adhere to international norms, but also how these norms become “sticky” and are gradually internalized into domestic legal and political processes.¹³⁴

According to Koh, transnational legal process encompasses the interaction of state and non-state actors, including nation states, international organizations, courts, NGOs, and individuals, in various domestic and international fora.¹³⁵ Koh identifies four key characteristics of the transnational legal process: 1) TLP breaks down the traditional dichotomy between public and private, domestic and international; 2) participants in the process are not only states, but also non-state actors; 3) the process is dynamic, norms change and adapt; 4) the process is normative - new norms are interpreted and adopted, creating the basis for subsequent cycles of interaction.¹³⁶ Koh argues that explaining state behavior exclusively through the frameworks of identity and interests is not enough.¹³⁷ He advocates for an examination of the process via "interaction and internalization." Transnational actors engage with one another, establishing norms of external conduct that they subsequently internalize. Through executive power, laws, and courts, states bring international law into their own systems. Domestic decisions are intertwined with international norms, as compliance mechanisms are enshrined in national processes.

¹³³ Harold Hongju Koh, “The 1994 Roscoe Pound Lecture: Transnational Legal Process,” *Nebraska Law Review* 75 (2014), <https://digitalcommons.unl.edu/nlr/vol75/iss1/7>.

¹³⁴ Koh, “1994 Roscoe Pound Lecture,” 204.

¹³⁵ Koh, “1994 Roscoe Pound Lecture,” 183-184.

¹³⁶ Koh, “1994 Roscoe Pound Lecture,” 184.

¹³⁷ Koh, “1994 Roscoe Pound Lecture,” 203.

Through this repeated interaction, international law becomes stable, states develop identities, and view the rule of international law as part of their national interests.¹³⁸ “Through a complex process of rational self-interest and norm internalization at times spurred by transnational litigation - international legal norms seep into, are internalized, and become entrenched in domestic legal and political processes”, - Koh writes.¹³⁹ And what is important is that it is often NGOs that initiate all these transnational litigations, and if so, then NGOs are not just observers, but important players in the transnational legal process.¹⁴⁰ A strength of Koh's theory is its explanation of the dynamics of norm internalization and its impact on the formation of states' interests and identities, but according to Oona Hathaway, this concept has weak predictive power - it describes how norms become entrenched, but does not explain which norms and under what conditions will be internalized.¹⁴¹

The applicability of Koh's concept to contemporary realities was explored by Michael Posner in the article "Applying Harold Koh's Transnational Legal Model to Current Human Rights Challenges".¹⁴² Posner demonstrates that transnational processes can influence the behavior of states and promote human rights in contemporary realities. Hong Kong is used as an example: the presence of independent courts, a free press, and an active civil society was a result of the “one country, two systems” formula (arrangement between Britain and China in 1997), which showed that internalized norms and behavioral habits are more significant for compliance with the law than direct coercion.¹⁴³ “Once norms have been internalized by individuals and institutions, they become habits that, once learned, are not easily abandoned” and are “surprisingly hard to

¹³⁸ Koh, “1994 Roscoe Pound Lecture,” 204.

¹³⁹ Koh, “1994 Roscoe Pound Lecture,” 199.

¹⁴⁰ Koh, “1994 Roscoe Pound Lecture,” 207.

¹⁴¹ Oona A. Hathaway, “Do Human Rights Treaties Make a Difference?” *The Yale Law Journal* 111, no. 8 (2002): 1962, <https://doi.org/10.2307/797642>.

¹⁴² Posner, Michael. “Applying Harold Koh’s Transnational Legal Model to Current Human Rights Challenges.” *University of Chicago Law Review* 88, no. 7 (2021): 1767–78. <https://www.jstor.org/stable/27073965>

¹⁴³ Posner, “Applying Harold Koh’s Transnational Legal Model,” 1771.

break”, Posner quotes Koh.¹⁴⁴ Thus, Posner's work confirms that Koh's theory is applicable to the analysis of real political and legal practice and complements his thoughts from another article about how habitual patterns of behavior and methods of activity are difficult to transform.

In addition to Koh's theoretical approach, Oona Hathaway's empirical research helps us understand how states actually accept and implement international obligations. In her article "Why Do Countries Commit to Human Rights Treaties?",¹⁴⁵ Hathaway analyzes over 160 countries and examines the factors that influence states' decisions to sign international human rights treaties. The main factors are: Domestic legal enforcement - the strength of domestic actors, which determines whether a country will comply with the adopted treaty;¹⁴⁶ Collateral consequences - the unintended side effects of accession, including changes in the habitual behavior of domestic actors, impact on reputation, economic sanctions, and pressure from the international community and NGOs.¹⁴⁷ Hathaway shows that countries with strong institutions and poor human rights records are less likely to accede to treaties, as compliance would be both realistic and costly for the state. Conversely, states with weak institutions and poor human rights records are more likely to accede, as compliance is less meaningful.¹⁴⁸ Regional effects and pressure from external actors are also important.¹⁴⁹ Hathaway's approach has a strong point in that it gives a detailed empirical explanation of how states act. However, the focus on rational choice may downplay the normative factors that Koh stresses.

¹⁴⁴ Posner, "Applying Harold Koh's Transnational Legal Model," 1772.

¹⁴⁵ Hathaway, Oona A. "Why Do Countries Commit to Human Rights Treaties?" *Journal of Conflict Resolution* 51, no. 4 (2007): 588–621. <https://doi.org/10.1177/0022002707303046>

¹⁴⁶ Hathaway, "Why Do Countries Commit to Human Rights Treaties?" 593.

¹⁴⁷ Hathaway, "Why Do Countries Commit to Human Rights Treaties?" 595-598.

¹⁴⁸ Hathaway, "Why Do Countries Commit to Human Rights Treaties?" 612-613.

¹⁴⁹ Hathaway, "Why Do Countries Commit to Human Rights Treaties?" 611.

In her previous work, "Do Human Rights Treaties Make a Difference?"¹⁵⁰ Hathaway analyzes the effectiveness of treaties post-ratification. She shows that high ratification rates don't always mean that human rights practices will get better.¹⁵¹ The effectiveness of treaties varies greatly depending on the region, the type of treaty, and the country's internal characteristics. Sometimes, states with poor human rights records accede more actively than countries with good records.¹⁵² The author distinguishes between the instrumental function of treaties (specific legal obligations that ratification of the treaty entails) and the expressive function (demonstrating one's position to other players through ratification of the treaty does not necessarily mean actual compliance).¹⁵³ And sometimes, ratification of a treaty by a country merely to indicate a position (and for other subsequent benefits), rather than for a sincere intention to comply with all obligations, can weaken external pressure from actors who, in fact, are also only interested in the country's position rather than in real results.¹⁵⁴ But even such a fictitious ratification could in fact become a point of transformation for the state; it could become an opportunity for those whom Harold Koh calls "norm entrepreneurs".¹⁵⁵ Hathaway stresses that because of weak monitoring and very few sanctions, ratification often only helps states' reputations without making any real changes, especially in a regional context.¹⁵⁶ These observations align with Koh's assertions regarding the necessity for norms to be internalized to ensure their efficacy. Beth Simmons, on the other hand, disagrees with Hathaway's conclusion in her book "Mobilizing for Human Rights."¹⁵⁷

¹⁵⁰ Hathaway, "Do Human Rights Treaties Make a Difference?" 1935-2042.

¹⁵¹ Hathaway, "Do Human Rights Treaties Make a Difference?" 2012-2013.

¹⁵² Hathaway, "Do Human Rights Treaties Make a Difference?" 2012-2013.

¹⁵³ Hathaway, "Do Human Rights Treaties Make a Difference?" 1940-1941.

¹⁵⁴ Hathaway, "Do Human Rights Treaties Make a Difference?" 2020.

¹⁵⁵ Hathaway, "Do Human Rights Treaties Make a Difference?" 2022.

¹⁵⁶ Hathaway, "Do Human Rights Treaties Make a Difference?" 2006-2007, 2012.

¹⁵⁷ Simmons, Beth A. *Mobilizing for Human Rights: International Law in Domestic Politics*. Cambridge University Press, 2009.

Simmons is not sure that states can get a lot of benefits just from ratifying insincere statements.

The author argues that citizens, foreign governments, and diverse transnational human rights organizations prioritize substantive implementation over simple ratification, and are well informed about the consequences of ratification.¹⁵⁸ Hathaway's contribution is significant; however, Ryan Goodman and Derek Jinks critique her methodology for incorporating problematic variables, insufficient testing of the theoretical model, and an underappreciation of validation costs, rendering her conclusions and recommendations dubious.¹⁵⁹

This paper's theoretical framework is based on a combination of Koh's theory and Hathaway's empirical research. These approaches illustrate that formal ratification alone is inadequate; the effectiveness of international norms depends on their incorporation into national legal, political, and social frameworks. This theoretical framework is directly relevant to the examination of Kyrgyzstan's execution of the CEDAW Committee's recommendations. It allows for an assessment of the internal and external factors that facilitate or hinder the effective internalization of international women's rights standards and, based on this, the formulation of practical recommendations.

Solution: What literature and practice suggest

In its General Recommendations, the Committee members explain in detail what a state must do to achieve "equal recognition, enjoyment and exercise by women"¹⁶⁰ of their rights and provide specific recommendations to countries on each article of the Convention. The state has three main functions: to respect women's rights, to protect

¹⁵⁸ Simmons, *Mobilizing for Human Rights*, 59-60.

¹⁵⁹ "Chapter 17: The Human Rights of Other Populations of Persons with Disabilities," *Human Rights. YES!*, Human Rights Education Series, University of Minnesota Human Rights Center, 2012, accessed December 18, 2025, <https://hrlibrary.umn.edu/intlhr/chapter17.html>.

¹⁶⁰ Committee on the Elimination of Discrimination against Women, *General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women*, CEDAW/C/GC/28, ¶4 (16 Dec. 2010), <https://www.refworld.org/legal/general/cedaw/2010/en/77255>

them, and to fulfill women's rights to achieve substantive equality.¹⁶¹ This addressing both direct discrimination (different treatment on the basis of sex) and indirect discrimination (laws or practices that appear neutral but have discriminatory effects),¹⁶² as well as preventing discrimination by private entities¹⁶³ and within the family.¹⁶⁴ Particular attention is paid to intersectional discrimination on the grounds of sex, race or ethnic origin, for which temporary special measures¹⁶⁵ may be applied until de facto equality is achieved.¹⁶⁶

Ramona Vijeyarasa, having analyzed 38 General Recommendations of the CEDAW Committee, identified seven levels of requirements that states must meet in legal and policy reforms. These include: guaranteeing access to non-discriminatory and affordable services; ensuring access to education and information; protecting non-coerced and informed decision-making and confidentiality; promoting equal relations between men and women; protecting women from gender-related vulnerabilities; providing effective remedies and access to justice; and promoting comprehensive monitoring of women's status.¹⁶⁷

At the national level, human rights activists in Kyrgyzstan are still pushing for changes that are in line with these ideas. They want to change discriminatory laws¹⁶⁸ and emphasize the need for comprehensive anti-discrimination legislation.¹⁶⁹ Their

¹⁶¹ CEDAW, *General recommendation No. 28*, ¶9.

¹⁶² CEDAW, *General recommendation No. 28*, ¶16.

¹⁶³ CEDAW, *General recommendation No. 28*, ¶13.

¹⁶⁴ CEDAW, *General recommendation No. 28*, ¶25.

¹⁶⁵ CEDAW, *General recommendation No. 28*, ¶18.

¹⁶⁶ United Nations, *Convention on the Elimination of All Forms of Discrimination against Women*, art. 4 (1), adopted by G.A. Res. 34/180 (18 Dec. 1979), <https://www.un.org/womenwatch/daw/cedaw/cedaw.htm>

¹⁶⁷ Vijeyarasa, "Three Decades of CEDAW Committee General Recommendations," 19.

¹⁶⁸ CEDAW Informal Coalition, *Supplements to the Alternative Report for the 80th Session of CEDAW (October 18, 2021–November 12, 2021): Women Facing Intersecting Forms of Discrimination in Kyrgyzstan*, 2021, 3.

¹⁶⁹ CEDAW Informal Coalition, *Supplements to the Alternative Report*, 4-5.

recommendations target ongoing problems such as bride kidnapping despite stricter penalties,¹⁷⁰ violations of migrant women's rights,¹⁷¹ limited participation of women in politics,¹⁷² unequal access to healthcare,¹⁷³ and specific problems that rural women face.¹⁷⁴ Addressing these issues, civil society organizations suggest action in three areas: amending laws and policies, changing law enforcement practices, and transforming socio-cultural norms and gender stereotypes. The term "substantive equality" isn't often used directly in national conversations, but these efforts are very much in line with its meaning: making women truly equal, not just in name.

Examples from other countries show that following CEDAW's advice can lead to real progress. In Ukraine, a gender analysis of laws related to domestic and sexual violence and military service resulted in the expansion of the definition of rape, the introduction of the concept of discrimination, a strengthening of accountability for sexual harassment, and the assurance of equal rights for women and men in the Armed Forces.¹⁷⁵ Denmark passed the Gender Equality Act (2000), which required public institutions to look at how their decisions and draft laws would affect men and women. It also passed the Equal Pay Act, which required large companies to report on gender pay statistics and have judicial oversight. This brought the pay gap down from 19% in 2001 to 15% in 2016.¹⁷⁶ Moldova has made the definition of discrimination broader, added new protected grounds (gender identity, marital status, sexual orientation, health and HIV status), improved the ways people can file complaints and collect data, and strengthened institutional capacity by

¹⁷⁰ NGO Council, *Alternative Report to the Fifth Periodic Report of the Kyrgyz Republic to CEDAW*, 4.

¹⁷¹ NGO Council, *Alternative Report to the Fifth Periodic Report of the Kyrgyz Republic to CEDAW*, 6.

¹⁷² NGO Council, *Alternative Report to the Fifth Periodic Report of the Kyrgyz Republic to CEDAW*, 7.

¹⁷³ NGO Council, *Alternative Report to the Fifth Periodic Report of the Kyrgyz Republic to CEDAW*, 7.

¹⁷⁴ NGO Council, *Alternative Report to the Fifth Periodic Report of the Kyrgyz Republic to CEDAW*, 12-13.

¹⁷⁵ UN Women, *The CEDAW-based Legal Review: A Brief Guide* (UN Women Eastern Europe and Central Asia, 2019), 26, https://eca.unwomen.org/sites/default/files/Field%20Office%20ECA/Attachments/Publications/2019/CEDAW%20Legal_ENG_compressed%20%281%29.pdf

¹⁷⁶ UN Women, *CEDAW-based Legal Review*, 24.

hiring more people and making hate speech based on gender a crime.¹⁷⁷ These examples show that substantive equality in practice can only be achieved through long-term changes in laws, institutions, and society that are guided by CEDAW standards.

In conclusion, both literature and real-life experience show that substantive equality can only be reached through a mix of international guidance, national advocacy, and institutional reform. The General Recommendations of the CEDAW Committee give states clear goals to work toward. In Kyrgyzstan, human rights activists have shown how these standards can help with domestic reform efforts, even when the idea of substantive equality is not directly mentioned. Comparative examples from Ukraine, Denmark, and Moldova demonstrate that extensive legal, institutional, and societal measures—including law reform, enforcement practices, and cultural transformation—are essential for the actualization of CEDAW principles into substantial changes in women's lives. This shows that substantive equality is not just a legal requirement; it is also a practical goal that needs coordinated action at many levels.

¹⁷⁷ Republic of Moldova, *Seventh Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women in the Republic of Moldova*, 2024, 16, <https://social.gov.md/wp-content/uploads/2024/05/Seventh-Periodic-Report-on-the-Implementation-of-the-Convention-on-the-Elimination-of-All-Forms-of-Discrimination-Against-Women-in-the-Republic-of-Moldova-2024.pdf>.

CHAPTER 2: ANALYSIS OF THE IMPLEMENTATION OF CEDAW RECOMMENDATIONS IN KYRGYZSTAN

The study uses doctrinal (black-letter) legal analysis and a non-doctrinal legal approach to analyze primary and secondary sources. The purpose of the analysis is to determine which of the Committee's 2021 recommendations have been implemented and which have not as of November 2025.

The analysis is divided into two parts: implementation of recommendations at the legislative level and at the law enforcement and combating gender stereotypes level.

For the legislative analysis, recommendations were selected in the areas of legislation (section in the 5th Concluding observations), gender-based violence against women and harmful practices, marriage and family relations, disadvantaged and marginalized groups of women, employment, and participation in political and public life. All of these areas of recommendations meet the selection criteria: they are repeated in the Committee's recommendations, there is sufficient information on them, implementation in this area is important for realizing women's rights in Kyrgyzstan, and in almost every one of these areas, legislation has been amended in one way or another as a result of the large-scale legislative reform in Kyrgyzstan after 2021. Thus, in April 2021, a new version of the Constitution¹⁷⁸ was adopted, in October of the same year, new criminal legislation came into force, in April 2024, amendments were made to the Law on Non-Commercial Organizations with Foreign Representation, in January 2025, a new Labor Code was adopted, and in June 2025, significant amendments were made to the Constitutional Law of the Kyrgyz Republic "On the Elections of the President of the Kyrgyz Republic and Deputies of the Zhogorku Kenesh of the Kyrgyz Republic," changing the system for electing members of parliament, etc.

In the section "Implementation of CEDAW Recommendations in Law Enforcement Practice and Addressing Gender Stereotypes" selected recommendations that have been repeatedly raised by the Committee, for which substantial publicly available data is

¹⁷⁸ *Constitution of the Kyrgyz Republic* [in Russian], accessed December 16, 2025, <https://www.president.kg/en/constitution>

available, which affect a large number of women, and for which there is a significant gap between the actual and legal implementation of CEDAW Committee recommendations. This section provides analysis in the areas of gender-based violence, bride kidnapping and forced marriage, women who face intersecting forms of discrimination in Kyrgyzstan, and participation in political and public life. The analysis of each area also addresses the impact of gender stereotypes and the state's efforts to combat them. Furthermore, the gender stereotype analysis is supplemented by a Stereotypes subsection, which presents an analysis of two Committee recommendations that were specifically identified.

The implementation of each recommendation was compared with national legislation, NGO information and reports, and sometimes with media reports, and assessed according to the criteria of implemented/partially implemented/not implemented.

2.1. Implementation of CEDAW Recommendations in Legislation

This section examines the implementation of selected CEDAW recommendations at the level of the formal legal framework. For each thematic area, the Committee's key legal recommendations are briefly summarized and then compared with the current Constitution, codes and relevant legislation. The assessment "implemented/partially implemented/not implemented" in this section refers to legislative compliance only and does not yet reflect law enforcement practice, which is analyzed separately.

Comprehensive anti-discrimination legislation

Throughout its recent Concluding Observations, the Committee has recommended the adoption of comprehensive anti-discrimination legislation that would cover direct and indirect discrimination against women in both the public and private spheres, as well as intersecting forms of discrimination described in Article 1 of the Convention. To do this, the Committee thinks that (a) all discriminatory parts of the law should be looked at again and removed, including those that are based on vague ideas of morality, ethics, and traditional family values, and (b) the process of reviewing the law should follow not only the CEDAW Convention but also other human rights treaties and be done in consultation

with civil society groups.¹⁷⁹ The recommendation regarding consultations with civil society organizations can be considered no longer implemented, since, following the amendments to the Law of the Kyrgyz Republic "On Non-Commercial Organizations,"¹⁸⁰ public appeals to government agencies and "*other actions that influence the activities of these bodies, including the adoption, amendment, or repeal of laws or other regulatory legal acts,*"¹⁸¹ as well as the dissemination of opinions on the decisions of a government agency and its policies, constitute political activity. If a human rights organization is funded by foreign donors, such an organization will be considered an NPO performing the functions of a foreign representative.¹⁸²

As described above, following the change of power in November 2020, the country underwent a reform of its most important codes and laws, including the Constitution itself, in April 2021. The new version of the Constitution of Kyrgyzstan is "imbued with neo-traditionalism," beginning with the preamble, which emphasizes the traditions and customs of the Kyrgyz "ancestors," specifies the creation of a People's Kurultai, and expands the powers of the aksakal courts, according to Akisheva.¹⁸³ These aspects may violate women's rights in particular because society believes that practices such as *ala-kachuu*, early and forced marriages, and *kelinism*¹⁸⁴ (new brides' forced into subservience to their mothers-in-law in their husbands' households)¹⁸⁵ are traditional. The decisions of aksakal courts often negatively impact women's rights, for example, when attempting to reconcile spouses in cases of domestic violence. The People's Kurultai's new power - the right to initiate legislation - could become a tool for "suppressing women

¹⁷⁹ CEDAW/C/KGZ/CO/5, 10.

¹⁸⁰ Law of the Kyrgyz Republic "On Non-Commercial Organizations (in Russian)" «*О некоммерческих организациях*», No. 111 of 15 October 1999 (as amended). <https://cbd.minjust.gov.kg/274/edition/6030/ru>

¹⁸¹ Law of the Kyrgyz Republic, No. 111 of 15 October 1999 (as amended), art. 2 (in Russian).

¹⁸² Law of the Kyrgyz Republic, No. 111 of 15 October 1999 (as amended), art. 2 (in Russian).

¹⁸³ Asylai Akisheva, "Gender Equality, Women's Rights and Neo-traditionalism: The Case of Kyrgyzstan," in *Securitization and Democracy in Eurasia*, ed. Anja Mihr, Paolo Sorbello, and Brigitte Weiffen (Cham: Springer, 2023), 190, https://doi.org/10.1007/978-3-031-16659-4_12.

¹⁸⁴ Akisheva, "Gender Equality, Women's Rights and Neo-traditionalism," 190.

¹⁸⁵ Akisheva, "Gender Equality, Women's Rights and Neo-traditionalism," 180.

by lobbying for and passing anti-feminist laws or advocating for the repeal of gender-sensitive legislation."¹⁸⁶ In this regard, the Committee's recommendation to repeal provisions that include legally undefined concepts of morality, ethics and traditional family values can be considered unimplemented. Another important recommendation of the Committee was the proposal to enshrine in the text of the Constitution the protection of both formal and de facto equality, non-discrimination in public and private life, and in cases where the provisions of international legal documents are not directly applicable (as in the Constitution of the Kyrgyz Republic), to ensure the full reflection of international human rights standards in the national Constitution and laws.¹⁸⁷ Part 3 of Article 24 of the Constitution of the Kyrgyz Republic states that "men and women have equal rights and freedoms and equal opportunities for their implementation," and Part 1 of the same article states that "No one may be subjected to discrimination on the basis of sex, race, language, disability, ethnicity, religion, age, political or other beliefs, education, origin, property or other status, as well as other circumstances," and human rights activists argue that the presence of this norm with this terminology is not enough to consider that all forms of discrimination are prohibited in Kyrgyzstan - as the Deputy Chair of the Supreme Court of Kyrgyzstan recently stated¹⁸⁸ - there is no anti-discrimination legislation in the country that would define all forms of discrimination and there is no mention of the prohibition of discrimination on the basis of sexual orientation and gender identity (SOGI) (it can be implied under "other circumstances") in the Constitution and other laws of the Kyrgyz Republic.¹⁸⁹ Moreover, SOGI is not mentioned anywhere in Kyrgyz legislation in the sense in which it is understood by the progressive international community.¹⁹⁰

¹⁸⁶ Akisheva, "Gender Equality, Women's Rights and Neo-traditionalism," 192-193.

¹⁸⁷ Committee on the Elimination of Discrimination against Women, *General recommendation No. 33 on women's access to justice*, CEDAW/C/GC/33, ¶ 40 (3 Aug. 2015), <https://undocs.org/CEDAW/C/GC/33>.

¹⁸⁸ "All forms of discrimination banned in Kyrgyzstan - report presented in Geneva," *24.kg*, May 3, 2025, https://24.kg/english/328203_All_forms_of_discrimination_banned_in_Kyrgyzstan_report_presented_in_Geneva/

¹⁸⁹ ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity, *Analysis of the National Legislation of the Kyrgyz Republic Related to SOGI and HIV*, Tallinn, 2022, 8.

¹⁹⁰ ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity; Public Organization *Kyrgyz Indigo*; and LGBT Organization *Labrys*, *Human Rights Violations of Trans People in Kyrgyzstan: An Alternative Report as a Commentary on the Fifth Periodic Report of Kyrgyzstan to the Committee on the*

International organizations agree that the country does not have comprehensive anti-discrimination legislation.¹⁹¹ Despite the fact that the Law of the Kyrgyz Republic "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women" contains the concepts of direct and indirect discrimination, there is still no provision for intersecting forms of discrimination¹⁹², which raises concerns for the Committee.¹⁹³ Furthermore, the terms "gender-based violence" and "violence against women" do not appear in the Constitution or in any laws or codes.¹⁹⁴

In general, the Committee's suggestion to pass broad anti-discrimination laws has not been implemented. The Constitution's provisions for equality are still not enough, and important discriminatory norms based on morality and traditional values are still in place. Civil society can no longer effectively participate in legislative review. The lack of clear protections - especially for intersecting forms of discrimination and SOGI - confirms that the recommendation remains unimplemented.

Gender-based violence against women and harmful practices

The Committee made a number of suggestions to improve the laws against gender-based violence against women and to stop harmful practices, especially *ala-kachuu*. The following section summarizes each recommendation and evaluates the extent to which it has been implemented in the current legal framework.

Elimination of Discrimination against Women (CEDAW/C/KGZ/5) and the Committee's List of Issues (CEDAW/C/KGZ/Q/5), 80th sess., September 2021, ¶ 11.

¹⁹¹ HelpAge International, *National Legal Study on Ageism and Age Discrimination: Kyrgyzstan*, 1, https://www.helpage.org/silo/files/age-equalitylegalstudykyrgyzstan_pub.pdf

¹⁹² «В Кыргызстане насилию подвергаются чаще всего девочки и женщины с инвалидностью [In Kyrgyzstan, Girls and Women with Disabilities Are Most Often Subjected to Violence],» 24.kg, 29 May 2023, https://24.kg/obschestvo/266727_vkirgyzstane_nasiliyu_podvergayutsya_chasche_vsego_devochki_ijens_chinyi_sinvalidnostyu/. [in Russian]

¹⁹³ CEDAW/C/KGZ/CO/5, 9 (a).

¹⁹⁴ Z. Kochorbaeva, N. Prigoda, B. Islanbekova, and M. Tulegenov, *Насилие в отношении женщин в политике Кыргызской Республики: результаты исследования (Violence against Women in Politics in the Kyrgyz Republic: Research Findings)*, November 2021-January 2022, 50 (in Russian), <https://www.sta.kg/wp-content/uploads/2023/02/rus-final-research-report-on-vwip-kyrgyzstan-2022.pdf>

Domestic violence legislation

The Committee recommended revising the Law “On Protection and Safeguarding from Domestic Violence” to ensure that it covers *all forms of GBV (Gender-based violence)* and addresses the needs of disadvantaged groups of women, including women with disabilities, migrant women, women living with HIV/AIDS, women who use drugs, and lesbian, bisexual and transgender women.¹⁹⁵ Despite the progressive nature of this law, it fails to define specific protections for women with disabilities, does not contain international standards for assessing the risk of further violence, and does not provide for measures to overcome communication barriers for women with disabilities.¹⁹⁶ The recommendation has not been implemented.

Criminal legislation on ala-kachuu

Inclusion of rape as an aggravating circumstance

The Committee recommended amending the Criminal Code to classify rape as an aggravating circumstance in cases of bride kidnapping.¹⁹⁷ The 2021 Criminal Code of the Kyrgyz Republic¹⁹⁸ includes three articles on ala-kachuu: Article 172. Kidnapping a person for the purpose of marriage, Article 173. Coercion to enter into a de facto marital relationship, and Article 174. Coercion to enter into marriage, but none of them include rape as an aggravating circumstance.¹⁹⁹ Sexual violence is not generally recognized as a form of domestic violence, but it is a criminal offense and can be classified as rape, violent sexual acts and etc. "These forms of sexual violence are punishable under the Criminal Code, regardless of whether they are committed by a family member or another

¹⁹⁵ CEDAW/C/KGZ/CO/5, ¶22 (a).

¹⁹⁶ Ch. S. Bialieva, Ch. A. Musabekova, and N. P. Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice of the Kyrgyz Republic in the Sphere of Protecting the Rights of Women and Girls with Disabilities from Gender Discrimination and Violence* (Bishkek, 2024), 41.

¹⁹⁷ CEDAW/C/OP.8/KGZ/1, ¶92 (a).

¹⁹⁸ Criminal Code of the Kyrgyz Republic “*Criminal Code of the Kyrgyz Republic (in Russian)*” «Уголовный кодекс Кыргызской Республики», No. 127 of 28 October 2021. <https://cbd.minjust.gov.kg/3-38/edition/2087/ru>

¹⁹⁹ *Criminal Code of the Kyrgyz Republic, No. 127 of 28 October 2021, sec. 26 (in Russian)*.

person," the experts write.²⁰⁰ But the Committee's specific recommendation is considered unimplemented.

Public prosecution of rape and other gender-based crimes

The Committee recommended that rape and other forms of GBV should not be classified as a semi-public crime but should be prosecuted *ex officio*, without requiring a complaint from the victim or their legal representatives.^{201 202}

According to the Criminal Procedure Code of the Kyrgyz Republic as amended in 2021 (Article 24), part 1 of Article 154 ('Rape') and part 1 of Article 155 ('Violent sexual acts') of the Criminal Code of the Kyrgyz Republic are classified as semi-public offenses. This means that an investigation is initiated only upon a complaint by the victim or their legal representatives.²⁰³ Until 2024, such cases could also be dismissed on the grounds of reconciliation between the parties. But in January 2024, changes were made to Articles 505 and 507 of the Kyrgyz Republic's Criminal Procedure Code. Now, cases involving serious crimes can no longer be dismissed due to reconciliation. Still, they are still semi-public crimes, which means that an investigation only starts after the victim or their legal representatives file a complaint.²⁰⁴ So, this specific recommendation can be considered not implemented.

Article 172 of the Criminal Code of the Kyrgyz Republic, "Kidnapping for the purpose of marriage," is a serious crime, is a public accusation, and cannot be terminated by reconciliation of the parties. Other Articles related to harmful practices (Art. 173 'Coercion into entering factual marital relations', Art. 174 'Coercion of a person into marriage' (about child) and Art. 175 'Violation of legislation on the legal age of marriage

²⁰⁰ Kochorbaeva et al., *Violence against Women in Politics in the Kyrgyz Republic*, 36 (in Russian).

²⁰¹ CEDAW/C/OP.8/KGZ/1, ¶92 (a).

²⁰² CEDAW/C/KGZ/CO/5, ¶22 (c).

²⁰³ Criminal Code of the Kyrgyz Republic, No. 127 of 28 October 2021, art. 24 (in Russian).

²⁰⁴ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 100.

during religious ceremonies’) are also semi-public,²⁰⁵ which means that, based on a complaint filed by the victim or their legal representative, a criminal case against a suspect or an accused person may be terminated.²⁰⁶ The fact that investigations under Article 175 of the Criminal Code (‘Violation of legislation on the legal age of marriage during religious ceremonies’) and Article 174 (‘Coercion of a person into marriage’) can only be initiated upon a complaint by the victim or their legal representative, and may be terminated due to reconciliation between the parties, makes these provisions ineffective. In such crimes, parents - the legal representatives - are typically accomplices or even accused persons themselves.²⁰⁷ The classification of gender-based crimes as semi-public offenses means that the burden of collecting evidence and, in essence, performing the functions of a lawyer falls on the victims themselves.²⁰⁸ This recommendation, too, can be considered not implemented.

Criminalization of marital rape

The Committee urged Kyrgyzstan to explicitly criminalize marital rape and adopt definitions based on *lack of consent*.²⁰⁹ Neither the article ‘Rape’ nor the article ‘Domestic Violence’ in the Criminal Code of the Kyrgyz Republic provides for liability for marital rape or for sexual violence as a form of domestic violence.²¹⁰ Article 154 (‘Rape’) in its current version requires proof of penetration and does not include the key

²⁰⁵ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 105.

²⁰⁶ PIL Research Company, *Как разорвать цикл насилия: анализ барьеров и стратегии по искоренению гендерного насилия в Кыргызской Республике* (Ending the Cycle of Violence: Analysis of Barriers and Strategies for Eliminating Gender-Based Violence in the Kyrgyz Republic), 2024, 137 (in Russian), <https://bit.ly/3MOutS9>

²⁰⁷ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 23 (in Russian).

²⁰⁸ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 105.

²⁰⁹ CEDAW/C/OP.8/KGZ/1, ¶ 92 (b).

²¹⁰ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 40.

element of lack of consent, which was present in the earlier version of the Criminal Code adopted in 1997.²¹¹

Although Kyrgyzstan is not a party to the Istanbul Convention - the Council of Europe Convention on preventing and combating violence against women and domestic violence²¹² - experts note that the Criminal Code's rape provision does not include the following aggravating circumstances (from the Istanbul Convention):

- the crime was committed by a person living with the victim or by someone who abused their authority, in relation to a former or current spouse or partner, recognized as a family member;
- the crime was committed repeatedly;
- the crime was committed in the presence of a child;
- the perpetrator has previously been convicted of similar offenses.²¹³

This recommendation has not been implemented.

Protective and restraining orders for repeated attempts at abduction

The Committee recommended introducing provisions enabling courts to issue restraining or protection orders when an offender makes repeated attempts to abduct a woman or girl.²¹⁴ The Law of the Kyrgyz Republic 'On Protection and Safeguarding from Domestic Violence,' which regulates the issuance of protective orders, is aimed solely at preventing domestic violence - violence committed by one family member against another²¹⁵ - and

²¹¹ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 133-134.

²¹² *Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence*, adopted May 11, 2011, entered into force August 1, 2014, Council of Europe, accessed December 16, 2025, <https://www.coe.int/en/web/istanbul-convention/about-the-convention>.

²¹³ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 135.

²¹⁴ CEDAW/C/OP.8/KGZ/1, ¶ 92 (c).

²¹⁵ Law of the Kyrgyz Republic "On Protection and Guarding Against Domestic Violence (in Russian)" «Об охране и защите от семейного насилия», No. 63 of 27 April 2017, art. 1. <https://cbd.minjust.gov.kg/111570/edition/14086/ru>

does not cover the actions of an abductor prior to obtaining the status of a husband or family member. The Code of Offences of the Kyrgyz Republic²¹⁶ contains no penalties for multiple attempts at bride kidnapping, nor does the Criminal Code. This recommendation has not been implemented.

Minimum age of marriage and regulation of religious ceremonies

The next recommendation states: ‘amend Article 154 of the Criminal Code so that it applies to victims of bride kidnapping who are under 18 (rather than 17) years of age.’²¹⁷ The current Criminal Code has been revised, and now two articles - Article 172 (‘Abduction of a person for the purpose of marriage’) and Article 173 (‘Coercion into entering factual marital relations’) - prohibit abducting or coercing a child (a person under 18 years of age) into marriage.²¹⁸ This recommendation has been implemented.”

The next recommendation concerns the legal age of marriage, which is 18 in Kyrgyzstan.²¹⁹ Article 14 of the Family Code of the Kyrgyz Republic states that *‘in the presence of valid reasons, local self-government bodies at the place of residence of persons wishing to marry may, at their request, lower the marriage age for men and women by no more than one year, based on a commission opinion issued by territorial units of the authorized state body for child protection.’*²²⁰ The Committee, however, recommended that such a marriage be registered only by a court decision and only with the full, free, and informed consent of the child.²²¹ This recommendation has not been implemented.

²¹⁶ Code of the Kyrgyz Republic on Offences (in Russian) «Кодекс Кыргызской Республики о правонарушениях», No. 128 of 28 October 2021. <https://cbd.minjust.gov.kg/3-36/edition/2102/ru>

²¹⁷ CEDAW/C/OP.8/KGZ/1, ¶ 92 (d).

²¹⁸ Criminal Code of the Kyrgyz Republic, No. 127 of 28 October 2021, art. 172, 173 (in Russian).

²¹⁹ Family Code of the Kyrgyz Republic “Family Code of the Kyrgyz Republic (in Russian)” «Семейный кодекс Кыргызской Республики», No. 201 of 30 August 2003, art. 14. <https://cbd.minjust.gov.kg/1327/edition/1163855/ru>

²²⁰ Family Code of the Kyrgyz Republic, No. 201 of 30 August 2003, art. 14 (in Russian).

²²¹ CEDAW/C/OP.8/KGZ/1, ¶ 92 (e).

In another section of this Report, ‘Equal rights to freely choose a spouse and equal rights in marriage and upon its dissolution,’ the Committee recommends introducing amendments to the legislation on freedom of religion and to the Criminal Code to ensure that a religious marriage ceremony is conducted either after the official civil registration or, if conducted beforehand, only on the condition that the religious marriage is subsequently entered into the official register and the civil marriage is performed shortly after the religious ceremony. Failure to comply with these requirements should result in criminal liability.²²² The Ministry of Labor, Social Protection, and Migration sent out a draft law for public discussion at the end of 2024.²²³ The law would make it illegal to hold a religious wedding ceremony without first registering the marriage with the government. But the proposed punishment wasn't a crime; it was a 10,000 som fine for individuals. This draft was not supported by members of parliament. At present, the Criminal Code of Kyrgyzstan contains only one related provision - liability for violating the legal age of marriage during a religious ceremony²²⁴. The recommendation has not been implemented.

Mandatory reporting requirements

The final recommendation in this section calls on the State to adopt legislation requiring educational institutions, teachers, employers, hospitals, and social services working with women and/or children to report to law enforcement authorities whenever there are reasonable grounds to believe that a bride kidnapping has occurred or may occur.²²⁵ This recommendation has not been implemented.

With the exception of one measure - the amendment of the Criminal Code so that provisions on abduction for marriage and coercion into de facto marital relations apply to

²²² CEDAW/C/OP.8/KGZ/1, ¶ 95 (b).

²²³ Cabinet of Ministers of the Kyrgyz Republic, *Resolution “On Approval of the Procedure for Regulation of Activities of Legal Entities and Individuals Related to the Operation of Individual Mobility Devices (in Russian)”* «Об утверждении Порядка регулирования деятельности юридических и физических лиц, связанной с эксплуатацией средств индивидуальной мобильности», Cabinet Resolution No. 183, 7 April 2025. <https://www.gov.kg/ru/npa/s/4634>

²²⁴ Criminal Code of the Kyrgyz Republic, No. 127 of 28 October 2021, art. 175 (in Russian).

²²⁵ CEDAW/C/OP.8/KGZ/1, ¶ 92 (f).

victims under 18 - the Committee's recommendations on gender-based violence and harmful practices have **not been implemented**. Key gaps remain in domestic violence legislation, criminal provisions on *ala-kachuu*, rape prosecution, marital rape, protective measures, semi-public offense classifications, early marriage safeguards, mandatory reporting, and regulation of religious marriage ceremonies. Overall, implementation is **minimal**, with the overwhelming majority of recommendations **unimplemented**.

Marriage and family relations

This section talks about women's economic rights in marriage (including unregistered religious marriages) and some types of domestic violence that are closely related to family relationships. The Committee's suggestions in this area are mainly about two things: (1) protecting women's economic and family rights, especially those who are married in unregistered religious ceremonies (*nikah*), and (2) making legal protections against domestic violence stronger in line with General Recommendation No. 35.

Protection of women in unregistered religious marriages

The Committee was worried that women who only get married through *nikah* ceremonies and don't register their marriage with the government aren't protected by the Family Code, especially when it comes to property rights, maintenance, and remedies when the marriage ends.²²⁶ The Committee stresses that all types of family relationships must protect women's rights in General Recommendation No. 29.²²⁷ The document's paragraph 20 says that "The legitimacy of unregistered marriages may be established by the existence of a marriage contract, by witness testimony from those present at the performance of the rituals, or by other means depending on the circumstances."²²⁸ The Committee also points out that in some countries, unregistered marriages are legal and give both parties the same rights and responsibilities.²²⁹ Ultimately, the State is obliged

²²⁶ CEDAW/C/KGZ/CO/5, 49.

²²⁷ CEDAW, *General recommendation No. 29*, ¶¶ 17, 18.

²²⁸ CEDAW, *General recommendation No. 29*, 20.

²²⁹ CEDAW, *General recommendation No. 29*, 23.

to protect the rights of women in all forms of marriage, regardless of whether they are officially registered.²³⁰ Upon the dissolution of a marriage, the State is obliged to guarantee both formal and substantive equality of property rights.²³¹ According to the Family Code of the Kyrgyz Republic, religious ceremonies concerning matters of marriage and family have no legal effect; only an officially registered union is recognized as a marriage,²³² and joint marital property is defined as property acquired exclusively during the registered marriage.²³³ This recommendation has not been implemented.

Domestic violence legislation in the context of family relations

The Committee also called for strengthened legislative measures against domestic violence, consistent with General Recommendation No. 35.²³⁴ In particular, it recommended ‘to ensure that all forms of gender-based violence against women, in all areas, that result in violations of women’s physical, sexual, or psychological integrity are classified as criminal offenses, and promptly introduce or strengthen legal sanctions proportionate to the gravity of the offenses, as well as civil remedies.’²³⁵ The criminal legislation of Kyrgyzstan does not contain a category of gender-based crimes (instead, it includes categories of crimes against sexual inviolability and sexual freedom, and crimes against the family and minors).²³⁶ Liability for domestic violence is set out in two different codes, depending on the harm caused to the victim’s health: intentional acts that do not cause harm to health are regulated by the Code of Offenses of the Kyrgyz Republic (Article 70),²³⁷ while intentional acts resulting in minor harm to health fall under criminal legislation (Article 177 of the Criminal Code).

²³⁰ CEDAW, *General recommendation No. 29*, 29.

²³¹ CEDAW, *General recommendation No. 29*, 47.

²³² Family Code of the Kyrgyz Republic, No. 201 of 30 August 2003, art. 1 (in Russian).

²³³ Family Code of the Kyrgyz Republic, No. 201 of 30 August 2003, art. 35 (in Russian).

²³⁴ CEDAW/C/GC/35.

²³⁵ CEDAW/C/GC/35, ¶ 29 (a).

²³⁶ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 66 (in Russian).

²³⁷ Code of the Kyrgyz Republic on Offences, No. 128 of 28 October 2021, art. 70 (in Russian).

Amendments strengthening sanctions and measures

Several reforms since 2021 do represent partial progress: 1) The abolition of fines as a form of punishment for domestic violence - both as a crime and as an administrative offense - may be regarded as a partial strengthening of sanctions;²³⁸ 2) introduction of *corrective behavior change programs* (Criminal Code Art. 71-1; Code of Offenses Art. 391); 3) mandatory corrective programs for repeat offenders under the Code of Offenses (Art. 70 of the Code of Offenses); 4) liability for evading corrective programs;²³⁹ 5) Cabinet-approved methodology for domestic violence risk assessment;²⁴⁰ 6) introduction of the concept of *stalking* into domestic violence legislation,²⁴¹ punishable under the Code of Offenses;²⁴² 7) strengthened sanctions for violating temporary protection orders (Code of Offenses Art. 71).²⁴³

At the same time, experts express concern that the wide range of penalties for domestic violence allows courts to impose overly lenient sentences.²⁴⁴ The sanctions under Article 177 ('Domestic Violence') of the Criminal Code range from 40 to 100 hours of community service to imprisonment for up to 5 years. Under Article 70 ('Domestic Violence') of the Code of Offenses, penalties range from 40 hours of community service to arrest for three to seven days. In the context of a judicial system lacking gender

²³⁸ Aliia Maralbaeva and Chiara Pierobon, "Ending Gender-Based Violence in Kyrgyzstan: Reflections on the Spotlight Initiative," in *Securitization and Democracy in Eurasia: Transformation and Development in the OSCE Region*, ed. Anja Mihr, Paolo Sorbello, and Brigitte Weiffen, 206.

²³⁹ Code of the Kyrgyz Republic on Offences, No. 128 of 28 October 2021, art. 72 (in Russian).

²⁴⁰ Cabinet of Ministers of the Kyrgyz Republic, Resolution «*О мерах по осуществлению охраны и защиты от семейного насилия*» (On Measures for the Protection and Prevention of Domestic Violence), No. 417, 16 July 2025. (gov.kg)

²⁴¹ Law of the Kyrgyz Republic, No. 63 of 27 April 2017, art. 1 (in Russian).

²⁴² Code of the Kyrgyz Republic on Offences, No. 128 of 28 October 2021, art. 70 (in Russian).

²⁴³ Law of the Kyrgyz Republic "On Amendments to Certain Legislative Acts of the Kyrgyz Republic (in Russian)" «*О внесении изменений в отдельные нормативные правовые акты Кыргызской Республики*», No. 214 of 15 October 2025 (amending law), art. 1(4).
<https://cbd.minjust.gov.kg/6-16647/edition/38936/ru>

²⁴⁴ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 151.

sensitivity, such broad discretion negatively affects the effective protection of women survivors of domestic violence, especially women and girls with disabilities.²⁴⁵ This recommendation can be considered partially implemented.

Overall, the Committee's recommendations on marriage and family relations have been largely unimplemented. The State has not adopted measures to protect the rights of women in unregistered religious marriages, leaving them without economic guarantees or equal property rights. At the same time, reforms addressing domestic violence - such as corrective programs, strengthened sanctions, and a risk-assessment methodology - represent partial implementation of the Committee's call to classify all forms of gender-based violence as criminal offenses and strengthen legal remedies. However, significant gaps remain in legal definitions and criminal classifications.

Disadvantaged and marginalized groups of women

The Committee issued targeted recommendations to address the rights of women from disadvantaged and marginalized groups, including women with disabilities, women living with HIV/AIDS, women who use drugs, and lesbian, bisexual and transgender (LBT) women.²⁴⁶ This section assesses whether these recommendations have been implemented at the legislative level.

Women with disability

In 2024, the Criminal Code was amended to introduce the right of blind participants in criminal proceedings to receive assistance from aides with Braille literacy skills.²⁴⁷ However there are still no requirements for procedural documents to be available in

²⁴⁵ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 151.

²⁴⁶ CEDAW/C/KGZ/CO/5, 42.

²⁴⁷ Criminal Procedure Code of the Kyrgyz Republic (*in Russian*) «Уголовно-процессуальный кодекс Кыргызской Республики», No. 129 of 28 October 2021, art. 57. <https://cbd.minjust.gov.kg/3-37/edition/2086/ru>

Braille;²⁴⁸ The reform does not address the broader accessibility problems faced by women with disabilities in the justice system.²⁴⁹

Kyrgyzstan's criminal legislation does not include aggravating motives on the grounds of sex or disability,²⁵⁰ forced sterilization or forced abortion as crimes, sexual violence motivated by disability.²⁵¹ These gaps are significant given documented cases where women and girls with disabilities face family-imposed coercion.²⁵²

Women with HIV/AIDS

The Committee recommended decriminalizing HIV transmission between consenting adults.²⁵³ “Voluntary homosexual relations were decriminalized in 1998”.²⁵⁴ Kyrgyzstan has criminalized (Art. 143 of the Criminal Code) exposing another person to the risk of HIV infection; negligent transmission; intentional transmission. The only mitigating provision: a person is exempt from liability if the partner was informed and consented.²⁵⁵ International standards emphasize that only **intentional transmission** should be

²⁴⁸ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 107.

²⁴⁹ «Call-центр: суды не делают копии документов с использованием шрифта Брайля аудио [Call Center: Courts Do Not Make Copies of Documents Using Braille Audio],» Kaktus.media, 16 July 2021, https://kaktus.media/doc/442690_call_centre_sydy_ne_delaut_kopii_dokumentov_s_ispolzovaniem_shrifta_braylia_aydio.html. [in Russian]

²⁵⁰ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 137.

²⁵¹ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 138.

²⁵² Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 138.

²⁵³ CEDAW/C/KGZ/CO/5, 44 (a).

²⁵⁴ ECOM, *Analysis of the National Legislation of the Kyrgyz Republic Related to SOGI and HIV*, 8.

²⁵⁵ ECOM, *Analysis of the National Legislation of the Kyrgyz Republic Related to SOGI and HIV*, 8.

criminalized.²⁵⁶ Kyrgyz law is still more general than these rules. Some parts technically follow the Committee's advice, but the overall framework is still punishing.

The Committee's next suggestion is that employers should not be able to require a certificate showing that a person does not have HIV as a condition for hiring or keeping a job.²⁵⁷ The Law of the Kyrgyz Republic "On Public Health" says that employers can't ask employees for this kind of document unless required by the legislation of the Kyrgyz Republic.²⁵⁸ It should be noted that this provision applies only to employees and not to job applicants. A Government Resolution says that people with HIV can't work in hematology or hemodialysis departments, in jobs that involve direct contact with blood, or in blood transfusion services that are directly involved in collecting blood components and materials.²⁵⁹ The Labour Code of the Kyrgyz Republic says that employers can't ask for documents that aren't required by law during hiring,²⁶⁰ and they also can't collect information about an employee's private life.²⁶¹ Liability for unjustified refusal to hire is established in the Code of Offences of the Kyrgyz Republic.²⁶² This recommendation has been implemented.

Women using drugs

²⁵⁶ Joint United Nations Programme on HIV/AIDS (UNAIDS), *HIV Criminalization*, UNAIDS Human Rights Fact Sheet Series #1 (Geneva: Joint United Nations Programme on HIV/AIDS, 2024), https://www.unaids.org/sites/default/files/media_asset/01-hiv-human-rights-factsheet-criminalization_en.pdf

²⁵⁷ CEDAW/C/KGZ/CO/5, 44 (e).

²⁵⁸ Law of the Kyrgyz Republic "On Public Health (in Russian)" «Об общественном здравоохранении», No. 10 of 12 January 2024, art. 51 (4). <https://cbd.minjust.gov.kg/4-5301/edition/3727/ru>

²⁵⁹ Cabinet of Ministers of the Kyrgyz Republic, *Resolution on Public Health and the Protection of Citizens' Health in the Field of HIV and Bloodborne Viral Hepatitis (in Russian)* «О вопросах общественного здравоохранения и охраны здоровья граждан в области ВИЧ и гемоконтактных вирусных гепатитов», Cabinet Resolution No. 795, 25 December 2024, appendix 3 (List of Specialties and Positions Subject to Mandatory Medical Examination for HIV and Bloodborne Viral Hepatitis). <https://cbd.minjust.gov.kg/7-37002/edition/24595/ru>

²⁶⁰ Labor Code of the Kyrgyz Republic (in Russian) «Трудовой кодекс Кыргызской Республики», No. 23 of 23 January 2025, art. 9 (2). <https://cbd.minjust.gov.kg/3-45/edition/25298/ru>

²⁶¹ Labor Code of the Kyrgyz Republic, No. 23 of 23 January 2025, art. 25 (4-5) (in Russian).

²⁶² Code of the Kyrgyz Republic on Offences, No. 128 of 28 October 2021, art. 88 (in Russian).

The Committee recommends that Kyrgyzstan introduce two legislative changes concerning the rights of women who use drugs. The first recommendation concerns the decriminalization of drug possession for personal use without intent to sell.²⁶³ This recommendation has not been implemented. Depending on the quantity of the drug found, even without intent to sell, liability may arise under either the Code of Offenses or the Criminal Code of the Kyrgyz Republic.²⁶⁴ Moreover, the absence of a minimum threshold for the quantity of drugs in legislation creates risks for outreach workers engaged in harm reduction programs who collect used syringes containing drug residue; even trace amounts remaining in a syringe may be interpreted as possession.²⁶⁵ This risk indirectly relates to another Committee recommendation: ‘*Expand access for women who use drugs to harm reduction programs and facilities.*’²⁶⁶ The work of outreach specialists is also endangered by Article 287 of the Criminal Code on ‘inducing’ drug use. The role of these specialists is to provide sterile injecting equipment or instruct on safer use to minimize the risk of HIV infection or other harmful consequences.²⁶⁷ In addition, placing drug users in a mandatory registration system restricts their rights (for example, by making certain types of employment inaccessible or preventing them from obtaining a driver’s license). Registration carries a high risk of breaches of confidentiality, which discourages drug-dependent individuals from seeking medical assistance, thereby preventing them from overcoming addiction.²⁶⁸ This recommendation has not been implemented.

²⁶³ CEDAW/C/KGZ/CO/5, 46 (a).

²⁶⁴ Илим Садиков and Елена Кучерук, *Аналитический документ по декриминализации потребления наркотиков в Кыргызской Республике* (Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic), Bishkek, 2022, 6 (in Russian), <https://region.aph.org.ua/wp-content/uploads/2023/02/Kyrgyzstan.pdf>

²⁶⁵ Sadykov and Kucheruk, *Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic*, 11 (in Russian).

²⁶⁶ CEDAW/C/KGZ/CO/5, 46 (c).

²⁶⁷ Sadykov and Kucheruk, *Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic*, 11 (in Russian).

²⁶⁸ Sadykov and Kucheruk, *Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic*, 12 (in Russian).

The Committee's next recommendation is to amend Article 74 of the Family Code, which provides for the automatic removal of custody and parental rights on the basis of parental drug dependence.²⁶⁹ This recommendation has also not been implemented. Drug dependence remains one of the grounds for terminating parental rights in Kyrgyzstan.²⁷⁰

Lesbian, bisexual and transgender women

In 2023, changes were made to the Law of the Kyrgyz Republic "On measures to prevent harm to the health of children, their physical, intellectual, mental, spiritual, and moral development in the Kyrgyz Republic."²⁷¹ Specifically, Article 2-1 prohibits the dissemination of information among children "promoting non-traditional sexual relations." But the law doesn't say what "traditional sexual relations" means.²⁷² Article 5 of the new version of the Law of the Kyrgyz Republic "On Mass Media," which was passed in 2025, says that the media can't spread "information harmful to the mental or physical health of children."²⁷³

The Committee recommended removing references to "lesbianism" in former Articles 162-164 of the Criminal Code.²⁷⁴ But the same rules are now in Articles 155-157 of the current Criminal Code, which still uses language that is stigmatizing and discriminatory.²⁷⁵ Human rights advocates assert that the terms 'sodomy' and 'lesbianism'

²⁶⁹ CEDAW/C/KGZ/CO/5, 46 (b).

²⁷⁰ Family Code of the Kyrgyz Republic, No. 201 of 30 August 2003, art. 74 (in Russian).

²⁷¹ Law of the Kyrgyz Republic "On Measures for the Prevention of Harm to Children's Health, Physical, Intellectual, Mental, Spiritual, and Moral Development in the Kyrgyz Republic (in Russian)" «О мерах по предупреждению причинения вреда здоровью детей, их физическому, интеллектуальному, психическому, духовному и нравственному развитию в Кыргызской Республике», No. 185 of 21 July 2015. <https://cbd.minjust.gov.kg/111229/edition/1273540/ru>

²⁷² «Контроль над третьим сектором: ограничения деятельности LGBT-организаций в Кыргызстане в борьбе за традиционные ценности [Control over the Third Sector: Restrictions on the Activities of LGBT Organizations in Kyrgyzstan in the Fight for Traditional Values],» CABAR.asia, accessed 16 December 2025, <https://cabar.asia/ru/kontrol-nad-tretim-sektorom-ogranicheniya-devatelnosti-lgbt-organizatsij-v-kyrgyzstan-e-v-borbe-za-traditsionnye-tsennosti>. [in Russian]

²⁷³ Law of the Kyrgyz Republic "On Mass Media (in Russian)" «О средствах массовой информации», No. 188 of 6 August 2025, art. 5. <https://cbd.minjust.gov.kg/4-5608/edition/35496/ru>

²⁷⁴ CEDAW/C/KGZ/CO/5, 48 (a).

²⁷⁵ Criminal Code of the Kyrgyz Republic, No. 127 of 28 October 2021, art. 155-157 (in Russian).

in this context undermine human dignity and perpetuate homophobic rhetoric.²⁷⁶ This recommendation has not been implemented.

The Committee suggested that a definition of rape be based on lack of consent, so that all women, including LBT women, are protected.²⁷⁷ As previously noted, the definition of the offense does not include ‘lack of consent’ as a key element. Article 154 (‘Rape’) of the Criminal Code contains no terminology referring to LBT women.²⁷⁸ This recommendation has not been implemented.

The Committee urged restoring the ability to change the “sex” marker and personal identification number based on a medical certificate, as allowed prior to the 2020 amendments.²⁷⁹ This provision was removed in the new legislation, which now requires a court decision, creating new obstacles for transgender people in realizing their rights.²⁸⁰ This recommendation has not been implemented.

Another recommendation of the Committee concerns the criminalization of incitement to hatred against LBT women and acts of violence against them, as well as recognizing SOGI as aggravating circumstances when they motivate such offenses.²⁸¹ The country’s legislation, overall, does not contain a definition of hate crimes or hate speech²⁸². The Criminal Code of the Kyrgyz Republic does not contain an article on hate crimes motivated by SOGI. Sexual orientation and gender identity are absent from the list of aggravating circumstances in Article 74 of the Criminal Code. Police typically classify such crimes as “hooliganism” or “assault,” preventing proper investigation of hate-motivated crimes related to LGBT identity.²⁸³ This recommendation has not been implemented.

²⁷⁶ ECOM et al., *Human Rights Violations of Trans People in Kyrgyzstan*, 13.

²⁷⁷ CEDAW/C/KGZ/CO/5, 48 (b).

²⁷⁸ Criminal Code of the Kyrgyz Republic, No. 127 of 28 October 2021, art. 154 (in Russian).

²⁷⁹ CEDAW/C/KGZ/CO/5, 48 (c).

²⁸⁰ ECOM et al., *Human Rights Violations of Trans People in Kyrgyzstan*, 22

²⁸¹ CEDAW/C/KGZ/CO/5, 48 (d).

²⁸² ECOM, *Analysis of the National Legislation of the Kyrgyz Republic Related to SOGI and HIV*, 8.

²⁸³ ECOM et al., *Human Rights Violations of Trans People in Kyrgyzstan*, 11

The Committee's recommendations concerning disadvantaged and marginalized groups of women have been largely unimplemented. Women with disabilities have made some progress since aides were made available for blind people who are involved in criminal cases, but there are still big gaps, such as the lack of protections against gender- or disability-motivated violence. Recommendations relating to women living with HIV/AIDS show partial implementation, particularly regarding prohibitions on requiring HIV-status certificates for employment. However, broader reforms - such as decriminalizing HIV transmission - remain ambiguous in practice. None of the recommendations for women using drugs have been implemented. Similarly, suggestions for the rights of lesbian, bisexual, and transgender women have not been implemented, including reforms to discriminatory terminology, adoption of consent-based rape definitions, restoration of legal gender recognition procedures, and the criminalization of hate-motivated violence. Overall, implementation in this category remains minimal.

Employment

The Committee's suggestions for employment focus on making sure that women have the same working conditions as men, eliminating all types of discrimination, fighting sexual harassment at work, and removing restrictive labour regulations.²⁸⁴ This section evaluates legislative compliance with these recommendations.

In June 2024, Kyrgyzstan ratified ILO Convention No. 190 on eliminating violence and harassment in the world of work,²⁸⁵ partially fulfilling recommendation 34(g).²⁸⁶ However ILO Convention No. 183 (Maternity Protection) and ILO Convention No. 156 (Workers with Family Responsibilities) have not been ratified.²⁸⁷

²⁸⁴ CEDAW/C/KGZ/CO/5, 34 (b).

²⁸⁵ "Kyrgyzstan ratifies the ILO Violence and Harassment Convention 2019 (No. 190)," *International Labour Organization*, June 4, 2024, <https://www.ilo.org/resource/news/ilc/112/kyrgyzstan-ratifies-ilo-violence-and-harassment-convention-2019-no-190>.

²⁸⁶ CEDAW/C/KGZ/CO/5, 34 (g).

²⁸⁷ "International Labour Standards country profile: Kyrgyzstan," *International Labour Organization NORMLEX*, accessed December 17, 2025, https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:11210:0::NO::P11210_COUNTRY_ID:10352.

Sexual harassment is defined as gender discrimination in Article 5 of the Law “On State Guarantees of Equal Rights and Equal Opportunities for Men and Women,”²⁸⁸ and Article 21, which obliges employers to prevent harassment and provides for compensation for victims. However, neither civil nor criminal legislation in Kyrgyzstan contains liability for sexual harassment.²⁸⁹

On 21 October 2025, the Ministry of Internal Affairs published a draft law proposing liability for “harassment” with fines or arrest in the Code of Offenses and criminal liability for repeated acts.²⁹⁰ The definition of ‘harassment’ in the draft law differs from the definition of ‘sexual harassment’ in the Law ‘On State Guarantees of Equal Rights and Equal Opportunities for Men and Women.’ Since the draft law has not yet been adopted, it cannot be said that the Committee’s recommendation in terms of “harassment” has been implemented.

Article 5 of the same Law on Equal Rights and Equal Opportunities says that people should get paid the same amount for the same amount of work.²⁹¹ This recommendation has been partially implemented.

²⁸⁸ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 139.

²⁸⁹ M.T. Bekishova, Ch.A. Musabekova, and Ch.S. Bialieva, *Защита прав женщин с инвалидностью, подвергшихся насилию, в Кыргызской Республике (учебно-практическое руководство для судей, прокуроров, милиционеров, адвокатов, социальных и иных служб)* (Protection of the Rights of Women with Disabilities Exposed to Violence in the Kyrgyz Republic: A Practical Guide for Judges, Prosecutors, Police, Lawyers, Social and Other Services), 2nd revised edition, Bishkek, 2025, 89 (in Russian).

²⁹⁰ Draft Law of the Kyrgyz Republic “*On Amendments to Certain Legislative Acts of the Kyrgyz Republic (to the Criminal Code, the Criminal Procedure Code, and the Code of the Kyrgyz Republic on Offences)* (in Russian)” Проект Закона Кыргызской Республики «О внесении изменений в некоторые законодательные акты Кыргызской Республики (в Уголовный кодекс Кыргызской Республики, Уголовно-процессуальный кодекс Кыргызской Республики и Кодекс Кыргызской Республики о правонарушениях)», published for public discussion on KoomTalkuu. <https://koomtalkuu.gov.kg/ru/view-npa/5343>

²⁹¹ Law of the Kyrgyz Republic “*On State Guarantees of Equal Rights and Equal Opportunities for Men and Women (in Russian)*” «О государственных гарантиях равных прав и равных возможностей для мужчин и женщин», No. 184 of 4 August 2008, art. 5. <https://cbd.minjust.gov.kg/202398/edition/382698/ru>

In January 2025, a new Labour Code²⁹² was adopted, which no longer includes restrictions preventing all women from working in certain occupational categories. Restrictions now apply only to pregnant women and breastfeeding women.²⁹³ This recommendation,²⁹⁴ in terms of legislative amendments, has been fully implemented.

In the area of employment, the Committee's recommendations have been partially or fully implemented. Kyrgyzstan ratified ILO Convention No. 190 and removed occupational restrictions for women, while the principle of equal pay is reflected in legislation. However, no legal norms to prevent or criminalize sexual harassment have yet been introduced, as the relevant draft law is still pending. Kyrgyzstan has also not ratified ILO Conventions Nos. 183 and 156. Overall, implementation in this area is partial.

Participation in political and public life

The Committee recommended *'review its electoral legislation in order to achieve parity between women and men in the political life of the country and adopt targeted measures, including temporary special measures, such as increasing quotas, to expand the representation of women at all levels of government, in the Jogorku Kenesh and local councils, in the judiciary, and in academia, particularly at decision-making levels.'*²⁹⁵

This section evaluates whether the legal framework complies with these recommendations.

The Constitution of Kyrgyzstan does not have any specific rules about women's involvement in politics and public life, other than general rules about equality. The Basic

²⁹² Labor Code of the Kyrgyz Republic, No. 23 of 23 January 2025 (in Russian).

²⁹³ "Kyrgyzstan lifted professional bans for women. An important stage of the #AllJobs4AllWomen campaign," ADC Memorial, accessed December 16, 2025, <https://adcmemorial.org/en/news/kyrgyzstan-lifted-professional-bans-for-women-an-important-stage-of-the-alljobs4allwomen-campaign/>

²⁹⁴ CEDAW/C/KGZ/CO/5, 34 (e).

²⁹⁵ CEDAW/C/KGZ/CO/5, 26 (a).

Law does not directly require government agencies to implement temporary special measures.²⁹⁶

Electoral reform and representation quotas

In 2025, Kyrgyzstan changed the Constitutional Law "On the Election of the President and Deputies of the Jogorku Kenesh" in a big way.²⁹⁷ It went from a mixed electoral system to a majoritarian system with a single non-transferable vote. There are 30 electoral districts that elect 90 deputies, and one seat in each district is set aside for a candidate of the underrepresented sex. As a result, 30 seats are reserved for candidates of the underrepresented sex, but if the number of eligible candidates is insufficient, the seat is transferred to other candidates regardless of gender quota requirements.²⁹⁸ As described above, the current electoral legislation does not aim to achieve parity - meaning equal (50/50) representation of women and men in Parliament. Only 30% of Parliament members can be women. This recommendation has been partially implemented.

Barriers to women's political participation

The Committee recommended adopting temporary special measures such as increased quotas and parity rules in party lists. Current legislation: requires that no more than 70% of candidates on a party list may be of the same sex;²⁹⁹ does not require alternating ("zipper system") female and male candidates; maintains high registration fees (300,000

²⁹⁶ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh of the Kyrgyz Republic - Final Report* (May 16, 2023), 1, <https://platforma.kg/wp-content/uploads/2023/07/2023.05.16-REPORT-Participatory-Gender-Audit-of-the-Jogorku-Kenesh-final-ENGLISH.pdf>, K-KR.pdf

²⁹⁷ Constitutional Law of the Kyrgyz Republic "On Elections of the President of the Kyrgyz Republic and Deputies of the Jogorku Kenesh of the Kyrgyz Republic (in Russian)" «Конституционный закон Кыргызской Республики о выборах Президента Кыргызской Республики и депутатов Жогорку Кенеша Кыргызской Республики», No. 68 of 2 July 2011.

²⁹⁸ OSCE Office for Democratic Institutions and Human Rights (ODIHR), *ODIHR Needs Assessment Mission Report: Kyrgyzstan, Early Parliamentary Elections, 30 November 2025* (Warsaw: OSCE/ODIHR, 2025), 6, <https://odhr.osce.org/sites/default/files/f/documents/8/8/598918.pdf>.

²⁹⁹ Constitutional Law of the Kyrgyz Republic, No. 68 of 2 July 2011, art. 60 (11) (in Russian).

soms), which disproportionately affect women;³⁰⁰ does not require quotas based on minority status or disability;³⁰¹ does not incorporate temporary special measures beyond the limited quota.

The Committee's recommendations regarding women's participation in political and public life have been only partially implemented. The new electoral system introduced a limited gender quota (up to 30 seats), but it does not ensure parity and can be circumvented. High registration fees may restrict women's participation. The requirement that no more than 70% of a party list be composed of candidates of the same sex also does not correspond to the recommended 50/50 system. Overall, implementation remains partial.

2.2. Implementation of CEDAW Recommendations in Law Enforcement Practice and Addressing Gender Stereotypes

This section examines the implementation of the Committee's recommendations in law enforcement practice and the fight against gender stereotypes. The previous chapter looked at how well the state has included CEDAW standards in its official legal system. The next chapter looks at how police, prosecutors, courts, social services, and other institutions that are supposed to protect women's rights actually use these laws and how social and cultural barriers affect this.

This chapter concentrates on specific recommendations derived from the Committee's 2021 Concluding Observations, utilizing the previously outlined criteria:

- Gender-based violence against women and harmful practices, including the investigation and prosecution of domestic violence cases, forced marriages like *ala kachu* (bride kidnapping), and early marriage, the enforcement of protection orders, and the accountability of officials who don't take action.
- Oppressed and marginalized groups of women, including women with disabilities, women living with HIV/AIDS, women who use drugs, and lesbian, bisexual, and

³⁰⁰ Kochorbaeva et al., *Violence against Women in Politics in the Kyrgyz Republic*, 40 (in Russian).

³⁰¹ OSCE/ODIHR, *Needs Assessment Mission Report: Kyrgyzstan, Early Parliamentary Elections*, 9.

transgender (LBT) women, with a focus on discriminatory treatment by law enforcement and obstacles to justice.

- Participation in political and public life, in particular the State's duty to investigate cases of violence, intimidation, and harassment against women candidates, activists, and public officials, and to ensure their equal and safe participation in political processes.

These three groups represent areas where the gap between legislation and its practical application is most pronounced and where failures in law enforcement have the most serious consequences for women's rights. They also correspond to areas in which the Committee has consistently expressed serious and recurring concerns, and for which substantial information on law enforcement practice is available.

The section concludes with a subsection analyzing the implementation of the Committee's two recommendations regarding gender stereotypes.

Gender based violence

Domestic violence

Domestic violence in the Kyrgyz Republic remains one of the most severe forms of gender-based violence, a fact repeatedly highlighted by the CEDAW Committee during the fifth cycle of its review of the country's report. According to the Committee's recommendations, the state is obligated to strengthen its efforts to combat domestic violence in accordance with General Recommendation No. 35,³⁰² including by ensuring effective investigation and prosecution of gender-based violence,³⁰³ effective enforcement of protection orders,³⁰⁴ ensuring women's access to justice,³⁰⁵ strengthening women's support services, and widely publicizing domestic violence crimes.³⁰⁶ Despite significant legislative reforms to combat domestic violence, gaps remain in practice.

³⁰² CEDAW/C/KGZ/CO/5, 50 (d).

³⁰³ CEDAW/C/KGZ/CO/5, 22 (d).

³⁰⁴ CEDAW/C/KGZ/CO/5, 22 (e).

³⁰⁵ CEDAW/C/KGZ/CO/5, 22 (f).

³⁰⁶ CEDAW/C/KGZ/CO/5, 22 (h).

The Scale and Trends of Domestic Violence

According to statistics agencies, in 2024, 17,316 cases of domestic violence were registered in Kyrgyzstan, approximately 14,400 temporary protective orders were issued,³⁰⁷ and 3,400 people sought medical assistance.³⁰⁸ However, only 586 were convicted, 99% of whom were men.³⁰⁹ Experts note an increase in the severity of domestic violence and an increase in cases ending in murder.³¹⁰

A particularly sharp spike in violence occurred during the COVID-19 pandemic: In just three months of lockdown in 2020, 2,319 reports were registered, exceeding the same period in 2019 by 65%, with 95% of victims being women.³¹¹ This factor had already raised concerns for the Committee in 2021.³¹²

Problems with the Implementation of Legislation and Protective Measures

Kyrgyzstan's regulatory framework contains several strengths. The Law "On Protection from Domestic Violence" (2017) assigned protection functions to 11 authorized bodies, defined the tasks of each body, and established a mechanism for interagency coordination. However, despite this, the implementation of the law's progressive provisions remains a major challenge. The protection order mechanism, intended as a key measure of immediate protection, is de facto ineffective. The law provides for the temporary eviction of the aggressor and the restriction of parental rights, but in practice, these measures are virtually unachievable. Weak implementation of the law is also due to

³⁰⁷ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020-2024*, 223 (in Russian).

³⁰⁸ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020-2024*, 228 (in Russian).

³⁰⁹ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020-2024*, 226 (in Russian).

³¹⁰ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 127.

³¹¹ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 155-156.

³¹² CEDAW/C/KGZ/CO/5, 21.

the lack of standard operating procedures at all stages of assistance, as well as problems in implementing monitoring mechanisms, data collection, and the analysis of judicial practice.³¹³

Most cases of gender-based violence are classified as private-public prosecutions. This means that the victims have to prove their case, and it is less likely that a case will be started without the victim's active participation.³¹⁴ Many women still can't get to the only municipal shelter that is legally required because it is too full or too far away. The court's requirement that people who commit domestic violence go through a correctional program (CP) is also often impossible to enforce because the organizations that offer CP training are too far away.³¹⁵

Pre-Trial and Trial Proceedings

Even though there are clear legal procedures, law enforcement practice shows big differences. A PIL-Research analysis (2023) found systemic problems in the pre-trial stage. For example, victims are often not sent for forensic medical exams, temporary protective orders are not given in all cases, and the deposition process is almost never used.³¹⁶ Another problem is the incorrect classification of domestic violence by law enforcement officials.³¹⁷ A large number of domestic violence cases referred to court

³¹³ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 22 (in Russian).

³¹⁴ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 105.

³¹⁵ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 23 (in Russian).

³¹⁶ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 23 (in Russian).

³¹⁷ Maralbaeva and Pierobon, "Ending Gender-Based Violence in Kyrgyzstan," 206-208.

were classified as offense rather than crimes.³¹⁸ Statistics confirm this approach: in 2024, courts heard 859 criminal cases³¹⁹ and 4,103 offenses related to domestic violence.³²⁰

The problem of misclassification also affects judges. Analysis shows that courts often classify domestic violence as battery, causing minor bodily harm, or petty hooliganism, without considering the violence to be systematic.³²¹ At the trial stage, lenient punishments, mostly fines, are also common. This makes things worse for victims of domestic violence because the fines come out of the family's general budget.³²² This is why victims often drop their complaints. Fines remain virtually the only effective tool due to the lack of mechanisms for implementing other types of punishment, such as correctional and community service. Furthermore, the adoption of laws has not led to punishment for perpetrators: only 14% of cases initiated at the pre-trial stage reach trial, while 86% are dismissed, often due to reconciliation between the parties. Aggressors can also avoid actual punishment by taking advantage of the legal provision of probation, even for serious crimes.³²³ There have been cases of unjustifiably lenient sentences, including suspended sentences for the murder of a spouse.³²⁴

Enforcement of court orders for compensation for material and moral damages also faces serious difficulties. In cases where convicted persons lack assets, recovery becomes virtually impossible, depriving women of one of the most important tools for restoring

³¹⁸ U.S. Department of State, *Отчёт о соблюдении прав человека в Кыргызской Республике за 2023 год* (Country Report on Human Rights Practices: Kyrgyz Republic, 2023), 32-33 (in Russian), <https://kg.usembassy.gov/wp-content/uploads/sites/139/2024/07/KYRGYZ-REPUBLIC-2023-HUMAN-RIGHTS-REPORT-RU-1.pdf>

³¹⁹ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020–2024*, 223-224 (in Russian).

³²⁰ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020–2024*, 227 (in Russian).

³²¹ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 23 (in Russian).

³²² Maralbaeva and Pierobon, “Ending Gender-Based Violence in Kyrgyzstan,” 206-208.

³²³ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 22 (in Russian).

³²⁴ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 155.

their violated rights.³²⁵ Another thing that makes women more vulnerable is that they don't know much about the law, which makes it harder for them to use the protections that are available to them.³²⁶

Institutional and Resource Constraints on Law Enforcement

A systemic lack of money and people is one of the main things that makes it hard to put laws on protecting people from domestic violence into action.³²⁷ Because they don't have enough money, government agencies can't fully carry out their duties. A lot of the work to stop violence against women and girls is done with the help of development partners who give money and help with methods. This makes these programs short-term and not long-lasting. A number of government officials also don't have enough people to work for them. During their 12-day trip to Kyrgyzstan in the spring of 2022, Committee members found that different agencies are currently collecting data on domestic violence, which makes the data inconsistent. They called for the creation of a unified system for collecting data on domestic violence.³²⁸

Overall, the country lacks a comprehensive policy for the protection and safeguarding against gender-based violence. The planning cycle is systematically delayed, the monitoring and analysis cycle is virtually nonexistent, and the formulation cycle barely takes into account the results of existing research and analysis.³²⁹

Sociocultural factors

³²⁵ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 161.

³²⁶ Maralbaeva and Pierobon, "Ending Gender-Based Violence in Kyrgyzstan," 206-208.

³²⁷ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 30 (in Russian).

³²⁸ United Nations, *End of mission statement by the Working Group on discrimination against women and girls (visit to Kyrgyzstan)* (OHCHR, Apr. 15, 2022), <https://www.ohchr.org/en/statements-and-speeches/2022/04/end-mission-statement-working-group-discrimination-against-women>

³²⁹ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 30 (in Russian).

Entrenched gender stereotypes remain a key factor in the persistence of domestic violence.³³⁰ Family and societal pressure often compels women to abandon prosecution and reconcile, even in the face of medical evidence of severe and systematic violence.³³¹ A UNICEF survey reveals that 19% of women themselves said their husbands are justified in beating their wives for any of the following reasons: burning food, refusing him sexual intercourse, talking back to their husband, neglecting their children, or leaving the house without telling their husband.³³²

Prevention and Awareness-Raising

Government measures to prevent gender-based violence and raise public awareness remain underdeveloped. At the national and local levels, there are no fully developed systems for informing and educating local communities about domestic violence and state policies on protection from violence. Non-profit organizations, with the assistance of international organizations, make the primary contribution to raising public awareness. This preventive work often remains "invisible": sometimes even the organizations themselves do not identify such activities as services for protection from gender-based violence.³³³

Bride kidnapping and forced marriage

Kyrgyzstan has criminalized the forced marriage of girls and women, but the Committee is concerned that, in practice, a large number of women are still abducted for the purpose of marriage.³³⁴ This refers, of course, to the abduction of a girl without her consent. As

³³⁰ U.S. Department of State, *Country Report on Human Rights Practices: Kyrgyz Republic*, 32-22 (in Russian).

³³¹ Maralbaeva and Pierobon, "Ending Gender-Based Violence in Kyrgyzstan," 206-208.

³³² UNICEF, *Kyrgyz Republic Multiple Indicator Cluster Survey 2023: Snapshots of Key Findings* (UNICEF, July 2024), 47, [https://www.unicef.org/kyrgyzstan/media/8986/file/MICS%20Statistical%20Snapshots%20EN%20KGZ%202023%20v1.4%20\(with%20cover\).pdf.pdf](https://www.unicef.org/kyrgyzstan/media/8986/file/MICS%20Statistical%20Snapshots%20EN%20KGZ%202023%20v1.4%20(with%20cover).pdf.pdf).

³³³ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 25 (in Russian).

³³⁴ CEDAW/C/KGZ/CO/5, 21.

previously noted, the Committee made extensive recommendations to Kyrgyzstan to prevent *ala-kachuu* (bride kidnapping). Unfortunately, it is not possible to analyze all of these recommendations due to word limits, but an analysis of the most serious ones will be included.

Thus, the Committee recommended "*Exercise due diligence to prevent, investigate, punish, and provide reparations for all crimes of bride kidnapping and related sexual violence,*"³³⁵ ensuring access to justice for victims of *ala-kachu*,³³⁶ including by prosecuting family members or friends involved in this crime³³⁷ and creating specialized gender units within law enforcement agencies and prosecutorial bodies that employ gender-sensitive methodologies.³³⁸

The Ombudsman's Office says that there were only 11 cases of bride kidnapping in 2024,³³⁹ 19 in 2023,³⁴⁰ and 560 in 2021. Only 82 of these cases (15%) went to trial, and 460 of them (82%) were closed.³⁴¹ Human rights advocates say that about 20% of

³³⁵ CEDAW/C/OP.8/KGZ/1, ¶ 93 (a).

³³⁶ CEDAW/C/OP.8/KGZ/1, ¶ 94.

³³⁷ CEDAW/C/OP.8/KGZ/1, ¶ 93 (d).

³³⁸ CEDAW/C/OP.8/KGZ/1, ¶ 93 (e).

³³⁹ Office of the Ombudsperson of the Kyrgyz Republic, *Ежегодный доклад Акыйкатчы (Омбудсмена) Кыргызской Республики по итогам 2024 года* (Annual Report of the Ombudsperson of the Kyrgyz Republic on the State of Human Rights and Freedoms in 2024), 72, https://ombudsman.kg/sites/default/files/documents/ezhegodnyy_doklad_2024_russ_1.pdf (in Russian).

³⁴⁰ National Statistical Committee of the Kyrgyz Republic, *Преступность и правопорядок в Кыргызской Республике* (Crime and Public Order in the Kyrgyz Republic), Bishkek, 2025, 17, <https://stat.gov.kg/media/publicationarchive/e3c77326-4724-444c-94c1-035a84c422b5.pdf> (in Russian).

³⁴¹ "New Criminal Code amendments: Punishment for 'Bride Kidnapping,'" *United Nations Development Programme Kyrgyzstan*, April 7, 2022, <https://www.undp.org/kyrgyzstan/press-releases/new-criminal-code-amendments-punishment-bride-kidnaping>

marriages in Kyrgyzstan are done through ala-kachu.³⁴² A lot of people think this is a traditional practice, so a lot of criminals don't get charged.³⁴³

Many girls remain with their captors because they feel they have no other choice, especially since ala-kachu often involves rape - a tool used to pressure the woman to stay.³⁴⁴ Nikah (religious marriage) helps legitimize the rape of women.³⁴⁵ Impunity for sexualized violence remains a systemic problem: in 2021, 75% of sexualized violence cases were dropped.³⁴⁶

Studies show that 25% of women and 30% of men believe the victim should marry the kidnapper, and 70% of respondents are unwilling to take back a relative after ala-kachu accompanied by rape.³⁴⁷ Ala-kachu is most often committed against uneducated girls or girls from low-income families.³⁴⁸ A serious data gap is also noted: there are no relevant and comprehensive studies on this phenomenon in the country, despite the Committee's explicit recommendation.³⁴⁹

Early marriages

³⁴² Equality Now, Associate Professor Dr. Nadejda Prigoda, Human Rights Movement, Bir Duino-Kyrgyzstan (BDK), Public Association “Ensan Diamond,” and PA “Alga,” *Information on Kyrgyzstan for Consideration by the Committee on the Elimination of Discrimination against Women at its 76th Pre-Sessional Working Group (11–15 November 2019)*, 30 September 2019, 8.

³⁴³ “Child marriage remains a ‘persistent challenge’ in Eurasia – report,” *Eurasianet*, accessed December 16, 2025, <https://eurasianet.org/child-marriage-remains-a-persistent-challenge-in-eurasia-report/>

³⁴⁴ Equality Now et al., *Information on Kyrgyzstan for Consideration by CEDAW, 76th Pre-Sessional Working Group*, 7.

³⁴⁵ Erisheva, “Gender Equality and International Human Rights Law in Kyrgyzstan,” 121.

³⁴⁶ Equality Now, *Sexual Violence and Disability in Kyrgyzstan: Law, Policy, Practice and Access to Justice*, 2023, 4, <https://equalitynow.org/resource/reports/sexual-violence-and-disability-in-kyrgyzstan-law-policy-practice-and-access-to-justice/>.

³⁴⁷ Erisheva, “Gender Equality and International Human Rights Law in Kyrgyzstan,” 121.

³⁴⁸ Equality Now et al., *Information on Kyrgyzstan for Consideration by CEDAW, 76th Pre-Sessional Working Group*, 8.

³⁴⁹ CEDAW/C/OP.8/KGZ/1, ¶ 98 (b).

Early or child marriage (where at least one party is under 18) is considered a form of forced marriage because such a union is not based on full, free, and informed consent.³⁵⁰ Underage marriages are prohibited by law; in exceptional cases, a marriage with a 17-year-old can be registered (described in the Legislation section). Kyrgyzstan also prohibits religious marriages for minors. However, this ban is poorly enforced. According to statistics, four cases of "violation of the law on marriageable age during religious ceremonies" were registered in 2023,³⁵¹ and 29 in 2024.³⁵² However, not all participants in this crime are held accountable.³⁵³ The Ombudsman's Office did a study that found that in the first nine months of 2024, police in the Suzak District reported 23 cases of underage marriages, but 91% of them were dismissed. During the same time, 21 girls who were not yet 18 years old signed up to be pregnant and gave birth. The police were called in all of these cases, but in 85% of them, they refused to start criminal proceedings. A special district commission that reviews applications to lower the marriage age received 17 such applications in 2024 and approved all of them.³⁵⁴

According to a UNICEF Cluster Survey, 9% of women surveyed entered into their first official or common-law marriage before the age of 18.³⁵⁵ Overall, in Kyrgyzstan, 310 girls aged 15-17 gave birth to children in 2023.³⁵⁶ The Ombudsman notes that early marriages persist due to economic hardship, the practice of *ala-kachu* and forced

³⁵⁰ Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, *Joint general recommendation No. 31 ... on harmful practices*, CEDAW/C/GC/31/CRC/C/GC/18, ¶39 (A-B) (14 Nov. 2014), <https://undocs.org/CEDAW/C/GC/31/CRC/C/GC/18>

³⁵¹ National Statistical Committee of the Kyrgyz Republic, *Crime and Public Order in the Kyrgyz Republic*, 17 (in Russian).

³⁵² «Омбудсмен призывает госорганы защитить девочек от вступления в ранние браки [The Ombudsman Calls on State Bodies to Protect Girls from Entering Early Marriages],» *Ombudsman.kg*, 18 February 2025, <https://ombudsman.kg/ru/publications/ombudsmen-prizyvaet-gosorgany-zashchitit-devochek-ot-vstupleniy-a-v-rannie-braki/>. [in Russian]

³⁵³“The ongoing fight against child marriage and ‘bride kidnapping’ in Kyrgyzstan,” *UN News*, February 20, 2022, <https://news.un.org/en/story/2022/02/1111902>.

³⁵⁴ “The Ombudsman Calls on State Bodies to Protect Girls.”

³⁵⁵ UNICEF, *Kyrgyz Republic Multiple Indicator Cluster Survey 2023*, 44.

³⁵⁶ “The Ombudsman Calls on State Bodies to Protect Girls.”

marriage, low awareness of the harm caused by early marriage, the legal ability to lower the age of marriage, and lenient sanctions for religious marriages with children.³⁵⁷

The Association of Women Judges conducted a study³⁵⁸ on the enforcement practices of the article "Violation of the Law on the Age of Marriage during Religious Ceremonies" under the previous version of the Criminal Code (though a similar article exists in the current code). Sixty-two cases (from 2019 to 2020) were examined.³⁵⁹ None of the criminal cases that reached court contained a certificate permitting marriage for good reasons at age 17, suggesting that the presence of such a certificate may terminate criminal prosecution at the pre-trial stage. The experts also noted the absence of the concept of "good reason" in the legislation. The defendants in cases of violation of the law on the age of marriage during religious ceremonies include the adult "groom," the imam (religious leader) who performed the wedding, and the parents.³⁶⁰ In 62 cases, 141 people were charged (including 17 imams, 52 "grooms," 29 mothers of the girls, and 17 mothers of the accused).³⁶¹ In some regions, only the "groom" was charged.³⁶²

Among the difficulties in investigating such cases, it was noted that some police investigators and prosecutors understand that if there is no religious rite of "nikah," then the case does not fall under this article of the Kyrgyz Criminal Code, and therefore, no crime has been committed. Delays in the investigation, poor quality of procedural documents during the investigation, and violations of rules for interrogating minors were also noted.³⁶³

³⁵⁷ Office of the Ombudsperson of the Kyrgyz Republic, *Annual Report of the Ombudsperson of the Kyrgyz Republic on the State of Human Rights and Freedoms in 2024*, 73 (in Russian).

³⁵⁸ UNICEF Project "Monitoring of Judicial Practice on the Prevention of Child Marriages," implemented by the Public Association "Kyrgyz Association of Women Judges," *Отчет о мониторинге судебной практики по применению статьи 178 Уголовного кодекса Кыргызской Республики* (Report on Monitoring Judicial Practice on the Application of Article 178 of the Criminal Code of the Kyrgyz Republic), Bishkek, 2021 (in Russian), <https://bit.ly/4oYaChc>

³⁵⁹ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 19 (in Russian).

³⁶⁰ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 23 (in Russian).

³⁶¹ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 27 (in Russian).

³⁶² UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 28 (in Russian).

³⁶³ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 31 (in Russian).

Prosecutor's oversight of such cases is insufficient and ineffective,³⁶⁴ as the study showed that at the first instance, prosecutors primarily requested the minimum sentence under the article (40%), and only in two cases did they request the maximum. In 11% of cases, the prosecutor agreed with the defense to dismiss the case.³⁶⁵ Prosecutors often request probation. During interviews, they stated that they consider the moral aspect of the issue and that they do not want to destroy families, especially if there is a child involved.³⁶⁶ The first instance court outcome was 79% guilty verdicts, 23% dismissal of the case,³⁶⁷ 14% of dismissed cases were illegal, as changes to criminal legislation had been made at the time, and these cases were no longer dismissed following reconciliation. At the trial stage, there were also violations due to the absence of a representative from the Family and Children Support Department.³⁶⁸

Conclusion on the Gender-Based Violence Section

Despite legislative reforms and formal strengthening of measures to protect women from violence, the actual state of affairs demonstrates a systemic failure to implement the CEDAW Committee's key recommendations.

Ongoing problems like wrongly classifying crimes, throwing out cases, not enforcing protection orders well enough, not having enough support infrastructure, not having enough money, not having enough specialists, not having a unified data system, women not knowing enough about the law, gender stereotypes that won't go away, and societal pressure all make it much harder for women to get justice and protection.

The practice of *ala-kachu* and early marriage demonstrates a particularly high level of impunity and the social normalization of violence. Many cases are dismissed, sexualized violence is not properly investigated, and religious rituals are used to legitimize crimes.

³⁶⁴ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 44 (in Russian).

³⁶⁵ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 33-34 (in Russian).

³⁶⁶ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 34 (in Russian).

³⁶⁷ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 36 (in Russian).

³⁶⁸ UNICEF, *Monitoring of Judicial Practice on the Prevention of Child Marriages*, 44 (in Russian).

Overall, it can be said that individual elements of the recommendations have been partially implemented, and overall, the recommendation has not been implemented.

Women who Face Intersecting Forms of Discrimination in Kyrgyzstan

Women from marginalized groups face multiple and intersecting forms of discrimination and a wide range of human rights violations.³⁶⁹ The Committee suggested that Kyrgyzstan take specific steps to make sure that disadvantaged groups of women can get justice, work, health care (including sexual and reproductive health care that respects patient privacy), social protection, and food security, taking into account their unique needs.³⁷⁰

Women with disability

In 2024, there were 105,902 women with disabilities and 20,433 girls with disabilities in Kyrgyzstan.³⁷¹

Despite amendments to the Criminal Procedure Code of the Kyrgyz Republic allowing for the filing of complaints electronically,³⁷² many women with disabilities do not seek help from law enforcement due to the inclusive insensitivity of police officers, mistrust of victims with mental disabilities, lack of legal representation, the tedious process of proof, communication difficulties, physical inaccessibility of the building,³⁷³ and a lack of

³⁶⁹ UN, *End of mission statement by the Working Group on discrimination against women and girls* (Apr. 15, 2022).

³⁷⁰ CEDAW/C/KGZ/CO/5, 42.

³⁷¹ «Инвалидность [Disability],» *Национальный статистический комитет Кыргызской Республики (National Statistical Committee of the Kyrgyz Republic)*, 26 September 2025, <https://stat.gov.kg/ru/gendernaya-statistika/zdravoohranenie/invalidnost/>. [in Russian]

³⁷² Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 106.

³⁷³ STA (Социальное агентство технологий), *Гендерное и инклюзивное развитие в Кыргызстане: проблемы и рекомендации - базовое исследование Кыргызстан 2023 (Gender and Inclusive Development in Kyrgyzstan: Challenges and Recommendations - Baseline Research Kyrgyzstan 2023)*, 16 (in Russian), https://sta.kg/wp-content/uploads/2023/03/gendernoe-i-inklyuzivnoe-razvitie-v-kr_02.02.2023.pdf.

information about their rights.³⁷⁴ Although the introduction of sign language interpretation into criminal law has expanded the rights of people with disabilities, implementation is hampered by a lack of specialists and funding, shifting responsibility to the victims themselves.³⁷⁵

Girls with disabilities are limited in their right to education due to stereotypes, which leads to social isolation³⁷⁶ and the risk of poverty and violence due to lack of employment and income.³⁷⁷ Pensions and benefits are not enough to live a full life, and women with disabilities face stereotypes from employers who are reluctant to hire them without the incentive of state support.³⁷⁸

Women and girls with disabilities are often victims of violence, such as rape, beatings, neglect, and bullying, and the people who do these things are often the people closest to them.³⁷⁹ Studies show that as many as 68% of girls with disabilities have been sexually abused before they turn 18.³⁸⁰ Law enforcement agencies still lack an understanding of the principle of consent for people with intellectual disabilities.³⁸¹ Much violence against children with disabilities occurs in semi-closed institutions.³⁸²

³⁷⁴ United Nations Development Programme (UNDP), *Disability and Gender* (UNDP Kyrgyzstan, 8 October 2025), 12, <https://www.undp.org/kyrgyzstan/publications/disability-and-gender>

³⁷⁵ Bialieva, Musabekova, and Prigoda, *Analytical Note on the Legislation and Law-Enforcement Practice*, 96.

³⁷⁶ UNDP, *Disability and Gender*, 12.

³⁷⁷ STA (Социальное агентство технологий), *Гендерное и инклюзивное развитие в Кыргызстане* (Gender and Inclusive Development in Kyrgyzstan), 14 (in Russian).

³⁷⁸ STA (Социальное агентство технологий), *Гендерное и инклюзивное развитие в Кыргызстане* (Gender and Inclusive Development in Kyrgyzstan), 14 (in Russian).

³⁷⁹ “Kyrgyzstan: Domestic Violence Against Women, Girls with Disabilities,” *Human Rights Watch*, December 14, 2023, <https://www.hrw.org/news/2023/12/14/kyrgyzstan-domestic-violence-against-women-girls-disabilities>.

³⁸⁰ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 5.

³⁸¹ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 16.

³⁸² Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 16-17.

Experts note that the country lacks support for people with disabilities. Regulations for identifying children and families in difficult life situations are inadequate.³⁸³ Accessible information about sexualized violence and reporting procedures is lacking. Women don't have easy access to crisis centers, healthcare, and social support.³⁸⁴ There isn't enough affordable and easy-to-get legal help.³⁸⁵ Women with disabilities still have trouble getting around, which makes them even more socially isolated. The removal of the quota for people with disabilities from electoral legislation has created another obstacle, making it even harder for women with disabilities to get involved in politics.³⁸⁶

Not having data broken down by gender, disability, education, and age makes it harder to come up with good policies.³⁸⁷ There are no numbers on how many women with disabilities are victims of gender-based violence.³⁸⁸ HRW says that the government council set up to carry out the Convention on the Rights of Persons with Disabilities didn't meet even once in 2022, which shows that the issue isn't a top priority.³⁸⁹ Strong sociocultural barriers persist, including pressure on women not to report sexualized violence due to stigma and the concept of "uyat."³⁹⁰

Women living with HIV

The Committee recommended ensuring women living with HIV have access to confidential medical care.³⁹¹

³⁸³ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 11.

³⁸⁴ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 12.

³⁸⁵ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 13.

³⁸⁶ UNDP, *Disability and Gender*, 12.

³⁸⁷ STA (Социальное агентство технологий), *Гендерное и инклюзивное развитие в Кыргызстане* (Gender and Inclusive Development in Kyrgyzstan), 46 (in Russian).

³⁸⁸ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 4.

³⁸⁹ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 11.

³⁹⁰ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 14.

³⁹¹ CEDAW/C/KGZ/CO/5, 44 (b).

There are 14,285 registered cases of HIV infection in Kyrgyzstan.³⁹² Since 2021, the government has increased state funding for HIV and tuberculosis programs.³⁹³ However, despite these positive legislative changes and numerous human rights training sessions for law enforcement officers, police continue to pressure people who use drugs and sex workers (groups most vulnerable to HIV infection).³⁹⁴

Although stigma and discrimination are declining, they remain significant,³⁹⁵ and high levels of stigma and discrimination remain a key barrier, limiting access to prevention, testing, and treatment.³⁹⁶ People with HIV often wait months or years to seek medical care because they fear their status will become public.³⁹⁷ Women experience more severe discrimination than men and endure physical, sexual, and emotional violence, even while seeking medical care. Fear of being found out, social stigma, and a lack of trust in the police are the main reasons why most women don't report sexual violence.³⁹⁸

Stigma often comes from the people around them. Women don't tell even their family members about their status, which makes it hard for them to get treatment and store their medication, which makes them refuse therapy. Experts note that women who experience gender-based violence are 1.5 times more likely to become infected with HIV.³⁹⁹ The risk

³⁹² «Статистика и данные [Statistics and Data],» *Republican Center for the Control of Blood-Borne Viral Hepatitis and HIV (AIDS Center)*, 01 October 2025, <https://aidscenter.kg/ВИЧ/статистика-и-данные>. [in Russian]

³⁹³ The Global Fund to Fight AIDS, Tuberculosis and Malaria, *Kyrgyzstan Progress Assessment: Breaking Down Barriers Initiative, 2023* (2023), 14, https://resources.theglobalfund.org/media/14557/cr_2023-progress-assessment-kyrgyzstan_report_en.pdf

³⁹⁴ Global Fund, *Kyrgyzstan Progress Assessment*, 13.

³⁹⁵ Harm Reduction Network Association et al., *Kyrgyzstan SI 2.0 Report 2022: People Living with HIV Stigma Index 2.0*, 64, https://www.stigmaindex.org/wp-content/uploads/2022/04/Kyrgyzstan-SI-2.0-Report-2022_English.pdf

³⁹⁶ Harm Reduction Network Association et al., *Kyrgyzstan SI 2.0 Report 2022*, 8.

³⁹⁷ Harm Reduction Network Association et al., *Kyrgyzstan SI 2.0 Report 2022*, 8.

³⁹⁸ Harm Reduction Network Association et al., *Kyrgyzstan SI 2.0 Report 2022*, 62.

³⁹⁹ Harm Reduction Network Association et al., *Kyrgyzstan SI 2.0 Report 2022*, 62.

of infection among female sex workers is 30 times higher than the general population.⁴⁰⁰ A 2022 study of over 700 people living with HIV found that more than half live at risk of poverty.⁴⁰¹

Lesbian, Bisexual and Transgender women

Legislative changes, a stronger focus on "traditional values," a ban on "propaganda of non-traditional values," and stricter NGO laws have led to unprecedented pressure on the LGBT community. This has demonized the image of LGBT people and exacerbated social polarization.⁴⁰² Experts believe that the rise in HIV infections may be linked to discrimination based on sexual orientation, gender identity, and sexual orientation (SOGI).⁴⁰³ The LGBT community in Kyrgyzstan is one of the most discriminated against segments of the population. Human rights organizations record approximately 30 cases of LGBT rights violations annually, but the actual number is much higher.⁴⁰⁴ There were 35 cases recorded in 2023. The analysis shows that there is more stigma and discrimination, such as illegal arrests, threats of revealing someone's status, and extortion. A lot of victims don't ask for help. Some healthcare workers won't help someone after they find out their sexual orientation or HIV status.⁴⁰⁵

Changing documents has become harder for transgender people because they can only do it with a court order, which is not yet consistently enforced.⁴⁰⁶ LBT women are often victims of physical, mental, sexual, and financial violence, and the agencies that are

⁴⁰⁰ Harm Reduction Network Association et al., *Kyrgyzstan SI 2.0 Report 2022*, 63.

⁴⁰¹ Harm Reduction Network Association et al., *Kyrgyzstan SI 2.0 Report 2022*, 64.

⁴⁰² "Control over the Third Sector: Restrictions on the Activities of LGBT Organizations in Kyrgyzstan in the Fight for Traditional Values," [CABAR.asia](https://www.cabar.asia/).

⁴⁰³ Global Fund, *Kyrgyzstan Progress Assessment*, 12.

⁴⁰⁴ "Control over the Third Sector: Restrictions on the Activities of LGBT Organizations in Kyrgyzstan in the Fight for Traditional Values," [CABAR.asia](https://www.cabar.asia/).

⁴⁰⁵ ECOM - Eurasian Coalition on Health, Rights, Gender and Sexual Diversity, *National Report on Violations of the Rights of LGBT People and MSM in Kyrgyzstan*, 2024, 17, https://ecom.ngo/resource/files/2024/03/ecom_national_report_kyrg_2023_eng.pdf

⁴⁰⁶ ECOM, *National Report on Violations of the Rights of LGBT People and MSM in Kyrgyzstan*, 6.

supposed to protect them won't do so. For instance, the police refused to call the beating of a lesbian daughter by her parents domestic violence in one case.⁴⁰⁷

Entertainment clubs where LGBT people could hang out were shut down in 2025.⁴⁰⁸ There were two organizations in Kyrgyzstan that fought for LGBT rights. Kyrgyz Indigo is no longer active, and Labrys had to cut back on its activities a lot after propaganda rules were put in place and NGOs were no longer allowed to have foreign representatives.

Women using drugs

Along with the other suggestions listed above, the Committee strongly suggested that women who use drugs have more access to harm reduction programs.⁴⁰⁹

In 2022, there were approximately 8,500 drug users in Kyrgyzstan, 7% of whom were women, although statistics are extremely limited.⁴¹⁰ Only about 10% of women have access to medical narcotic medications.⁴¹¹

A study from 2022 found that gaps in the law make it easier for human rights violations to happen, which puts drug users at risk.⁴¹² Even though civil society is trying to change things, police are still judged on how many cases they solve, which makes drug users an

⁴⁰⁷ CEDAW Informal Coalition *et al.*, *Alternative Report for the 76th CEDAW Session*, 12.

⁴⁰⁸ «ГКНБ закрыл клубы в Бишкеке за ЛГБТ-пропаганду и распространение «аптечки» [The State Committee for National Security Closed Clubs in Bishkek for LGBT Propaganda and Distribution of “Aptechka”],» 24.kg, 07 July 2025, https://24.kg/obschestvo/335457_gknb_zakryil_klubyi_vbishkeke_zalgbt-propagandu_irasprostranenie_aptechki/. [in Russian]

⁴⁰⁹ CEDAW/C/KGZ/CO/5, 45 (c).

⁴¹⁰ “There are about 8,500 drug users in Kyrgyzstan, 7% of them — women,” *Kabar News Agency*, March 29, 2022, <https://en.archive.kabar.kg/news/there-are-about-8-500-drug-users-in-kyrgyzstan-7-of-them-women/>

⁴¹¹ INPUD and Asteria, *Women who Use Drugs in Kyrgyzstan*, 2.

⁴¹² Sadykov and Kucheruk, *Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic*, 13 (in Russian).

easy target.⁴¹³ Women face extortion from police officers⁴¹⁴ and difficulties in enrolling in educational institutions and finding employment due to requirements for drug addiction or psychiatric records.⁴¹⁵

Decriminalization of drug use reduces the risk of stigma and discrimination, increases the effectiveness of the fight against HIV, and increases government spending on prevention and treatment.⁴¹⁶

Despite some positive steps (increased funding for HIV programs, the formal introduction of sign language interpretation, and online complaints), systemic barriers remain virtually unchanged. Access to justice, healthcare, social protection, and employment for women from marginalized groups is not ensured in accordance with the Committee's recommendations. Stigma, lack of accessible infrastructure, a shortage of specialists, a lack of data, pressure from law enforcement, and restrictions on the activities of human rights organizations continue to limit women's opportunities. Assessment of the implementation of recommendations: partially implemented in certain aspects, but not implemented overall.

Participation in political and public life

The Committee recommended building the capacity of women politicians and candidates in political campaigning, developing leadership and negotiation skills, protecting women candidates from gender-based violence and hate speech during elections, and lifting restrictions on the activities of women human rights defenders.⁴¹⁷

⁴¹³ Sadykov and Kucheruk, *Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic*, 13 (in Russian).

⁴¹⁴ Sadykov and Kucheruk, *Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic*, 13 (in Russian).

⁴¹⁵ INPUD and Asteria, *Women who Use Drugs in Kyrgyzstan*, 2.

⁴¹⁶ Sadykov and Kucheruk, *Analytical Document on Decriminalization of Drug Use in the Kyrgyz Republic*, 13 (in Russian).

⁴¹⁷ CEDAW/C/KGZ/CO/5, 26.

Most human rights activists work for non-profit groups. As mentioned before, in 2024, changes were made to the law that limit the activities of NGOs in Kyrgyzstan. These changes were made to foreign representation and political activity.

According to 2024 statistics, women held 45% of government positions, including 22% in the legislative branch,⁴¹⁸ 45% in the executive branch, and 42% in local government.⁴¹⁹ Traditionally, the highest number of women were in the Presidential Archive (91%), the Ministry of Labor, Social Security, and Migration (75%), the National Statistical Committee (75%), the Ministry of Health (72%), and the Ministry of Education and Science (67%).⁴²⁰ At the same time, two government agencies were exclusively composed of men.⁴²¹ Gender segregation also persisted in the distribution of responsibilities: men dominated defense, finance, and industry, while women dominated social policy and education.⁴²² Analysis revealed that the integration of gender issues within government agencies is not institutionalized; rather, it is regarded as the exclusive responsibility of the Gender Department (Ministry of Labor and Social Development).⁴²³

An evaluation of gender participation in the Kyrgyz Parliament for 2022 showed that the Parliament's Rules of Procedure do not allow for gender representation in leadership positions,⁴²⁴ which are entirely occupied by men.⁴²⁵ Advisory bodies on women's and children's rights have no budgetary funding,⁴²⁶ and Parliament does not collect

⁴¹⁸ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020-2024*, 66 (in Russian).

⁴¹⁹ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020-2024*, 67 (in Russian).

⁴²⁰ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020-2024*, 69-70 (in Russian).

⁴²¹ National Statistical Committee of the Kyrgyz Republic, *Women and Men of the Kyrgyz Republic 2020-2024*, 71 (in Russian).

⁴²² Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 10.

⁴²³ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 26.

⁴²⁴ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 11-12.

⁴²⁵ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 18.

⁴²⁶ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 11-12.

gender-disaggregated data on legislative initiatives.⁴²⁷ Political parties also do not prioritize gender equality, and women's wings, where they exist, have virtually no influence on party activities.⁴²⁸ The parliament building does not have any childcare facilities, and children are prohibited from entering.⁴²⁹

Despite the law's provisions, parliamentary staff receive no training on gender equality.⁴³⁰ A gender perspective is not taken into account when approving the state budget.⁴³¹ During legislative debates, there is also a lot of gender segregation. Men rarely talk about gender issues, and women rarely talk about economic, financial, or defense issues.⁴³² Despite the Committee's recommendation No. 8,⁴³³ Parliament has not implemented the CEDAW Committee's recommendations and is largely absent from monitoring international standards.⁴³⁴

Violence against women candidates

A 2024 study on violence against women in politics, conducted among 1,106 female candidates for local elections and 105 for the 2021 parliamentary elections,⁴³⁵ found that balancing family responsibilities with campaigning was a key barrier.⁴³⁶ 40% of local candidates⁴³⁷ and 77% of parliamentary candidates reported experiencing violence during

⁴²⁷ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 15.

⁴²⁸ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 13.

⁴²⁹ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 19.

⁴³⁰ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 20.

⁴³¹ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 31.

⁴³² Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 34.

⁴³³ CEDAW/C/KGZ/CO/5, 8.

⁴³⁴ Civic Platform Foundation, *Participatory Gender Audit of the Jogorku Kenesh*, 44.

⁴³⁵ UN Women, *Violence against women in politics in the Kyrgyz Republic: The experience of women candidates in the 2021 local elections* (UN Women Eastern Europe and Central Asia, 2022), <https://eca.unwomen.org/sites/default/files/.../VAW-Kyrgyzstan-EN.pdf>.

⁴³⁶ UN Women, *Violence against women in politics in the Kyrgyz Republic*, 22.

⁴³⁷ UN Women, *Violence against women in politics in the Kyrgyz Republic*, 22.

the elections.⁴³⁸ The most common forms of violence included psychological and economic abuse, sexual harassment,⁴³⁹ as well as the damage to campaign materials, verbal threats, and harassment during campaigning, in the media, on social media, within parties, and within the family.⁴⁴⁰ Young, divorced, or unmarried women with higher education were most likely to experience violence.⁴⁴¹

Seeking Help

Among those who experienced violence, only 23.6% were aware of the existence of formal complaint mechanisms, and only 11% of them used them. Only three cases resulted in convictions, mostly limited to reprimands. In other cases, including one involving a home invasion and pressure on a candidate's children, the cases were dropped.⁴⁴² The main reasons for not filing complaints (98%) were uncertainty, fear, lack of knowledge about procedures, a perception that the incidents were trivial, and a lack of resources.⁴⁴³

Despite some progress in women's representation in public administration, the Committee's recommendations to develop the leadership potential of women politicians, protect female candidates from gender-based violence, and eliminate restrictions on women human rights defenders have largely remained unimplemented. Systemic problems - a lack of gender institutionalization, insufficient funding, non-compliance with gender training requirements, a lack of protection mechanisms for female candidates, and ineffective complaint procedures - indicate partial implementation, which has not achieved the expected effect.

Stereotypes

⁴³⁸ UN Women, *Violence against women in politics in the Kyrgyz Republic*, 22.

⁴³⁹ UN Women, *Violence against women in politics in the Kyrgyz Republic*, 43.

⁴⁴⁰ UN Women, *Violence against women in politics in the Kyrgyz Republic*, 44.

⁴⁴¹ UN Women, *Violence against women in politics in the Kyrgyz Republic*, 21-22.

⁴⁴² UN Women, *Violence against women in politics in the Kyrgyz Republic*, 36-38.

⁴⁴³ UN Women, *Violence against women in politics in the Kyrgyz Republic*, 38, 44.

This section assesses the extent to which Kyrgyzstan has implemented the Committee's recommendations concerning the elimination of gender stereotypes, with a particular focus on 1) the development of a comprehensive strategy⁴⁴⁴ and 2) the role of the media in the fight with gender stereotypes.⁴⁴⁵

This section will consist of an analysis of these two recommendations. The author deems it unnecessary to reiterate the socio-cultural factors that create the basis for gender discrimination in general, including discrimination against vulnerable groups of women, already described in the "Law Enforcement Practice" section.

Developing a Comprehensive Strategy to Eliminate Gender Stereotypes

The national survey "*Gender in Society's Perception*" (2016),⁴⁴⁶ which was explicitly referenced by the Committee in its concluding observations,⁴⁴⁷ provides an empirical baseline illustrating the depth and persistence of gender stereotypes in Kyrgyz society. The findings demonstrated that stereotypical perceptions of women's roles in the family,⁴⁴⁸ tolerance of harmful practices such as early and forced marriage,⁴⁴⁹ and limited support for women's political participation were widely shared by both men and women,⁴⁵⁰ indicating that gender stereotypes were structurally embedded rather than confined to specific social groups. These stereotypical attitudes have tangible consequences, particularly in the field of education and employment. Only 26% of girls with higher education major in technical and scientific fields. In secondary vocational

⁴⁴⁴ CEDAW/C/KGZ/CO/5, 20 (a).

⁴⁴⁵ CEDAW/C/KGZ/CO/5, 20 (b).

⁴⁴⁶ United Nations Population Fund (UNFPA) Kyrgyzstan, *Гендер в восприятии общества: Результаты национального обследования 2016* (Gender in Social Perceptions: Results of the 2016 National Survey), 2016, 91 (in Russian), https://kyrgyzstan.unfpa.org/sites/default/files/pub-pdf/GSPS_Russian_Final%20report.pdf.

⁴⁴⁷ CEDAW/C/KGZ/CO/5, 20 (a).

⁴⁴⁸ UNFPA Kyrgyzstan, *Gender in Social Perceptions*, 91 (in Russian).

⁴⁴⁹ UNFPA Kyrgyzstan, *Gender in Social Perceptions*, 99 (in Russian).

⁴⁵⁰ UNFPA Kyrgyzstan, *Gender in Social Perceptions*, 149 (in Russian).

education, the majority of girls are concentrated in the fields of education and healthcare, while only 27% of girls study in computer science, 9% in construction and architecture, etc.⁴⁵¹

The Committee used these data to make its recommendation that the State come up with a comprehensive plan to eliminate discriminatory gender stereotypes, based on the survey results.⁴⁵² However, an analysis of subsequent state policies, including the National Strategy of the Kyrgyz Republic for Achieving Gender Equality by 2030, reveals no clear mechanism by which the findings of the 2016 survey were translated into targeted, measurable interventions aimed at changing societal attitudes. The strategy recognizes the presence of gender stereotypes; however, it fails to implement indicators, benchmarks, or monitoring instruments associated with the attitudinal patterns identified in the survey.

Furthermore, following the implementation of the Committee's recommendations, no recent comprehensive national study on gender stereotypes has been undertaken. This lack of follow-up data makes it very hard to tell if the steps taken by the State have really changed how people think about things. As a result, the continued reliance on the 2016 survey underscores not only the relevance of the Committee's concerns but also the lack of systematic monitoring and evaluation of progress in eliminating gender stereotypes.

One of the important steps made by the State in the field of eliminating gender stereotypes - analyzing school textbooks for gender stereotypes, which began in 2016 in Kyrgyzstan. Based on the analysis, the Ministry of Education and Science developed a methodology for conducting anti-discrimination and gender-based assessments of

⁴⁵¹ Cab. Ministers of the Kyrgyz Republic, National Strategy for Achieving Gender Equality, Cabinet Resolution No. 513 (2022), 1.2.

⁴⁵² CEDAW/C/KGZ/CO/5, 20 (a).

textbooks and issued an order⁴⁵³ mandating anti-discrimination and gender-based assessments of all textbooks.⁴⁵⁴

The Committee's recommendation to develop a comprehensive strategy to eliminate discriminatory gender stereotypes has been partially implemented. The State has recognized the ongoing presence of gender stereotypes in national policy documents and has implemented specific measures, including anti-discrimination and gender-based evaluations of school textbooks. However, these initiatives are still disjointed and lack comprehensive coverage. The National Strategy for Achieving Gender Equality by 2030 acknowledges the presence of gender stereotypes; however, it fails to convert the results of the 2016 national survey into specific, quantifiable actions designed to change societal attitudes, nor does it create indicators or monitoring systems to evaluate progress. The lack of recent nationwide research on gender stereotypes makes it even harder to judge how well state measures are working. So, even though there have been some good efforts in Kyrgyzstan, the country has not yet come up with or put into action a complete, evidence-based plan that can systematically deal with and get rid of deeply ingrained gender stereotypes, as the Committee had hoped.

Media

The second part of the Committee's recommendations concerned work with the media and called on the state to raise awareness among the media in the fight against stereotypes and the objectification of women. The Committee also recommended revising public broadcasting legislation to ensure that gender issues are taken into account when analyzing and monitoring television channel content.⁴⁵⁵ The relevance of the Committee's

⁴⁵³ Ministry of Education and Science of the Kyrgyz Republic, *Order "On Approval of the Methodology for Conducting Anti-Discrimination and Gender Review of Educational-Methodical Complexes (UMK)"* «Об утверждении Методологии проведения антидискриминационной и гендерной экспертизы учебно-методических комплексов (УМК)», Order No. 1096/1, 16 September 2019, § 2. <http://gm.ripk.kg/library/%D0%9F%D1%80%D0%B8%D0%BA%D0%B0%D0%B7%20%E2%84%961096%20%D0%BE%D1%82%2016.09.19%D0%B3..pdf>

⁴⁵⁴ «Учебники без стереотипов. Что для этого делают в Кыргызстане [Textbooks without Stereotypes: What Is Being Done for This in Kyrgyzstan],» *Media.kg*, 16 August 2024, <https://media.kg/news/uchebniki-bez-stereotipov-cto-dlya-etogo-delayut-v-kyrgyzstane/>. [in Russian]

⁴⁵⁵ CEDAW/C/KGZ/CO/5, 20 (b).

recommendations is further reinforced by the rapid digitalization of Kyrgyz society. In 2024, internet penetration in Kyrgyzstan reached 80%, with nearly 5.5 million users. Forty-four percent of Kyrgyzstanis used social media. The digitalization of society also leads to the expression of hate speech and the spread of gender stereotypes.⁴⁵⁶

A review of the Kyrgyz Republic Law “On Mass Media” revealed the absence of the use of the term “gender equality” and, accordingly, no obligation for media outlets to monitor and analyze their content to ensure that it takes into account the gender aspect.⁴⁵⁷

According to the National Strategy, the media maintains the image of traditional women in Kyrgyzstan by displaying content containing gender stereotypes.⁴⁵⁸ Despite laws prohibiting discrimination and numerous educational events for journalists, gender stereotypes and sexism are widespread in newspapers, online publications, and television.⁴⁵⁹

The Law of the Kyrgyz Republic "On Mass Media" prohibits the dissemination of information for the purpose of inciting discrimination, hostility, or violence.⁴⁶⁰ The draft law on the media, at the discussion stage, contained a provision banning the media from disseminating propaganda of gender or other social superiority,⁴⁶¹ but the current Law no longer contains this provision. The National Strategy of the Kyrgyz Republic for Achieving Gender Equality by 2030 provides for the creation of anti-discrimination expertise for media, advertising, and cultural products.⁴⁶²

⁴⁵⁶“Hate Speech and Gender Stereotypes against Women in Digital Space: Four Stories from Kyrgyzstan,” *UNESCO*, May 13, 2025, <https://www.unesco.org/en/articles/hate-speech-and-gender-stereotypes-against-women-digital-space-four-stories-kyrgyzstan>

⁴⁵⁷ Law of the Kyrgyz Republic, No. 188 of 6 August 2025 (in Russian).

⁴⁵⁸ Cab. Ministers of the Kyrgyz Republic, National Strategy for Achieving Gender Equality, Cabinet Resolution No. 513 (2022), 1.2.

⁴⁵⁹ STA (Social Technologies Agency), *Гендерные аспекты деятельности СМИ в Кыргызской Республике: вызовы и рекомендации* (Gender Aspects of Media Activities in the Kyrgyz Republic: Challenges and Recommendations), 2023, section “Obosnovanie” (“Justification”) (in Russian), https://sta.kg/wp-content/uploads/2023/03/baseline_report_02.03.2023.pdf

⁴⁶⁰ Law of the Kyrgyz Republic, No. 188 of 6 August 2025, art. 5 (in Russian).

⁴⁶¹ STA, *Gender Aspects of Media Activities in the Kyrgyz Republic*, 1.2. (in Russian).

⁴⁶² STA, *Gender Aspects of Media Activities in the Kyrgyz Republic*, section “Results of Focus Group Discussions,” (in Russian).

A 2023 analysis of media coverage of women's issues shows that only a few media outlets have documented standards for gender-sensitive journalism, and even those organizations do not monitor their publications for compliance with these standards, let alone other media outlets that do not have such standards.⁴⁶³ Only two out of six educational institutions (focus group participants) teach gender-sensitive journalism as part of the Gender and Media course.⁴⁶⁴ Furthermore, there is a significant shortage of methodologies and standards for journalists in the Kyrgyz language. There is no single portal that stores all materials for journalists.⁴⁶⁵

The Committee's recommendations concerning the role of the media in combating gender stereotypes and the objectification of women have been partially implemented. Even though national policy papers recognize the media's role in reinforcing gender stereotypes and plan to create anti-discrimination expertise, the current legal system does not clearly include gender equality standards or require media outlets to look at content from a gender perspective. The lack of legally binding obligations, the removal of the ban on promoting gender superiority from the draft media law, and the lack of systematic training, monitoring mechanisms, and accessible methodologies for journalists show that the steps taken are mostly just words and not enough to make sure that the Committee's recommendations are followed.

⁴⁶³ STA, *Gender Aspects of Media Activities in the Kyrgyz Republic*, section "Results of Focus Group Discussions," (in Russian).

⁴⁶⁴ STA, *Gender Aspects of Media Activities in the Kyrgyz Republic*, section "Gender Equality Standards in Higher Education Curricula," (in Russian).

⁴⁶⁵ STA, *Gender Aspects of Media Activities in the Kyrgyz Republic*, section "Gender Equality Standards in Higher Education Curricula," (in Russian).

CHAPTER 3: BARRIERS AND RECOMMENDATIONS

This chapter builds on the findings of Chapter 2 and moves from a descriptive analysis to an explanatory and normative assessment. While Chapter 2 demonstrated that most of the CEDAW Committee's recommendations to Kyrgyzstan remain unimplemented or only partially implemented, this chapter seeks to answer the question of why implementation has been so limited and how this problem can be addressed.

There are two parts to this chapter. Section I outlines the significant structural and institutional obstacles that impede the effective implementation of CEDAW obligations in Kyrgyzstan. These barriers are not just due to holes in the law or lack of enforcement; they also show deeper political, institutional, and sociocultural problems. In Section II, we talk about ways to make implementation better, focusing on legal, institutional, and policy measures that could make it easier to follow CEDAW even in the current political climate.

3.1. Structural and Institutional Barriers

Normative Barriers: Neotraditionalism and Constitutional Interpretation

One of the biggest problems with implementing CEDAW recommendations in Kyrgyzstan is at the level of the law and the constitution. Chapter 2 shows that the 2021 Constitution talks about "traditions" and "traditional family values," while also giving more power to institutions like the People's Kurultai and aksakal courts. Although these concepts are formulated in culturally neutral terms, in practice they function as legally vague norms legitimizing discriminatory practices against women. The constitutional amendments have also led to an increased opposition between "traditional and moral values" and feminism in public discourse.⁴⁶⁶

The persistence of harmful practices such as *ala-kachuu*, early and forced marriage, and the subordinate position of women in families is often justified as "tradition." This is the opposite of what the CEDAW Committee has said many times: that laws based on vague ideas of morality and tradition should be repealed or changed. Neo-traditionalism has

⁴⁶⁶ OHCHR, *Public report on the impact of the Law on Non-Commercial Organizations*, 69.

emerged as a structural impediment, undermining the protection of women's rights and constraining the transformative capacity of equality norms.

Also, the fact that the Constitution doesn't explicitly recognize substantive equality, intersecting discrimination, gender-based violence, and sexual orientation and gender identity makes the idea of equality more formal. This normative structure allows state institutions to claim compliance with international obligations while maintaining laws and practices that fail to address structural discrimination.

Fragmentation of the Legal Framework

A second serious barrier is the fragmented nature of legislation relating to gender equality and violence. Attempts to integrate all issues of domestic violence in the Law of the Kyrgyz Republic "On the Protection and Defense from Domestic Violence" have so far been unsuccessful, as it fails to take into account the characteristics of all women, particularly disadvantaged and marginalized groups, and lacks international standards for assessing the risk of further exposure. Gender-based violence is not recognized as a separate legal category. Domestic violence is regulated by both the Criminal Code and the Code of Offenses, depending on the degree of harm caused, while sexual violence remains outside the scope of domestic violence legislation. Many gender-based crimes are classified as crimes of private-public prosecution, meaning that prosecutions in such cases are not initiated ex officio, as required by the Committee, and the burden of proof falls on the victims, undermining the state's obligation to conduct due diligence.

The lack of definitions that are in line with international standards makes this fragmentation worse, especially when it comes to consent-based rape, marital rape, and forms of discrimination that overlap. Consequently, law enforcement and judicial authorities possess considerable discretion, which, in the context of deeply established gender stereotypes, frequently results in lenient sentences, misclassification of crimes, and ultimately, impunity for offenders. Thanks to legal loopholes, the majority of cases of sexualized violence (75%),⁴⁶⁷ bride kidnapping (82%)⁴⁶⁸ in 2021, and child marriage

⁴⁶⁷ Equality Now, *Sexual Violence and Disability in Kyrgyzstan*, 4.

⁴⁶⁸ "New Criminal Code amendments: Punishment for 'Bride Kidnapping.'"

cases (91%)⁴⁶⁹ in 2024 were dismissed.

Institutional Weaknesses and Limited Resources

Institutional capacity is another structural barrier. Even though the police, prosecutors, courts, social services, and local governments are all supposed to have separate duties, coordination is still weak and mostly symbolic. There is no unified system for collecting, analyzing, and publishing gender-disaggregated data on violence against women, early marriage, or discrimination against marginalized groups. Overall, the country lacks a comprehensive policy for the protection and prevention of gender-based violence, and the cycle of Planning is systematically delayed, the monitoring and analysis cycle is virtually nonexistent, and the formulation cycle takes little account of existing research and analysis.⁴⁷⁰ In a nation where one in five marriages occurs via *ala-kachu*, no comprehensive study of this detrimental practice has been undertaken, and the Committee's recommendations, following its own inquiry, have not been fully implemented.

Programs are less effective when they are chronically underfunded. There aren't enough crisis centers and support services for women, and there aren't enough correctional programs for people who commit violence. A lot of programs that try to stop violence against women depend on money from donors, which makes them short-lived. Some government agencies also don't have enough staff and experts in women's rights.

Shrinking Civic Space and Marginalization of Civil Society

The changes to the Law on Non-Commercial Organizations in 2024 are an important barrier to the implementation of CEDAW. The law greatly limits the ability of women's rights groups, especially those that get money from abroad to do things like advocate for human rights, criticize government policy, and take part in the legislative process.

Civil society organizations have historically been the main source of services for women

⁴⁶⁹ “The Ombudsman Calls on State Bodies to Protect Girls.”

⁴⁷⁰ PIL Research Company, *Как разорвать цикл насилия* (Ending the Cycle of Violence), 30 (in Russian).

who have been victims, taking over the role of the state.⁴⁷¹ Non-profit organizations prepared alternative reports, giving UN Committees an opportunity to gain an alternative perspective on the situation. It was precisely through NGO submissions that the CEDAW Committee conducted an investigation into *ala-kachu* in Kyrgyzstan. The marginalization of civil society organizations could lead to a worsening of the situation for women in Kyrgyzstan, reducing the availability of up-to-date data, and weakening accountability mechanisms. This directly contradicts the Committee's recommendations to ensure meaningful civil society participation in legislative review and policy development.

Sociocultural Barriers and Gender Stereotypes

Finally, deeply held gender stereotypes are a major barrier that affects all parts of implementation. National surveys and law enforcement practices demonstrate that numerous women internalize norms that rationalize domestic violence and early marriage. A third of the men and women who were surveyed said that a woman should stay with her captor after *ala-kachu*. Most (70%) said they would not accept a relative who had been raped by the captor as a victim of *ala-kachu*. Gender stereotypes make it harder for people to report violence, especially sexual violence.

Stereotypes also affect how government workers act. Law enforcement officials often put "family unity" and reconciliation ahead of women's safety and rights. For example, 40% of them ask for the shortest sentence for "early marriage" or even accept protection and ask for the perpetrator to be released on probation. Religious and community leaders can make harmful behaviors seem normal, and stories in the media can reinforce traditional gender roles. The Committee says that media companies should adopt standards for gender-sensitive journalism and look at and keep an eye on their content for gender mainstreaming. However, they are not legally required to do so.

In this context, legal reforms alone are inadequate to attain substantive equality.

Contrary to the Committee's recommendations, there is no regular study of gender stereotypes in the country, nor is there a unified strategy to combat them. Stigma has a

⁴⁷¹ OHCHR, *Public report on the impact of the Law on Non-Commercial Organizations*, 68.

particularly negative impact on women living with HIV, women with disabilities, women who use drugs, and LBT women. Prejudices, among other factors, contribute to the low participation of women in politics and the low electability of women.

3.2. Strategies for Improving Implementation

Strengthening the Legal Framework in Line with CEDAW

A key strategy for improving implementation is the adoption of comprehensive anti-discrimination legislation in line with Article 2 of CEDAW. Such legislation should explicitly prohibit direct, indirect, and intersecting forms of discrimination and recognize gender-based violence as a form of discrimination. Criminal laws should be changed to include definitions of rape based on consent, make marital rape a crime, make gender-based crimes public offenses, add aggravating circumstances based on gender, disability, sexual orientation, and gender identity, and make sure that there are strong protections against repeat abduction attempts.

Institutional Reform and Capacity Building

To make implementation better, there needs to be institutional reforms that focus on coordination, training, and accountability. This includes setting up a single system for gathering information on violence and discrimination against women; making gender training mandatory for police officers, judges, and civil servants; and making sure that shelters, crisis centers, and support services get long-term government funding.

All branches of government should institutionalize gender integration, not just one ministry or agency. All government agencies responsible for any aspect of gender equality policy should have an appropriate budget and specialist staff.

Restoring the Role of Civil Society

Meaningful implementation of CEDAW is impossible without an active and independent civil society. Reviewing restrictive legislation on NGOs and creating a safe space for human rights defenders are important steps toward restoring monitoring, service provision, and rights protection functions.

Combating Gender Stereotypes through Education and the Media

Finally, getting rid of gender stereotypes needs a long-term, comprehensive approach. This includes creating a national plan to fight gender stereotypes, adding gender equality to school curricula and teacher training, changing media rules to include gender-sensitive monitoring standards, and getting religious and community leaders involved in human rights-based conversations.

The limited implementation of CEDAW recommendations in Kyrgyzstan is not the result of isolated legislative gaps, but rather a combination of normative, institutional, political, and sociocultural barriers. Overcoming these obstacles requires not only legal reform but also sustained political commitment, institutional capacity building, the protection of civic space, and the transformation of discriminatory social norms. Without addressing these structural limitations, future reporting cycles risk repeating the same patterns of partial or complete non-implementation.

CONCLUSION

This master's thesis aimed to analyze the extent of implementation of the recommendations of the CEDAW Committee made following the consideration of the Kyrgyz Republic's fifth periodic report, as well as to identify the factors explaining the limited nature of their implementation. The study focused on the following research questions: To what extent has the Kyrgyz Republic implemented the recommendations of the Committee on the Elimination of Discrimination against Women made following the fifth reporting cycle, and what factors hinder their effective implementation?

The analysis leads to the conclusion that, despite the Kyrgyz Republic's long-standing participation in the CEDAW Convention and ratification of the Optional Protocol, implementation of the Committee's recommendations remains largely partial and formal. This confirms the study's main hypothesis: despite formal recognition of international obligations, CEDAW Committee recommendations in Kyrgyzstan are partially implemented due to institutional, political, and financial constraints. At the same time, the analysis confirms the second hypothesis: a number of the Committee's recommendations can be implemented without significant financial investment, including reforms related to legal definitions, prosecution procedures, data collection, gender-sensitive training, and the elimination of discriminatory norms and terminology.

The findings in Chapter 2 indicate that legislative implementation of CEDAW recommendations is selective and fragmented. Despite the adoption of individual amendments to criminal, labor, and electoral legislation after 2021, the Committee's key recommendations - including the adoption of comprehensive anti-discrimination legislation, the recognition of gender-based violence as a separate legal category, the criminalization of marital rape, the transition of gender-based crimes to public prosecution, and the provision of legal protection for women in unregistered religious marriages - remain unimplemented. Even when there is a partial reform, vague legal language, broad judicial discretion, and the continued use of conciliation mechanisms make them less useful in practice. An examination of law enforcement practices reveals that formal legislative modifications fail to ensure the effective safeguarding of women's

rights. Weak investigations, no standard way to classify crimes, lenient court sentences, ineffective protection orders, and a lack of support for victims all make it much harder for women to get justice. These problems are particularly acute in cases of domestic violence, abduction of women for the purpose of marriage (ala-kachuu), early and forced marriage, and sexualized violence. Persistent impunity in these areas indicates a low level of internalization of CEDAW standards in law enforcement and the judiciary.

The study pays special attention to the situation of women experiencing intersecting forms of discrimination, including women with disabilities, women living with HIV, women who use drugs, and lesbian, bisexual, and transgender women. The analysis confirms that the lack of an intersectional approach in legislation and public policy, coupled with stigmatization and discriminatory practices, leads to their systematic exclusion from legal protection mechanisms. In these areas, the gap between formal and substantive equality is most pronounced.

Chapter 3 addresses the second research question and demonstrates that the limited implementation of CEDAW recommendations is structural in nature. The noncompliance can be attributed to the combination of normative, institutional, and political factors, such as the reinforcement of neo-traditionalist discourse within the constitutional and political framework, the fragmentation of legal regulation, the institutional weaknesses of gender equality mechanisms, the shrinking of civic space, and the enduring prevalence of gender stereotypes. The interaction of these factors reproduces a pattern of partial and symbolic compliance with international obligations, what Oona Hathaway calls the "expressive instrument of treaties."

The study pays particular attention to the problem of gender stereotypes, which remain one of the main obstacles to the implementation of CEDAW recommendations. In Kyrgyzstan, stereotypical notions about the roles of women and men influence laws and their adoption, their implementation, and the work of state institutions. For example, they justify conciliation procedures in cases of violence, mitigate punishments for gender-based crimes, and are entrenched in political and legal discourse through appeals to "traditional family values." Under these circumstances, legislative changes alone are

insufficient. To achieve this, To achieve real equality, legal measures must be combined with programs to change stereotypes - through education, media, and outreach not only to civil servants but also to public figures, religious leaders, teachers, and the general public. Without this, the substantive equality enshrined in CEDAW remains elusive.

From a theoretical perspective, the Kyrgyz case confirms Harold Koh's key conclusion: for an international standard to "take root" and be internalized, repeated interaction between state and non-state actors, including NGOs, is necessary. Non-governmental organizations are not mere bystanders but full-fledged players in this arena. The state weaves international norms into its national legislation, into decisions of executive bodies, and into the courts. This is how international standards become part of the national machinery.

The analysis also resonates with Oona Hathaway's argument that ratification of international human rights treaties may serve a primarily symbolic function and fail to improve practices in the absence of effective domestic enforcement and accountability mechanisms. Her analysis showed that countries with weak national institutions are more likely to sign international treaties because they have little expectation of fulfilling these obligations. The case of Kyrgyzstan, where non-profit organizations have been fighting for their right to exist for several years and ultimately lost, demonstrates that the country lacks a fully-fledged domestic enforcement mechanism. Kyrgyzstan's formal participation in CEDAW has not been matched by the establishment of enduring institutional incentives for the implementation of recommendations, thereby substantiating Hathaway's critical perspective on the difference between international obligations and their domestic implementation.

This thesis offers both theoretical and practical contributions. Theoretically, it shows how the formalistic approach to treaty compliance falls short and stresses the need for substantive equality as a way to look at women's rights. In practice, Civil society organizations, international monitoring bodies, and policymakers can use the findings and recommendations to help with human rights advocacy, reporting, and reform efforts related to the CEDAW Convention's implementation in Kyrgyzstan.

This research possesses numerous constraints. First, the analysis concentrates on the present circumstances rather than the historical framework, suggesting that certain data and evaluations may not yet be documented in accessible sources. Second, the restrictions on what NGOs could do in Kyrgyzstan made it much harder to gather and get field-based information. Moreover, the study's scope precluded a comprehensive analysis of all thematic areas addressed by CEDAW, including education, healthcare, migration, and others. Considering these constraints, subsequent research may concentrate on examining this era from a "future perspective," when additional sources and materials are accessible. It is also possible that empirical studies by other authors could gather field-based information and conduct a more detailed analysis of specific women's rights not examined in this thesis.

Thus, this dissertation demonstrates that the limited implementation of CEDAW recommendations in the Kyrgyz Republic is a consequence of systemic and structural factors, not isolated legal gaps. Without comprehensive legal reforms, institutional strengthening of gender equality mechanisms, protection of civil society, and the consistent transformation of discriminatory social norms, future reporting cycles risk reproducing a pattern of partial and symbolic compliance. The Kyrgyz Republic still has a long way to go before it can achieve substantive equality, as set out in the CEDAW Convention. This is both a legal obligation and a long-term political and social challenge.

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