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Between tradition and law: Challenges of enforcing international standards for women's rights in Kyrgyzstan

Diana Makembaeva*

Master of Law Degree

Institute of Professional Development and Retraining
Kyrgyz National University named after Jusup Balasagyn
C0033, 547 Frunze Str., Bishkek, Kyrgyz Republic
<https://orcid.org/0009-0006-5820-4913>

Navruz Hasanov

Doctor of Pedagogical Sciences, Associate Professor
Kyrgyz State University named after I. Arabaev
C0026, 51a Razzakov Str., Bishkek, Kyrgyz Republic
<https://orcid.org/0009-0005-4048-813X>

Gulmira Kasymalieva

PhD in Pedagogical Sciences, Associate Professor
Kyrgyz State University named after I. Arabaev
720026, 51a Razzakov Str., Bishkek, Kyrgyz Republic
<https://orcid.org/0009-0008-0300-7802>

Aigul Mukambetova

Doctor of Pedagogical Sciences, Associate Professor
Institute of Targeted Training of Pedagogical Personnel named after I. Isamidinov
Kyrgyz National University named after Jusup Balasagyn
C0033, 547 Frunze Str., Bishkek, Kyrgyz Republic
<https://orcid.org/0009-0007-4651-281X>

Nurgul Koichumanova

Doctor of Philological Sciences, Associate Professor
Kyrgyz Economic University named after Musa Ryskulbekov
C0033, 60 Togolok Moldo Str., Bishkek, Kyrgyz Republic
<https://orcid.org/0009-0003-0595-9739>

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*Corresponding author

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Article's History:**Abstract**

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The study analysed the protection of women's rights from violence in Central Asian countries in the example of Kyrgyzstan. Despite internationally accepted standards, gender discrimination, domestic violence, early marriage, bride kidnapping and other violations of women's rights are widespread in the region. In addition to the moral and ethical side and legal obligations of Kyrgyzstan as a party to international agreements, the problem of systematic violence against women is relevant from the demographic and socio-economic sides due to the loss of able-bodied resources, the financial burden on the health and social systems. The study identified the main contradictions between international standards of women's protection and national legislation; and analysed the role of law enforcement agencies, and formal and informal judiciary in ensuring the protection of women's rights against violence in Kyrgyzstan. Particular attention was devoted to the problem of inconsistency between international standards and traditions and customs, cultural, religious and other historical features of Central Asia. The study systematised, summarised and analysed data from the United Nations (UN) bodies responsible for ensuring women's rights in Kyrgyzstan; analysed the dynamics and identified intra-regional patterns of violations; and identified the reasons for the low practical effectiveness of international standards for the protection of women from violence at the regional level. Based on the results of the study, recommendations were made to ensure international standards of protection of women from violence in Kyrgyzstan, considering the country's socio-economic, cultural and historical characteristics. The findings can also be applied to the development of legal strategies and policies for the protection of women's rights in other post-Soviet countries of Central Asia

Keywords: gender inequality; forced marriage; traditionalism; informal courts; Central Asia

Introduction

The problem of ensuring international standards for the protection of women's rights from violence is one of the most difficult to regulate in international law because of the significant socio-cultural, religious, historical and national differentiation of regions. Existing international standards often contradict the local traditions of individual countries, are implemented in national legislation with reservations or are of a recommendatory nature (Kiviorg, 2022). Post-Soviet Central Asian countries such as Kyrgyzstan, Tajikistan, and Uzbekistan occupy a special place in this problem. On the one hand, these countries have demonstrated their commitment to democratic values and aspirations for global integration, being members of

the United Nations (UN) and parties to international human rights agreements. But at the same time, the region still has a high level of crimes against women, including violence and gender inequality in virtually all spheres of social and political life (United Nations, 2023a). In addition, to the above-mentioned numerous barriers to the implementation of international standards for the protection of women's rights in Kyrgyzstan, it is important to note the adoption in a new version of Law of the Kyrgyz Republic No. 72 "On Non-Profit Organisations" (2024). The adopted amendments include strengthening State control over non-governmental organisations with foreign funding. The introduction of such measures may lead to

the termination or significant restriction of the activities of human rights organisations on the territory of the country, which ensures the fulfilment of Kyrgyzstan's obligations under ratified international agreements.

This creates a legal dilemma in implementing international standards for the protection of women's rights in the face of contradictions at the regional and local levels. The declarative nature of existing international agreements without effective legal instruments, and the uniformity of international standards without considering the historical, cultural and other specifics of the country, leads to their low practical effectiveness (Tchoukou, 2023). Given the above, the study aimed to investigate the problems of ensuring international standards for the protection of women from violence at the regional level in the example of Kyrgyzstan as a Central Asian country.

Despite the measures taken, the number of women who have been victims of domestic violence has been growing rapidly over the last decade, with the average number of victims rising from 2,237 to 7,329 between 2009-2022, according to data from the National Statistical Committee of the Kyrgyz Republic (2024). As noted by R. Chowdhury (2020) and E. Hrešanová and H.M. Jaroslava (2022), of note is the still widespread practice of stealing women, early marriage, and de facto exploitation under the guise of the tradition of bride kidnapping called *Ala-kachuu*. According to the United Nations (2023a), approximately 13% of women in Kyrgyzstan are victims of forced marriage every year. In this context, Kyrgyzstan's legal system, with its public judiciary, which relies on customary decision-making and in most cases justifies violations of women's rights, such as bride abduction, has been criticised.

The existence of such public or informal courts is part of Kyrgyzstan's patriarchal structure and historically established traditions, most prevalent today in remote settlements.

R. Sain (2021) highlights the systemic challenges faced by rural communities, particularly women, emphasising how economic hardship, limited access to education, and social structures reinforce the importance of local community networks. This perspective underscores the intersection of gender, poverty, and social dynamics in shaping community resilience. Therefore, there is a pronounced dominance of informal forms of judicial power over formal ones, custom and tradition over the existing law.

S. Childress *et al.* (2022) note that many victims of family violence are also not fully aware of the current system of temporary protection and crisis centres, or are not aware of these options at all, fearing homelessness and destitution. In addition, public opinion is a substantial factor and the victim's fear of being judged by relatives and society in case of divorce. In Kyrgyz culture, divorce can be perceived as shameful not only for the woman but also for the parents and other family members.

The study aimed to investigate the problems of ensuring international standards for the protection of women from violence at the regional level in the example of Kyrgyzstan as a Central Asian country. The objectives of the study included identifying the main contradictions between international standards of women's protection and national legislation, analysing the role of law enforcement agencies and the formal and informal judiciary in ensuring the protection of women's rights against violence in Kyrgyzstan, and analysing the dynamics, identifying intra-regional patterns of violations, and determining the reasons for the low practical effectiveness of international standards for the protection of women from violence at the regional level.

Materials and Methods

The methodological basis of the study was based on general scientific, complex interdisciplinary

and special legal research methods: historical and legal, formal legal and comparative legal methods. A comparative legal analysis of Kyrgyz national legislation and international standards for the protection of women from violence was carried out to identify possible contradictions. Using historical and legal methods, attempts were made to explain the reasons for the low practical effectiveness of international standards for the protection of women's rights in Kyrgyzstan due to their inconsistency with the country's historical traditions, customs and mores. Particularly noteworthy was the widespread use of customary law in Kyrgyzstan as a valid legal norm, including the consideration of cases of violence and violations of women's rights through informal public judicial bodies or the so-called aksakal courts.

The normative and legal basis of the study consisted of international treaties under which Kyrgyzstan has undertaken to ensure the protection of women's rights from violence: Convention on the Elimination of All Forms of Discrimination against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), International Covenant on Economic, Social and Cultural Rights (1966) and International Covenant on Civil and Political Rights (1966); national laws and by-laws of Kyrgyzstan: Constitution of the Kyrgyz Republic (2021), Family Code of the Kyrgyz Republic (2022), Law of the Kyrgyz Republic No. 63 "On Protection and Defence against Family Violence" (2017), Law of the Kyrgyz Republic No. 52 "On Courts of Aksakals" (2024).

In the process of analysing UN reporting documents, data on changes in Kyrgyzstan's national policy and legislation to ensure international standards for the protection of women from violence, the effectiveness of the legal system in investigating cases of violence against women, the socio-economic and other measures taken to support women victims of violence, and the

preventive measures taken and planned were studied, systematised and summarised. The quantitative part of the study was based on the analysis of the offence database of the National Statistical Committee of the Kyrgyz Republic (2024) for the period from 2009 to 2023. The sample of analysed offences in Kyrgyzstan for the specified period includes the following data sets: the number of perpetrators of violent acts against women with the issuance of a protection order; the number of women who suffered from domestic violence and applied to healthcare authorities, crisis centres, aksakal courts and other institutions. Based on these statistics, the dynamics and territorial structure of offences related to violence against women were analysed; regional and socio-economic factors of their spread in Kyrgyzstan were identified. The analysis of statistics on the issuance of protection orders and the number of appeals by victims to crisis centres and law enforcement agencies was used to assess the practical effectiveness of the Kyrgyz legal system in protecting women from violence.

Results and Discussion

Inconsistency between international standards for the protection of women and national legislation. The post-Soviet stage of socio-economic development and the formation of political and legal systems in Kyrgyzstan, as in other Central Asian countries, is characterised by two phenomena: retraditionalisation with a conservative approach and adaptation to neoliberalism (Zhussipbek and Nagayeva, 2023). The contradictory nature of the approaches leads to many legal issues and dilemmas, especially in the field of women's rights protection. Retraditionalisation on the one hand is reviving processes of "going back to the roots" in independent Kyrgyzstan, drawing on traditions, customs and conservative Islam (Işık, 2021). Whereas, on the other hand, the neoliberal model embraces globalisation and

international integration processes with ratification of international agreements, adoption of international standards, membership of the country in international organisations and much more.

Since gaining independence in 1991, Kyrgyzstan has ratified several international treaties that regulate international standards for the protection of women from violence: Convention on the Elimination of All Forms of Discrimination against Women (1979), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966), and others. Additionally, optional protocols for international treaties have been ratified. The main international treaty on the protection of women's rights against violence ratified by Kyrgyzstan is the Convention on the Elimination of All Forms of Discrimination against Women.

From a legal point of view, ratification obliges Kyrgyzstan, as a party to the above-mentioned international treaties, to implement the provisions and norms set out in them. In particular, the parties to the Convention on the Elimination of All Forms of Discrimination against Women (1979) undertake to eliminate policies of discrimination against women, to incorporate the principle of equality in their legislation and ensure its practical implementation, and to ensure effective protection of women from any type of discrimination.

One of the first barriers to the practical implementation of the provisions of international treaties and their implementation is the presence of contradictions between the national legislation of the parties and, the historical, cultural and socio-economic peculiarities of the participating states. This case study is based on the example of Kyrgyzstan. An analysis of the international agreements ratified by Kyrgyzstan and national legislation on the protection of women's rights

has shown the existence of significant contradictions. Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (1979) obliges parties to take all measures to change laws, practices and customs that discriminate against women. Under Kyrgyz law, custom is enshrined as one of the fundamental principles of decision-making in the informal judicial system by aksakals' courts.

The mere existence of informal or elders' courts in their current form is a significant barrier to ensuring international standards of women's protection in Central Asia. Based on the example of Kyrgyzstan, it is worth noting the official regulation of informal courts by the Law of the Kyrgyz Republic No. 52 "On Courts of Aksakals" (2024). According to the law, aksakal courts are public bodies that are formed by the decision of citizens of a city or rural district and are guided by moral norms, as well as historical traditions and customs of Kyrgyzstan. At the same time, the activities of aksakal courts should not contradict Kyrgyz legislation. However, due to the lack of legal education and proper knowledge of the law, members of informal courts make decisions mainly based on traditions, customs and generally accepted moral norms at the local level.

Thus, informal courts often justify violence, discrimination and many other violations of women's rights. For example, the abduction of a woman for forced marriage is explained by the tradition of bride abduction or "ala kachuu". Cases of domestic violence become acceptable due to the existing patriarchal attitudes in Kyrgyz society with the subordination of wives to husbands. The report of the UN Working Group on the Elimination of Discrimination against Women notes the widespread belief in Kyrgyzstan that it is acceptable for men to use violence against women when they fail to fulfil their responsibilities, violate social norms, etc. (United Nations, 2023a). As a result, impunity for violence against women is widespread.

The problem of ensuring international standards for the protection of women from violence in Kyrgyzstan is directly related to the actual absence of the concept of economic violence in the legislation and the norms that adequately regulate the financial rights of women in marriage. In many households, women are deprived of access to financial resources and property, and as a result, are forced to perform heavy household work and endure violence. According to the United Nations (2023a), 90% of victims of domestic violence in Kyrgyzstan return to their abusers due to financial dependence, and only 2.5% of all reported cases of domestic violence against women result in legal proceedings.

In the context of financial dependence and the protection of women's rights, it is also worth noting the practice of marriage without official registration through a religious rite – *nikah*. This practice is widespread in rural Kyrgyzstan and is often used in cases of bride abduction and early marriage when the law prohibits marriage to a minor. Without official registration of marriage, a woman becomes more vulnerable from the socio-economic and legal perspectives, being deprived of property rights and many social guarantees, including those provided for in the Family Code of the Kyrgyz Republic (2022). Upon dissolution of such a marriage, a woman loses the right to inheritance and custody of children unless the husband confirms the right to custody.

The existence of the aforementioned “legal gap” allows a man to kick a wife out of the house at any time, deprive a wife of livelihood, and take away children. Thus, the practice of unregistered marriages exacerbates the already weak legal protection of women, contributes to the victims' tolerance of violence and effectively forces them to live in constant fear of being expelled from their homes.

Notably, women's financial dependence on the aggressor in Kyrgyz households is increasing due to several socio-economic and cultural

factors: high unemployment, early marriages and lack of vocational education for women, the patriarchal concept of marriage and the role of housewife for women. This is especially critical in rural areas, where women depend on living in large households, land and other resources. In addition, Kyrgyz society retains the tradition of parents inheriting property from their sons, while daughters go to live with their husbands' families. All these factors together lead to a woman's complete dependence on a husband and life in the household, minimising any rights of women in practice.

Analysing the contradictions between Kyrgyz legislation and international standards for the protection of women, it is also worth noting the exception in the Family Code of the Kyrgyz Republic (2022) that allows marriage from the age of 17 with parental consent. This is contrary to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (1979), according to which the parties to the Convention undertake to prohibit marriage with persons under 18 years of age and any exceptions to this legal norm.

There are significant legal gaps in Kyrgyzstan's legislation on sexual violence and harassment. For instance, the Labour Code does not have clear rules regulating liability for harassment of women in the workplace and the employer's responsibility for creating a safe working environment. In turn, the Convention on the Elimination of All Forms of Discrimination against Women (1979) obliges the parties to the Convention to ensure that women are protected from sexual harassment at work by law and to introduce penalties for employers for inaction.

In addition, Kyrgyz legislation lacks provisions to properly regulate sexual violence in marriage. The Family Code of the Kyrgyz Republic (2022) describes marital duties, but there are no legal provisions prohibiting the coercion of a partner through physical or psychological violence. Forced marriages should also be considered sexual

violence, as the choice of a spouse as an intimate partner is made without the woman's consent.

It is also worth noting the shortcomings of the texts of international standards from the legal point of view, including the limited interpretation of key terms. For instance, in the text of the Convention on the Elimination of All Forms of Discrimination against Women (1979), the concept of "patriarchy" is reduced to the meaning of cultural norms and traditional practices and is also used as a synonym for the subordination of women to men (Mudgway, 2021). The limited interpretation of the terminology in this case leads to a superficial reflection and understanding of the challenges associated with the patriarchal concept of marriage and society in general. Patriarchy in Kyrgyzstan serves as a justification for early and forced marriages, domestic violence, polygamy and many other violations of women's rights. In the patriarchal system, women are assigned the role of reproduction and household maintenance with heavy physical labour.

At the same time, the weakness of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and other international standards for the protection of women from violence is the lack of clear sanctions for parties for failure to fulfil their obligations. States parties to international treaties, having ratified them, remain free to implement the norms and provisions in their legislation (Ahlgren, 2021; Atadjanov, 2022).

Consequently, law enforcement agencies and courts act following national legislation, which has a higher legal force than international law.

Thus, the existing contradictions between international standards and national legislation, the existence of vulnerabilities and the declarative nature of Kyrgyzstan's laws contribute to the reduction of the practical effectiveness of international standards for the protection of women in the country. The problem is partly determined by the imperfection of the unified texts of the international standards themselves, the limited interpretation of terminology and the lack of specific sanctions for participating states.

Dynamics and territorial structure of offences related to violence against women. To determine the current situation in the sphere of protection of women's rights from violence in Kyrgyzstan, an analysis of static data on offences related to violence against women over the past 15 years was done based on the following indicators: the number of abused women with protection orders, the number of applications of abused women to crisis centres and aksakal courts (Fig. 1). The choice of the study period is determined by the availability of the most complete and relevant data sets on indicators of family violence against women in Kyrgyzstan, statistical records of which have been maintained and made publicly available since 2009 by the National Statistical Committee of the Kyrgyz Republic (2024).

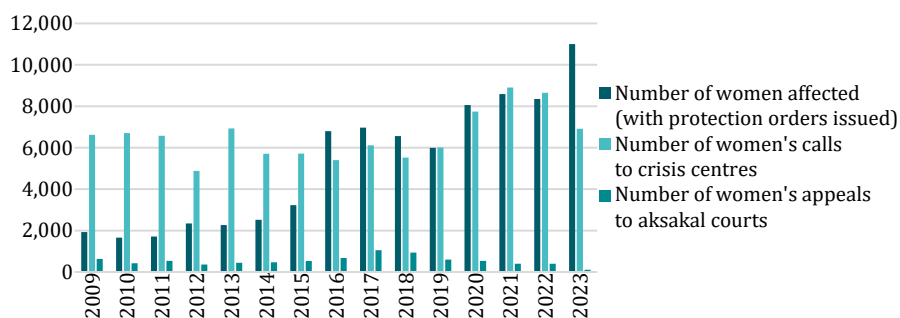


Figure 1. The dynamics of domestic violence against women in Kyrgyzstan from 2009 to 2023
Source: compiled by the authors based on National Statistical Committee of the Kyrgyz Republic (2024)

The results of the static analysis show a significant increase in the number of women victims of domestic violence over the study period, rising from an average of 2,237 victims in 2009-2015 to 7,329 in 2016-2022 and reaching a maximum of 1,102 victims in 2023. At the same time, the rate of women victims' referrals to crisis centres is relatively stable, ranging between 5,000 and 8,000 referrals throughout the reporting period. In contrast, the rates of women's referrals to Aksakal courts tend to decrease, ranging from 422 to 1,048 referrals for 2009-2020 and from 104 to 401 referrals for 2021-2023.

The low rates of complaints by women victims of domestic violence to aksakal courts compared to those to crisis centres and law enforcement agencies may be due to the following reasons: the focus of aksakal courts on patriarchal customs in their decision-making and, as a result, the victim's lack of confidence in receiving protection; the lack of anonymity, increased attention to the consideration of cases and fear of stigmatisation, as aksakal courts operate mainly at the level of small settlements; the limited powers of aksakal courts; and the limited number of women's courts in the region.

The upward trend in the statistical indicator of the issuance of protection orders in Kyrgyzstan at this stage is an indicator of positive changes in the legal and social systems for the protection of women, as well as the practical effectiveness of international standards. This is attributed to a range of factors: increased awareness of women about their rights, the opening of new crisis centres and mobile support services in rural areas, the creation of training programmes for law enforcement officers and social workers on gender-based violence, intensification of education by non-governmental organisations in the media, and others. In addition, in 2016, Kyrgyzstan adopted amendments to Law of the Kyrgyz Republic No. 63 "On Protection and Defence against

Family Violence" (2017), which expanded the powers of law enforcement officers and simplified the procedure for issuing protection orders, and 2024 amendments that introduced remedial programmes for perpetrators of family violence, strengthened inter-agency cooperation to prevent violence and introduced risk assessments to prevent re-offending. The amendments also clarified the rights of survivors, including access to legal, social and medical assistance, and expanded the categories of persons protected by the law to include persons equivalent to family members, such as common-law spouses and guardians (United Nations, 2013). Thus, the measures gradually increased women's reporting of violence to the competent authorities and improved State responses to such cases.

To study the territorial structure of offences, the proportions of women victims of domestic violence by region of their total number in Kyrgyzstan in 2023, the last 5 years of the study period from 2019 to 2023 and the entire study period from 2009 to 2023 were determined.

Following Figure 2, the distribution of the number of women victims of domestic violence across Kyrgyzstan is uneven. The largest share of the total number of women victims in 2023 is occupied by Bishkek and Chui oblasts. Bishkek and Chui Province with 49.3% and 19.5% respectively. A similar situation is typical for the entire period under study, which is mainly due to the high population density of Bishkek and the adjacent Chui Province, the availability of information and the efforts of non-governmental organisations, the developed system of support services for victims of violence and the availability of crisis centres. In this regard, the number of reports of violence in the capital region is higher. It is worth noting that the results presented here actually show the dynamics and territorial structure of officially registered cases of violence against women through law

enforcement agencies, crisis centres, and aksakal courts. At the same time, official statistics do not reflect the exact number of women victims of violence in Kyrgyzstan and its regions. Many women do not report cases of violence to law enforcement agencies due to fear of stigma,

financial dependence on the offender, uncertainty about the real possibility of protecting their rights and other reasons. In addition, in rural and hard-to-reach regions, the judicial system for issuing protection orders is not functioning properly or simply does not exist.

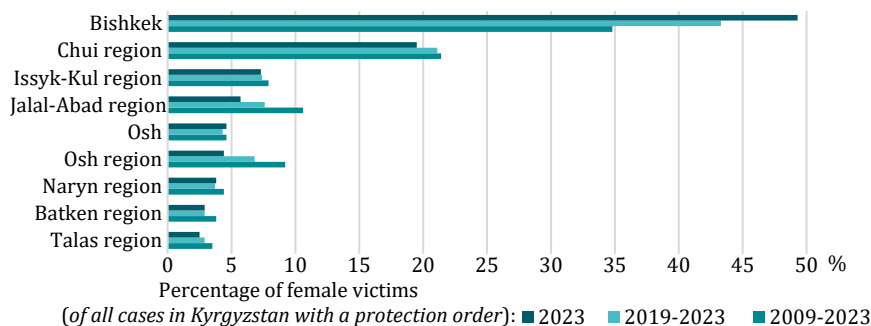


Figure 2. Territorial structure of offences of domestic violence against women from 2009 to 2023
Source: compiled by the authors based on National Statistical Committee of the Kyrgyz Republic (2024)

Qualitative analysis of the implementation of international standards for the protection of women: Status and barriers. Due to the inaccuracy of statistical data and the impossibility of objectively assessing the implementation of international standards for the protection of women's rights in a particular country, international organisations, authorised bodies and other stakeholders use different methods, approaches and data sources in their activities. Comprehensive analysis and assessment of the situation and progress in the field of human rights is based on the results of research and surveys, court practices, investigations, and analysis of the legal framework.

The United Nations Human Rights Council (2013) has developed human rights indicators and guidelines for their measurement and implementation. The national progress in implementing international standards and analysis of the current human rights situation, including the protection of women from violence, are reflected in reports, observations, investigations and other

materials of the UN-authorised bodies (Boche-liuk *et al.*, 2020). Therefore, the study of international standards for the protection of women from violence in Kyrgyzstan analysed UN documents and reports, data from other NGOs and independent studies.

The United Nations (2023a) reports on Kyrgyzstan for 2021-2023 noted systematic violations of international standards for protecting women from violence: early and forced marriage, family violence, dangerous practices such as bride kidnapping, economic violence and labour discrimination against women, gender discrimination based on patriarchal attitudes and conservative Islam, forced hard physical labour, and many others. The above-mentioned violations and their preconditions are noteworthy.

The UN reports on Kyrgyzstan's compliance with international standards for the protection of women from violence pay special attention to the problems of early and forced marriages. Forced marriages are a widespread phenomenon in Central Asian countries, most common in rural areas.

Depending on the reasons, the following types of forced marriages are distinguished: marriages related to the tradition of bride abduction; arranged marriages, when the future husband is chosen by the parents of the girl without accounting for the opinion and desire of the woman; marriages for economic reasons, when a girl is forced into marriage in exchange for a reward; marriages to preserve reputation in the case of premarital intimacy (Kim, 2020; Kim & Karioris, 2020). Some forced marriages are classified as early or child marriages, as they are concluded with minors despite the legal prohibition. In this case, the marriage is not officially registered and is performed by an imam through the religious rite of *nikah*.

Forced early marriage is primarily driven by socio-economic factors. Due to the high level of poverty in Kyrgyzstan, including a lack of funds for childcare, parents are keen to marry off their daughters as early as possible (Gebel, 2020). According to the United Nations (2023a), girls do not receive an education as a result of early marriage, being forced to drop out of school due to pregnancy, childcare and household responsibilities. Such marriages pose a particular threat to health due to frequent pregnancies and early childbirth, with complications leading to high mortality. Therefore, Kyrgyzstan introduced a legal provision prohibiting marriages under the age of 18. According to the Criminal Code of the Kyrgyz Republic (2021), not only the groom but also the parents of both parties, as well as the imam who performs the religious rite of marriage, bear criminal responsibility. Violation of this provision is regulated by Article 175 of the Criminal Code of the Kyrgyz Republic, according to which persons who violate the legislation on the marriage age are subject to punishment.

In addition to cases of coercion, early marriage is common due to a lack of awareness among adolescents about safe intimate relationships, contraception, human physiology, reproductive

health and so on. Such topics are not covered in educational or awareness-raising programmes for cultural and religious reasons and are considered taboo. The problem is aggravated by the lack of financial opportunities to purchase contraceptives and pay for the termination of unwanted pregnancies in medical centres. Consequently, illegal abortions take place in unsafe conditions.

The most common type of violence against women in Kyrgyzstan is family or domestic violence. Women in Kyrgyz families regularly face various forms of violence: physical, sexual, psychological and economic. At the same time, not only husbands but also senior family members, such as mothers-in-law, mothers and others, are the initiators of violence, abuse and discrimination. According to the United Nations (2023a), only 11% of women feel safe at home. Due to the constant growth of domestic violence, a provision was also introduced in the Criminal Code of the Kyrgyz Republic (2021). Previously, there was no such provision. Article 177 of the Criminal Code of the Kyrgyz Republic establishes liability for domestic violence, which was an important step in combating this phenomenon and protecting the rights of victims.

Notably, domestic violence is often not considered by society as a violation of women's rights or a crime. Moreover, there is a widespread practice of blaming victims and justifying violent acts in many cases (Park *et al.*, 2024). Surveys conducted in Kyrgyzstan showed that women considered it acceptable for their spouses to use violence if they did not have time to fulfil household duties or said things that their husbands might not like (Yun *et al.*, 2024). Thus, violence is perceived as normal and part of family life.

The justification and acceptance of violence against women as a norm of family relations is explained by the patriarchal model of society with a strong influence of tradition and conservative Islam (Rodriguez, 2023). The patriarchal model in Kyrgyzstan is characterised by a strict hierarchy

with women subordinated to their husbands and senior family members, which is the basis for the concept of marriage. Financial and property management is assigned to the husband and senior family members, while women are given the role of housekeeping and procreation. The authority of the opinions and decisions of the elders in the family hierarchy is virtually unquestionable for women, including the choice of a groom by parents for an unmarried girl.

The patriarchal concept of marriage in Kyrgyzstan is reflected in the tradition of *kelin*. A *kelin* is a young wife who comes to live in husband's family with parents, sisters, brothers and other members of the household. Cohabitation depends on the financial possibilities and permission of the husband's parents to live separately. However, as a rule, a woman retains the status of *kelyn* until a new daughter-in-law appears in the family: the wife of the younger brother of the husband or the wife of the son.

Kelin is the social status of a daughter-in-law in Central Asian countries, which obliges a woman to perform hard work in the household of the husband. The status of a *kelin* in the family and society is seen as low, marginalised, and subordinate (Zhussipbek & Nagayeva, 2020). The tradition is widespread in both rural areas and large cities of Kyrgyzstan (Iui-Ki & Kosterina, 2024).

The tradition of *kelin* was preserved since the nomadic stage of the history of the peoples of Central Asia, when men were the primary producers and hunters, and their elderly mothers were no longer physically able to bear the burden of heavy household work in the field. At the present stage, this tradition is viewed by international society as an oppression of women and harmful traditional practices that violate women's rights. Women with the status of *kelin* face systematic humiliation, psychological pressure, forced physical labour, economic violence and other forms of discrimination from their husbands' families.

The persistence of the patriarchal model along with historically established traditions and customs in Kyrgyzstan is facilitated by the low level of economic development, as well as gender inequality in the labour sphere. As of 2023, only 46% of women of working age work, compared to 76% of men. Meanwhile, women make up 70% of the economically inactive population (United Nations, 2023a). Lack of their livelihoods leaves women vulnerable and dependent, forced to endure violent acts by their husbands or other family members. According to survey data, most abused women cite financial problems and unemployment as the main causes of domestic violence (Yun *et al.*, 2024).

Addressing the economic causes of violence highlights the shortcomings of Kyrgyzstan's crisis centres, including the limited number of beds. As of 2023, only one of 18 crisis centres in Kyrgyzstan is municipal and fully funded by the state (United Nations, 2023b). All other crisis centres are privately owned and funded by sponsorship and other non-permanent sources. Due to inadequate funding, there is no possibility of long-term support and even the purchase of necessary supplies, including medication. In the future, government spending on women's protection programmes may be reduced due to the International Monetary Fund's requirements to develop austerity plans for Kyrgyzstan and other countries receiving financial support from the Fund (Iui-Ki & Kosterina, 2024).

The system of support for women victims of violence in Central Asia is still in its infancy and does not have a long-term approach, as in Western Europe and other economically developed countries. An effective system of support for women victims of violence is possible only if the necessary assistance is provided and the victims are supported until they can provide for themselves, to avoid being forced to return to their abuser due to financial dependence.

An equally important factor in the systematic violation of women's rights to protection in Kyrgyzstan is the virtual inaction of law enforcement agencies and the judiciary in investigating cases involving violent acts and discrimination against women. Data from the mandated bodies of the United Nations (2023a) indicate delays and refusals to issue protection orders, low enforcement of protection orders, and re-victimisation. Only 2.5% of all reported cases of domestic violence against women end up in court.

The low rates of investigations and criminal sentences in cases of domestic violence are the result of a combination of legal, socio-economic, cultural, historical and other factors. Some women victims are forced to return to their abuser because of financial dependence, lack of property rights and child custody rights in the case of an unregistered marriage, lack of awareness of the work of crisis centres or insufficient support measures, including temporary housing. In Central Asian countries, women often see marriage as the only way of existence and survival, perceiving violence as part of it (Khamzina *et al.*, 2021).

The socio-economic factor complements the psychological pressure on victims of domestic violence from a society that tends, in a patriarchal system, to blame abused women and justify violent acts against them. The imperfection of the domestic legal system with corruption, and the importance of kinship and acquaintances in the investigation of criminal cases also play an important role (France & Kukutschka, 2019; Bakiyev, 2021). Legally and financially insecure, guilty for the violence that has occurred, women victims, fearing stigma and fearing for their future, do not report to law enforcement agencies or withdraw their statements, returning to their families.

At the level of local communities, the informal authority of aksakals and imams as religious leaders plays an important role. Their authority is so strong for the local population that law

enforcement agencies are forced to cooperate on security and conflict prevention issues (Sheranova, 2020). At the same time, actions and decisions of informal authorities that contradict the law go unchallenged by official authorities if they are considered the norm for the local community (Mashal, 2022; Porreca, 2024). Such practices contribute to the de facto legalisation of multiple violations of women's rights in Central Asian countries.

In particular, the consequences of imams conducting the nikah rite without registration are early marriages with minors, polygamy, and deprivation of property and other rights of women in official marriages. Despite the prohibition of polygamy, it is common in Kyrgyzstan and Central Asia for men to live with several wives at the same time under the principle of civil marriage, cohabitation or marriage through nikah (McBrien, 2020; Cleuziou & McBrien, 2021). Women are forced to endure cohabitation with their husband's other wives due to financial dependency, including not having their own living space. According to interview data of women in polygamous marriages, lack of education and work experience, fear of age and ability to provide for themselves makes leaving their husbands almost impossible (Commercio, 2021). Thus, socio-economic conditions and the influence of informal power significantly decreased the practical effectiveness of legislative norms for the protection of women at the level of local communities.

Despite the persistently high level of crimes against women and shortcomings in the legislative system, Kyrgyzstan has made progress in recent years in ensuring international standards for the protection of women (Khamzina *et al.*, 2020). The Kyrgyz government has developed and adopted the Law of the Kyrgyz Republic No. 63 "On Protection and Defence against Family Violence" (2017) and the National Strategy of the Kyrgyz Republic to Achieve Gender Equality until 2030 (2022).

Other measures taken in the reports of the United Nations Executive Committees (2023b; 2023c) include the operation of crisis centres providing temporary shelter for women with children, an increase in the annual cost of the State budget for the operation of crisis centres, the development of training programmes for law enforcement agencies and other categories of professionals on domestic violence, the operation of mobile law enforcement crews to receive the population in remote communities, and the simplification of procedures for obtaining protection orders.

However, the current progress in achieving international standards for the protection of women in Kyrgyzstan may be jeopardised by the adoption of a new version of the Law of the Kyrgyz Republic No. 72 "On Non-Profit Organisations" (2024). According to the new version of the law, non-profit organisations that engage in political activities and receive funding from foreign sources must be included in a special register and mark the materials they produce and distribute with an indication of their foreign representation. In addition, state control over documentation, property, events and other activities is being strengthened.

Political activities include the main activities of human rights, charitable and non-governmental organisations: conducting surveys, shaping public opinion, publishing the results of sociological research, and so on. Thus, Law of the Kyrgyz Republic No. 72 "On Non-Profit Organisations" (2024) restricts the activities of most organisations in the field of women's rights protection in Kyrgyzstan, as they are partially or fully funded by foreign sources: grants, charitable funds, and sponsorship contributions. Representatives of the public and human rights organisations opposed the amendments, describing the new version as a "Law on Foreign Agents" similar to the one adopted earlier in Russia.

The increasing state control over the activities of non-profit organisations is explained by

the growing influence of Internet resources on the formation of public opinion (Kurambayev, 2020). Along with the restriction of information activities of international organisations, the preservation of patriarchy by socio-political groups and individuals who are supporters of traditionalism and conservative Islam is of concern. In recent years, Kyrgyzstan has witnessed the growth of illiberal discourse and the promotion of traditional values and ideas of religious radicalism, including through Internet resources among young people (Aitkulova, 2024). Literature, cinema, and folk art also continue to broadcast images of women and the concept of marriage characteristic of the patriarchal model (Chingiz, 2024). Thus, Kyrgyzstan is between two political vectors: the desire to integrate into international institutions with the provision of international human rights standards and the pressure of traditionalism, which acts as a barrier.

Recommendations for ensuring international standards for the protection of women from violence. Based on the results of the current study and the identified socio-economic, legal and cultural barriers, the following recommendations are proposed to improve the practical effectiveness of ensuring international standards for the protection of women against violence in Kyrgyzstan.

Introduction of targeted legislative reforms to eliminate inconsistencies with international standards. To ensure that national legislation complies with the Convention on the Elimination of All Forms of Discrimination against Women (1979), amendments to specific laws are necessary. The Family Code of the Kyrgyz Republic (2022) needs to be revised to remove the legal exception allowing marriage from the age of 17 with parental consent, in line with international prohibitions on child marriage. In addition, clear legal provisions prohibiting coercion of a partner through physical or psychological violence

should be added to criminalise rape in marriage. The Labour Code requires clear rules establishing liability for harassment of women in the workplace and defining the employer's responsibility for maintaining a safe working environment. Furthermore, the concept of "economic violence" should be formally introduced into the national legal framework to properly regulate the financial rights of women in marriage.

Restricting the jurisdiction of informal courts. Law of the Kyrgyz Republic No. 52 "On Courts of Aksakals" (2024) should be amended to prohibit these informal bodies from hearing cases of violence against women. Currently, members of these courts often have no legal training and base their decisions on tradition and patriarchal customs. As a result, they often justify domestic violence and violations of women's rights, such as bride kidnapping ("ala kachuu").

Reform the funding model for crisis centres to ensure comprehensive social support. Empirical data shows that only one of the 18 crisis centres in Kyrgyzstan is municipal and fully funded by the state. To ensure long-term support for victims, the government should allocate special budget funds to transform these private, sponsor-dependent centres into institutions that are fully funded by the state. Initial social support should include the provision of temporary housing and cash assistance for living expenses so that victims are not forced to return to their abusers due to financial dependence.

Creation of state programmes to ensure economic independence. Statistics show that 90% of victims of domestic violence in Kyrgyzstan return to their abusers due to financial dependence. In addition, women make up 70% of the economically inactive population (United Nations, 2023a). Therefore, additional social support programmes need to be created to assist women in obtaining vocational education or training and guaranteed employment. Providing victims with the opportunity

to support themselves financially is a proven necessity for breaking the cycle of violence.

Strengthening the accountability of law enforcement agencies and the judiciary. Data from the United Nations (2023a) show that only 2.5% of all reported cases of domestic violence against women currently result in court proceedings. To address this serious gap in law enforcement, strict disciplinary and criminal measures must be introduced for law enforcement and judicial officials for inaction, delay or refusal to issue protection orders, as well as for improper resolution of criminal cases through informal networks and corruption.

Changing social discourse and countering patriarchal narratives. Surveys show that many women in Kyrgyzstan consider it acceptable for men to use violence if they do not fulfil their domestic duties and perceive violence as a normal part of family life (Yun *et al.*, 2024). Given the documented rise of illiberal discourse and religious radicalisation on the internet and in traditional media outlets that propagate patriarchal images, targeted campaigns in state media are needed. These campaigns should actively deconstruct harmful norms, condemn violence against women, and promote the building of families based on equal rights and mutual respect between spouses.

Expansion and monitoring of mandatory correctional programmes for perpetrators. Based on recent legislative changes, all persons found guilty under Article 177 of the Criminal Code of the Kyrgyz Republic (2021) must be under strict supervision while undergoing mandatory correctional programmes. These programmes are designed to change the mindset and behaviour of offenders towards their families and serve as an important preventive measure to stop the recurrence of violence in the future.

Conclusions

Ensuring international standards of women's protection in practice faces many challenges when

implementing unified legal norms in countries with different political regimes and structures, social models, historical, cultural and other peculiarities. The process of ensuring international standards for the protection of women from violence in Central Asian countries with a patriarchal model of society, widespread conservative Islam and discriminatory traditions was studied in the example of Kyrgyzstan.

Kyrgyzstan is a member of the UN Human Rights Council and has ratified the main international standards for the protection of women, including the Convention on the Elimination of All Forms of Discrimination against Women. Despite the commitments made under international agreements, women in Kyrgyzstan are subject to systematic violations of their rights, discrimination in many areas of public and family life, domestic violence, and cruel and degrading treatment. Early and forced marriages, as well as abductions of women for forced marriage, are widespread.

Kyrgyz society retains a patriarchal model with elements of conservative Islam and traditionalism, which contradicts international law. In the hierarchy of this patriarchal system, women are subordinate to their husbands and older family members, de facto having a lower social status and limited rights. A bride enters the family of the husband in the status of a *kelin*, taking over the responsibilities of housekeeping and childcare until a new daughter-in-law enters the house. Before marriage, a girl is subject to the authority of the parents, including the choice of a future groom.

Historically entrenched social mores often dominate legal norms, especially in rural and remote areas. Girls are forcibly married through the tradition of bride kidnapping or arranged marriages, including for a fee. The marriage itself is often concluded without official registration through a religious ceremony, similar to civil marriage and cohabitation. In this regard, women are deprived of property and other rights prescribed by law for

official marriages. The absence of official marriage registration in Central Asian countries also contributes to polygamy and early marriages with minors.

The influence of traditionalism affects the effectiveness of the entire legal system in protecting women. Abused women do not report to law enforcement agencies, considering violence to be the norm of marriage and fearing social condemnation. In addition, informal community courts called *aksakal* courts, have remained. These courts rely on historical custom to make decisions, justifying discriminatory traditional practices. The main barrier to ensuring international standards of women's protection in Kyrgyzstan remains socio-economic: high levels of poverty, gender inequality in the labour sphere, and a lack of public funds for long-term financing of crisis centres. All of this leads to women's financial dependence on their families and husbands, contributing to the preservation of patriarchal foundations and traditionalism. Marriage is often seen as the only way for women to survive.

The quantitative part of the research is limited by official statistics on offences, which may not account for all cases due to victims' failure to apply to law enforcement agencies, refusals to initiate proceedings, and uneven registration of cases depending on the period and territory. Prospects for further research are related to the search for legal consensus in achieving international standards for the protection of women from violence between formal and informal institutions of power, the public, and international organisations.

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Conflict of Interest

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Діана Макембаєва

Магістр права

Інститут професійного розвитку та перепідготовки
Киргизький національний університет імені Жусупа Баласагіна
С0033, вул. Фрунзе, 547, м. Бішкек, Киргизька Республіка
<https://orcid.org/0009-0006-5820-4913>

Навруз Гасанов

Доктор педагогічних наук, доцент

Киргизький державний університет імені І. Арабаєва
С0026, вул. Резакова, 51а, м. Бішкек, Киргизька Республіка
<https://orcid.org/0009-0005-4048-813X>

Гульміра Касималієва

Кандидат педагогічних наук, доцент

Киргизький державний університет імені І. Арабаєва
720026, вул. Резакова, 51а, м. Бішкек, Киргизька Республіка
<https://orcid.org/0009-0008-0300-7802>

Айгуль Мукамбетова

Доктор педагогічних наук, доцент

Інститут цільової підготовки педагогічних кадрів імені І. Ісамідінова
Киргизький національний університет імені Жусупа Баласагіна
С0033, вул. Фрунзе, 547, м. Бішкек, Киргизька Республіка
<https://orcid.org/0009-0007-4651-281X>

Нургуль Койчуманова

Доктор філологічних наук, доцент

Киргизький економічний університет імені Муси Рискулбекова
С0033, вул. Тоголок Молдо, 60, Бішкек, Киргизька Республіка
<https://orcid.org/0009-0003-0595-9739>

Анотація

У дослідженні проаналізовано захист прав жінок від насильства в країнах Центральної Азії на прикладі Киргизстану. Незважаючи на міжнародно визнані стандарти, у регіоні поширеними залишаються гендерна дискримінація, домашнє насильство, ранні шлюби, викрадення наречених та інші порушення прав жінок. Окрім морально-етичного аспекту та правових зобов'язань Киргизстану як сторони міжнародних угод, проблема системного насильства щодо жінок є актуальною також з демографічної та соціально-економічної точок зору через втрату працездатних ресурсів і фінансове навантаження на систему охорони здоров'я та соціальні служби. У дослідженні визначено основні суперечності між міжнародними стандартами захисту жінок і національним законодавством; проаналізовано роль правоохоронних органів, а також формальної й неформальної судової системи у забезпеченні

захисту прав жінок від насильства в Киргизстані. Особливу увагу приділено проблемі невідповідності між міжнародними стандартами та традиціями й звичаями, культурними, релігійними та іншими історичними особливостями Центральної Азії. Дослідження систематизувало, узагальнило й проаналізувало дані органів Організації Об'єднаних Націй (ООН), відповідальних за забезпечення прав жінок у Киргизстані; проаналізувало динаміку та виявило внутрішньорегіональні закономірності порушень; а також визначило причини низької практичної ефективності міжнародних стандартів захисту жінок від насильства на регіональному рівні. На основі результатів дослідження було сформульовано рекомендації щодо забезпечення міжнародних стандартів захисту жінок від насильства в Киргизстані з урахуванням соціально-економічних, культурних та історичних особливостей країни. Отримані висновки можуть бути застосовані також для розроблення правових стратегій і політик захисту прав жінок в інших пострадянських країнах Центральної Азії

Ключові слова: гендерна нерівність; примусовий шлюб; традиціоналізм; неформальні суди; Центральна Азія