

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report –
Universal Periodic Review:
KYRGYZSTAN

I. BACKGROUND INFORMATION

Kyrgyzstan acceded to the *1951 Convention relating to the Status of Refugees* (hereinafter referred to as the *1951 Convention*) and its *1967 Protocol* in 1996. Kyrgyzstan is not a State party to the *1954 Convention relating to the Status of Stateless Persons* (hereinafter referred to as the *1954 Convention*) or the *1961 Convention on Reduction of Statelessness* (hereinafter the *1961 Convention*).

The primary domestic refugee instrument in Kyrgyzstan is the 2002 *Law on Refugees* (amended in 2006 and 2012), which reflects the primary international obligations and standards. The definition of a refugee under this law also covers refugees *sur place* cases, and incorporates the extended definition (however the latter has not yet been applied in practice). The Ministry of Labor, Migration and Youth of the Kyrgyz Republic is the state body responsible for refugee status determination. The national RSD procedure continues to suffer from the prevalence of national security and migration control considerations in the assessment of refugee claims thus leading to low recognition rate. Additionally, access to state asylum procedures remain discriminatory depending on the country of origin of the applicants.¹

As of January 2014, Kyrgyzstan hosts 466 refugees. Out of this number, 221 are women and 184 (99 female and 85 male) are below the age of 18.² Kyrgyzstan hosts 319 asylum-seekers. There are 128 asylum-seeking women and 102 asylum-seekers below the age of 18 (43 female and 59 male).³ The majority of refugees originate from Afghanistan (405), with smaller numbers of refugees from Uzbekistan (44), Syria (14), and Iran (3). The majority of asylum-seekers also originate from Afghanistan (147), with smaller numbers of asylum-seekers from Syria (78), Uzbekistan (73), Iran (12), and other countries (9).

¹ Out of the present total number of 319 asylum-seekers, 88 persons (Syria, Iran, etc.) or 27,5% enjoy full access to the state RSD procedures, 73 persons (Uzbekistan) or 22,8% have access to the state registration procedure but do not have their refugee claims considered due to their country of origin. Afghan nationals, 147 persons or 46% enjoy full access to the state RSD procedure but will likely be rejected refugee status.

² UNHCR Annual Statistical Report, 2013.

³ *Id.*

The issue of statelessness in Kyrgyzstan arises most frequently in the context of persons holding former USSR passports, foreign spouses who are married to Kyrgyz nationals, nomads known as ‘Lyuli’ (individuals similar to the Roma people in Europe), and stateless persons coming from other countries or residing in Kyrgyzstan. As of the end of 2013, UNHCR estimated that there were at least 11, 425 persons under the UNHCR’s statelessness mandate in Kyrgyzstan. Citizenship applications that are refused in the Kyrgyz Republic, and other actions or inactions by officials in violation of legislative provisions of the Kyrgyz Republic, may be appealed to a higher-level official or a higher court. The State Registration Service (SRS) under the Government of the Kyrgyz Republic and its territorial units are responsible for registering and documenting stateless persons in Kyrgyzstan. The SRS is currently in the process of establishing the Unified Register of Population of the country⁴ in anticipation of the 2015 Parliamentary elections and the 2016 Presidential elections, in order to generate a comprehensive electorate count.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Refugees

Amendments to the *Law on Refugees* in 2012 brought national legislation into closer compliance with international standards by introducing (a) a non-discrimination clause into the preamble; (b) the notion of *sur place* refugees into the refugee definition; (c) an adequate definition of asylum-seeker; (d) direct effect and precedence of the norms of international human rights treaties over the norms of other international treaties; (e) procedures for extension of asylum-seekers’ certificates during the appeal stage; and (f) *non-refoulement* to situations where torture is a likely outcome.

In 2012, introduction of amendments to the *Criminal Procedural Code* that provide for judicial review of extradition decisions was a breakthrough in terms of procedural safeguards against *refoulement*. In 2013, the *Criminal Procedural Code* was further amended: granting of refugee status shall be a ground for refusal of extradition and additionally that “other grounds stipulated by an international treaty” shall serve as grounds for refusal of extradition. However, the national law does not contain provisions prohibiting extradition of asylum-seekers while their application for refugee status is being considered.

During 2013, improvements were noticed in the national refugee status determination (RSD) procedures. In particular, in comparison with previous years, the state RSD staff focused more on reasons of flight from country of origin. In some cases, country of origin information was more strategically utilized, and the state recognition rate increased from zero per cent in 2012 to 13 per cent in 2013. However, some areas for development remained such as use of country of origin information, interviewing techniques, lack of consideration of claims under broader refugee definition and quality of assessments.

Stateless persons

In March 2012, the *Law “On Citizenship of the Kyrgyz Republic”* was amended to lift the requirement of paying state fees during acquisition of Kyrgyz citizenship to: (a) persons of Kyrgyz ethnicity having foreign citizenship or stateless; (b) former citizens of Kyrgyzstan returning to the country; and (c) female foreign and stateless persons married to Kyrgyz citizens. In addition, according to amended Article 14(2) of the law, access to citizenship is not dependent on a required time period of residence in the Kyrgyz Republic and preliminary withdrawal of foreign citizenship for aforementioned categories.

⁴ According to the SRS, the residency registration “propiska” system currently justified by state law enforcement agencies will not be needed after the establishment of the Unified Population Register.

The Regulation “On Procedure for consideration of issues of citizenship of the Kyrgyz Republic” adopted in August 2013 provides for the possibility to be recognised as a stateless person. It also provides persons from Commonwealth of Independent States (CIS) member states residing in the KR for five or more years, including foreign spouses, who are unable to renew their foreign passports, with the right to apply for permanent residence permit. According to Kyrgyzstan legislation, a person should have either foreign citizenship or stateless residence permit to apply for the citizenship of Kyrgyzstan. The new Regulation also provides the following due process safeguards: decision making of determination of citizenship within a reasonable time; informing an applicant on results of the decision; and further explanation on the procedure to obtain a permanent residence permit. The Regulation abolished the provisions leading to a loss of citizenship as a result of an individual’s military or investigation service in foreign state providing additional safeguards against statelessness.

To address further the statelessness problems in the country, the SRS and UNHCR organized the December 2013 Fourth High Level Steering Meeting on the Prevention and Reduction of Statelessness in Kyrgyzstan. The representatives of civil society and state authorities reviewed and updated the National Action Plan (NAP) on the Prevention and Reduction of Statelessness for 2014. The NAP included such action points, *inter alia*, as ensuring the birth registration and issuance of birth certificates to all children born on the territory of the Kyrgyz Republic; elaborating a statelessness status determination procedure in accordance with international standards; enhancing the activities towards accession of the Kyrgyz Republic to the *1954 Convention* and the *1961 Convention*, and others.

The Government of Kyrgyzstan has increased the attention to statelessness issues. With UNHCR’s financial support, it is currently conducting a registration/documentation exercise in pilot provinces aimed at registering and documenting stateless persons and persons with undetermined nationality through the acceptance of applications for citizenship of Kyrgyzstan. Providing persons with identity documents and the facilitation of the naturalization of stateless persons would ensure their access to civil, social and economic rights and prevent possible further cases of statelessness.

III. KEY PROTECTION ISSUES AND RECOMMENDATIONS

Issue 1: Access to RSD Procedures

Kyrgyzstan continues to apply a discriminatory approach in granting access to state registration and refugee status determination (“RSD”) procedures, in addition to the granting of the refugee status with respect to certain groups of asylum-seekers. The Uighurs from China are altogether excluded from the state Registration and RSD procedures, and UNHCR conducts RSDs for these persons. Uighurs from China who seek asylum are not issued any documents by the Government certifying their legal stay in the country, and are therefore at risk of police harassment and *refoulement*. A discriminatory approach is also applied with respect to asylum-seekers arriving from Uzbekistan, who are only allowed access to register their asylum claim (and are issued an asylum-seeker certificate), but no further assessment and decision on their refugee claim is undertaken. In this regard, the Committee on the Elimination of Racial Discrimination, during its 82nd session, recommended that Kyrgyzstan “take appropriate measures to grant access to its registration procedures and consider asylum requests regardless of the origin of applications ...

[and] provide documents to all asylum-seekers and take necessary measure to prevent them from risk of refoulement.”⁵

Recommendation:

- Improve the quality of the State refugee status determination procedures, in particular access to the procedures, and ensure the recognition of applicants who qualify for international protection without discrimination.

Issue 2: Recognition rate

For those applicants who have access to State RSD procedures, the recognition rate remains notably low. In 2013, overall recognition rate was 13 per cent; in 2012 it was zero; in 2011 it was 2.5 per cent of applicants; zero per cent of applicants in 2010; two per cent of applicants in 2009; 8.3 per cent in 2008; 17 per cent of applicants in 2007; and 28 per cent of applicants in 2006. The low recognition rate appears to be largely dictated by national security concerns, political and migration control considerations of the Kyrgyz authorities. This contributes to undermine legal and humanitarian grounds that ought to be given due attention, therefore preventing some persons with international protection needs from effectively accessing it.

There is an urgent need to improve refugee status determination in the country of asylum which could be achieved through: research on the country of origin, use of the country of origin information, continuous training of staff who conducts RSD, interviewing techniques, writing RSD assessment, the preservation of the confidentiality of the procedure, and the appropriate application of basic standards.

Recommendation:

- Improve refugee status determination procedures by making all the relevant changes required.

Issue 3: Due process of cases relating to asylum seekers under extradition procedure

When detained, asylum-seekers under extradition procedures do not always benefit from a due process. The *Criminal Procedural Code*, does not contain time-limit provisions on terms of detention, neither does it allow for alternative means of guarantees to be used with regards to persons whose extradition is requested (such as restricted movement, bail, or home arrest). The law does not specify the grounds on which the terms of extradition arrest may be extended. The above-mentioned issues cumulatively may be considered as not meeting the standards of Article 9 of the *International Covenant on Civil and Political Rights*.

UNHCR is aware of cases where asylum-seekers remained in detention for between five and 14 months,⁶ while extradition requests were being considered, with no possibility of appeal, due to the absence of the respective provisions in the *Criminal Procedural Code* at that time.

⁵ See Committee on the Elimination of Racial Discrimination (CERD), Concluding Observations, CERD/C/KGZ/CO/5-7, available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD/C/KGZ/CO/5-7&Lang=En.

Recommendation:

- Ensure that due process is observed including vis-à-vis requests for extradition of asylum-seekers in order to ensure sufficient compliance with international standards.

Issue 4: Accession to the Statelessness Conventions

Accession by Kyrgyzstan to the *1954 Convention relating to the Status of Stateless Persons* and to the *1961 Convention on the Reduction of Statelessness* would establish a stronger framework to prevent and reduce statelessness in the country and ensure minimum standards of treatment for stateless persons.

The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of fundamental rights. These include, but are not limited to, the right to education, employment, housing and public relief. Importantly, the 1954 Convention also guarantees stateless persons a right to identity and travel documents and to administrative assistance.

The *1961 Convention* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties that address the right to a nationality.

An increase in the number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring that stateless persons are able to enjoy their human rights.

Recommendations:

- Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.

Issue 5: Determination of the Status of Stateless Persons

The procedure on determination of citizenship introduced in August 2013 applies to individuals who are habitually resident in Kyrgyzstan. This procedure is limited to former USSR citizens and foreigners with expired passports of the citizen of the CIS member country residing in the KR for 5 or more years. It does not apply to stateless persons who arrived in Kyrgyzstan recently as well as those from non CIS states. , There are also some gaps on the procedural guarantees, including lack of written justifications for the decisions and with regard to confidentiality concerning persons who might be both refugees and stateless. Furthermore, persons recognized as stateless through this procedure are only given a slip of paper certifying the person's statelessness status. This paper, however, is not an identification document.

In the course of Inter-agency working group meetings in 2013 UNHCR recommended that access to a Statelessness Status Determination Procedure should not be limited to persons from CIS only, and the procedure should encompass such procedural guarantees as the right to receive a reasoned decision in writing, and implementation of confidentiality requirements for refugees who might be stateless.

Recommendations:

⁶ The 14 month detention occurred in 2005-2006, please refer to case of *Maksudov and others v Kyrgyzstan*, Human Rights Committee, 1461/2006, 1462/2006, 1476/2006, 1477/2006, session 7-25 July 2008), a six month detention in 2010-2011 and a five month detention in 2012-2013.

- Channel undocumented former Soviet citizens, persons with undetermined nationality and stateless persons into appropriate procedures, ensuring facilitated naturalization for stateless persons; and
- Establish a fair and efficient statelessness status determination procedure with procedural safeguards, ensuring that stateless persons are identified and their rights are protected in accordance with international standards.

Issue 6: Prevention of Statelessness

The State Civil Registrar does not issue birth certificates to children born to parents without valid identity documents, or whose stay in the country is irregular. In such a situation, children who remain undocumented are at risk of becoming stateless.⁷

While the *Law “On Citizenship of the Kyrgyz Republic”* stands in close compliance with international standards, several significant gaps, which may lead to statelessness remain. The most significant among these are:

- Lack of a safeguard against statelessness at birth. The law provides for grant of Kyrgyz citizenship for children born to stateless parents who reside permanently in Kyrgyzstan, but does not cover children born to stateless parents who are not permanent residents or to foreign citizens who are unable to transmit their nationality to the child.
- Lack of a safeguard for children born to a Kyrgyz national and a foreign citizen who do not agree, in writing, on the citizenship of the child. The law does not provide a solution in cases where the parents fail to agree on the child’s citizenship, leaving the child stateless;⁸
- Lack of a safeguard against statelessness in cases of voluntary renunciation of nationality.
- Lack of a safeguard against statelessness for children whose parents decide to renounce their present citizenship.
- Lack of a safeguard against statelessness for children and incapacitated individuals under custody or guardianship. Those under custody or guardianship may only acquire citizenship upon application by their custodian or guardian through a simplified naturalization procedure. This leaves those individuals at risk of statelessness should their custodian or guardian fail to apply for citizenship on their behalf.

Recommendations:

- Amend Article 14 of the *Law of the Kyrgyzstan “On Acts of Civil Status”* to ensure birth registration of all children born in Kyrgyzstan regardless of the immigration status of parents in accordance with Article 7 of the Convention on the Rights of the Child;
- Amend Article 12 (2) (4) of the *Law “On citizenship of the Kyrgyz Republic”* in order to grant nationality to all children born in the Kyrgyz Republic or born to one of the parents with nationality of the Kyrgyz Republic, who would otherwise be stateless; and

⁷ Under the current Instruction on procedure of registration of acts of civil status of the State Registration Service under the Government of the KR, only children of stateless persons having residence permit of the KR are registered under the same general conditions as the citizens of Kyrgyzstan.

⁸ In 2013, the Inter-Agency Working Group developed with support of UNHCR the following draft legislative amendment to Article 12 (2) of the law “On citizenship of the Kyrgyz Republic” to prevent statelessness of children whose parents have different citizenships and do not come to agreement on the child’s citizenship:
 (1) “If parents with different citizenship do not reach an agreement on the child’s citizenship within three months from the moment of birth of the child, the child born in the Kyrgyz Republic is a citizen of the KR”.

Currently, the draft amendments to the law “On citizenship of the Kyrgyz Republic” are under consideration of the Parliamentary Committee on human rights, constitutional legislation and state structure.

- Provide in the *Law “On citizenship of the Kyrgyz Republic”* safeguards against statelessness for persons renouncing their present citizenship and their children, and for stateless persons under custody or guardianship.

Human Rights Liaison Unit
Division of International Protection
UNHCR
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Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies and Special Procedures' Reports

- Universal Periodic Review:

KYRGYZSTAN

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to Kyrgyzstan.

I. Treaty Bodies

Committee on the Elimination of Racial Discrimination

CERD/C/KGZ/CO/5-7,82nd Session

19 April 2013

Positive Aspects

3. The Committee welcomes the various legislative and policy developments which have taken place in the State party to combat racial discrimination, including: (a) The adoption of the Constitution on 27 June 2010 which contains provisions on the protection of human rights, including on racial discrimination; (b) The adoption of the Criminal Code which criminalizes the incitement to ethnic hatred, promotion exclusivity, superiority or inferiority on the basis of ethnic grounds, as well as genocide.

Situation of Stateless Persons and Asylum-Seekers

17. The Committee notes the efforts made by the State party to solve the situation of stateless persons in its territory by granting citizenship to stateless persons, in particular those who were in possession of the Soviet Union passports, such as the 2007 Citizenship Law, the Presidential Decree no. 437 and the National Action Plan to Prevent and Reduce Statelessness adopted in 2009 and updated in December 2012. However, the Committee remains concerned that a great number of persons (90,000), including stateless persons remain undocumented. The Committee is also concerned at reports that a discriminatory approach is applied regarding registration procedures and recognition of refugee status with respect to foreign Uighurs and Uzbeks, placing them in risk of harassment by the police and refoulement (arts. 2 and 5).

The Committee recommends that the State party continue its efforts to grant Kyrgyz citizenship to stateless persons including, through its National Action Plan to Prevent and Reduce Statelessness updated in December 2012. It also recommends that the State party take appropriate measures to grant access to its registration procedures and consider asylum requests regardless of the origin of applicants. The State party should also provide documents to all asylum seekers and take necessary measures to prevent them from risk of refoulement.

Hate Speech

18. While noting that article 229 of the Criminal Code punishes “actions aimed at inciting, racial, religious or interregional hatred, offending ethnic pride, or promoting exclusivity or inferiority of citizens on the basis of religion, or their ethnic or racial background”, the Committee is concerned at reports according to which hate speech by some politicians and media as well as discriminatory statements with regard to some minority groups are widespread, remain unprosecuted and unpunished (art. 4, 6 and 7).

The Committee recommends that the State party strongly condemn the discriminatory statements and hate speech by politicians and media. The Committee particularly recommends that the State party take appropriate measures to investigate, prosecute and punish such acts and take appropriate measures to prevent them, including through education training of media.

Situation of Internally Displaced Persons

11. While noting the efforts made by the State party to provide assistance to internally displaced persons, the Committee remains concerned that sustainable reintegration of internally displaced persons has not been yet achieved and that some of those who returned to Osh and Jalal Abad after the June 2010 events continue to face difficulties with regard to housing, properties and reintegration (arts. 2 and 5).

The Committee encourages the State party to pursue its efforts to provide full assistance to internally displaced persons who returned to their places of origin in Osh and Jalal Abad regions and to ensure their full reintegration, in particular with regard to access to housing and labour market.

Minority languages and culture in education

12. The Committee notes that the Constitution of the State party (art. 10) and the State Languages Act guarantees the right of persons belonging to minorities to be taught in their languages. However, the Committee is concerned at the lack of qualified teachers, translators, textbooks and teaching material in minority as well as in the State languages. The Committee is particularly concerned at reports that since the June 2010 events, many schools in Osh and Jalal-Abad have changed the language of education from minority languages into Kyrgyz, and that some of them do no longer benefit from State funding enabling them to ensure classes in minority languages. The Committee is also concerned at information on a decision of the State party according to which the high school testing will be conducted in Kyrgyz, thus creating a discrimination with regard to minority children who were educated partially in minority languages and do not have proficiency to be tested in Kyrgyz; such a situation may prevent their admission to universities or access to the labour market on equal footing with members of the majority. Moreover, the Committee remains concerned at reports that textbooks and curricula for primary and secondary schools do not adequately provide information on the history and culture of different ethnic groups living in the territory of the State party (arts. 2, 5 and 7).

The Committee encourages the State party to strengthen its efforts to promote education in minority languages for children belonging to minority ethnic groups in particular in the regions of Osh and Jalal-Abad. The Committee also recommends that the State party review its decision to introduce high school testing in Kyrgyz and take appropriate measures to ensure that children belonging to minorities be tested in languages in which they were mainly educated. The Committee reiterates its previous recommendation (CERD/C/KGZ/CO/4, para. 14) that the State party include in curricula and textbooks for

primary and secondary schools information about the history and culture of different ethnic groups living in its territory. The Committee requests that the State party provide information on follow-up given to this recommendation in its next periodic report

Committee on the Elimination of Discrimination against Women

CEDAW/C/KGZ/CO/3, 42nd Session

14 November 2008

Violence against Women

19. The Committee remains concerned about the fact that, despite existing legislation (law on social and legal protection against violence in the family) and other efforts, domestic violence remains widespread. It is also concerned that the police approach to such violence is ineffective and that police officers frequently prefer to qualify such incidents as constituting mere hooliganism. In addition, victims of violence prefer to contact crisis centers, mainly run by NGOs, rather than addressing the State authorities. The Committee also expresses concern about the lack of detailed information on sexual violence against women, including sexual harassment in the workplace, in the report of the State party.

In line with its previous concluding observations, the Committee recommends that an extensive public-awareness-raising campaign against violence in the family be launched nationwide. It also recommends that the State party ensure that its existing legal framework in this context is effectively applied in particular by law enforcement personnel; that training programmes for the police are strengthened; and that the judiciary is provided with and effectively uses or strengthens the existing mechanisms so as to ensure that the rights of victims of domestic violence are properly protected. The Committee further recommends that an adequate State budget be allocated for the programmes to combat violence against women. The Committee also requests that detailed information on sexual violence, including sexual harassment and efforts to eliminate it, be provided in the next report.

Stereotypes and Cultural Practices

23. The Committee notes with concern the persistence of stereotypes, including in the media, on women's roles in the family and in society. It is also concerned that these contribute to women's disadvantaged position in a number of areas, including their role in the labour market and in access to decision-making positions, and affect women's choices of studies and professions.

The Committee recommends that the State party strengthen policies and implement programmes, including awareness-raising and educational campaigns directed at women and men, and specifically at the media, aimed at the elimination of stereotypes on the role of women and men in society and in the family, in accordance with articles 2 (f) and 5 (a) of the Convention. It also recommends that the media be encouraged to project a positive image of women, and to promote the value of gender equality for society as a whole. It further calls upon the State party periodically to review the measures taken in order to assess their impact, take appropriate action and report thereon to the Committee in its next report.

Trafficking

29. The Committee is concerned about the absence in the State party's report and oral replies of sufficient information and statistical data on the phenomenon of trafficking in persons in Kyrgyzstan.

The Committee urges the State party to produce a comprehensive study on the dynamics of trafficking, aiming at the understanding of the phenomenon and its dimensions, in order to allow the State party to better understand the causes and the methods used by traffickers, to prevent its development, and to ensure that victims benefit from adequate protection in practice, and to prosecute and punish those responsible. The State party is invited to submit information on the measures taken in this regard, including to produce detailed statistical data. The State party is also invited to carry out, on a systematic basis, information campaigns on the risks and causes of trafficking in persons, in particular focusing on improving the legal literacy of rural women in this connection. It is further invited to put in place a system of effective monitoring of migrant workers to identify links with trafficking.

Vulnerable Groups of Women

43. The Committee is concerned about reports of discrimination and harassment against women because of their sexuality as well as about acts of harassment against women in prostitution by police officials.

The Committee urges the State party to take all appropriate measures to ensure that the Convention applies to all women without discrimination and to further take all necessary steps to protect them from all forms of discrimination and violence by public and private individuals.

II. Special Procedures

Report of the Special Rapporteur on violence against women, its causes and consequences

Addendum: Mission to Kyrgyzstan

Human Rights Council, 14th Session

A/HRC/14/22/Add.2, 28 May 2010

Violence against Women

87. The Government of Kyrgyzstan has secured formal legal achievements in the areas of gender equality, protection from domestic violence and political representation, in the context of difficult social and economic challenges faced by the country since its independence. However, these formal commitments have not translated into practical actions and improvements in the lives of the majority of women. The deteriorating social condition of women is evident in a deepening feminization of poverty, sharp declines in the participation of women in the formal labour market and poor access to public services.

88. Insufficient social welfare provisions have further eroded women's economic and social position, resulting in increasingly inferior negotiating positions within society and in the family. This is reflected in the rise of marriage practices such as bride-kidnapping, polygamous unions, early marriage and the rise in unregistered religious marriages, which undermine the rights of women and increase their vulnerability to all forms of violence. Their access to justice and protection is impeded by limited numbers of shelters, legal aid services and awareness of their

rights, as well as by economic dependency and the reluctance by law enforcement structures and society at large to recognize numerous forms of violence as crimes requiring serious attention.

89. Patriarchal articulations of a national and cultural identity and a reported rise in the influence of religious conservatism further undermine the position of women in Kyrgyz society. In addition, the marginalization of the national women's machinery and the lack of budgetary allocations and concrete measures to implement gender related commitments have all impeded efforts to advance gender equality and eliminate violence against women.

Trafficking

23. Violence against women in Kyrgyzstan is gradually gaining increased visibility and attention. However, the laudable efforts by the Government and civil society to address this problem have been insufficient to reach the majority of the population. Various forms of violence against women such as domestic violence, bride-kidnapping, trafficking, custodial violence, sexual violence and harassment and violence against lesbians, bisexuals and transgender persons remain unreported and unpunished.