

Distr.: General
18 September 2018

Original: English
English, French, Russian and
Spanish only

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Report of the inquiry concerning the Kyrgyz Republic under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

I. Introduction

1. On 29 November 2013, the Committee on the Elimination of Discrimination against Women (Committee) received information from fourteen organisations (sources) submitted pursuant to article 8 of the Optional Protocol (Optional Protocol) to the Convention on the Elimination of All Forms of Discrimination against Women (Convention). The sources allege that the Kyrgyz Republic has committed grave and systematic violations of rights under the Convention due to its failure to prevent, protect and assist victims, as well as prosecute and adequately punish perpetrators of bride kidnapping in the State party.
2. The Kyrgyz Republic acceded to the Convention on 10 February 1997. It acceded to the Optional Protocol on 22 July 2002.

II. Submission by the sources

3. The sources submit that the State party has failed to: a) take adequate measures to prevent perpetrators from engaging in bride kidnapping; b) adopt adequate legislation to address the issue; and c) enforce existing laws criminalizing bride kidnapping.
4. The sources also submit that bride kidnapping is widely tolerated and that there are common misperceptions within society, e.g. the belief that bride kidnapping reinforces a man's masculine identity and that it is based on mutual consent and a legitimate way to found a family. Reportedly, victims' families are often reluctant to allow them to return home due to the perceived shame for the family, irrespective of whether or not they have been subjected to sexual and/or other forms of gender-based violence.
5. According to the sources, bride kidnapping is pervasive in the State party, confines victims to the role of caregivers and housekeepers, subjects them to abuse, neglect and isolation and therefore constitutes a "grave" violation of their rights to life, security, physical and mental integrity, and free choice of their spouse. In addition, the "continuous, widespread and accepted practice of bride kidnapping in the Kyrgyz Republic constitutes a 'systematic' violation within the meaning of article 8 of the Optional Protocol." They claim that the information provided in the submission reveals systematic violations of articles 1, 2, 5, 6, 10, 11, 12, 14, 15 and 16 of the Convention.

III. Procedural history

6. During its forty-second session in 2008, the Committee examined the third periodic report of the Kyrgyz Republic and requested it to submit follow-up information on the

enforcement of the laws criminalizing bride abduction, forced marriage and polygamy in the State party. In May 2011, the State party submitted information under the follow-up procedure. At its fiftieth session in 2011, the Committee considered that the Kyrgyz Republic had not implemented its recommendations to ensure full respect for these laws. In July 2014, the State party submitted additional follow-up information.

7. On 11 November 2014, the State party submitted observations on the information received from the sources under article 8 of the Optional Protocol. It provided statistical information indicating low reporting, prosecution and conviction rates for bride abduction and stated that there are 13 crisis centres for victims of violence against women in the country. The State party submitted that only few victims file complaints with the law enforcement agencies, and family members who are complicit in the crime generally enjoy impunity.

8. At its sixtieth session in 2015, the Committee considered the fourth periodic report of the Kyrgyz Republic. It adopted concluding observations¹ reiterating its concern about the abduction of women and girls for forced marriage in the State party, while acknowledging the 2013 amendment of the Criminal Code to increase the sanctions for this crime. The Committee made recommendations on law enforcement, capacity building, awareness raising and victim support in relation to bride kidnapping.

9. Between its fifty-ninth and sixtieth sessions, the Committee examined all the information received and concluded that the submission by the sources was reliable and indicative of grave or systematic violations of rights under the Convention. It designated Lia Nadaraia and Theodora Oby Nwankwo² to conduct an inquiry.

10. On 4 October 2016, the State party agreed to a country visit, which took place from 13 to 19 December 2016. The designated members (DMs) met the Vice-Prime Minister of the Kyrgyz Republic, the Minister of Labour and Social Development, the Minister of Education and Science, the Deputy Minister of Foreign Affairs, the Deputy Minister of Internal Affairs, the Minister of Justice, the Deputy Chair of the Supreme Court, the Deputy General Prosecutor, the Ombudsperson, the Deputy Director of the State Committee on Religious Affairs under the Office of the President, members of the Zhokargu Kenesh (Parliament) and representatives of the central government, local self-governing bodies and law enforcement bodies in Issyk-Kul and Osh regions. They visited crisis centres for women victims of violence in Bishkek, Osh and Karakol and interviewed victims of bride kidnapping, civil society representatives, academics, rural women activists and Muslim religious leaders.

11. On 19 January 2017, the State party submitted additional information on measures taken to prevent and combat bride kidnapping, such as police training, victim assistance, as well as data on investigations, prosecutions and convictions under articles 154 and 155 of the Criminal Code.

IV. Scope of the report

12. The Committee notes the need to distinguish consensual elopement from non-consensual bride abduction. Consensual elopement traditionally takes place with the mutual prior consent of the bride and the groom, is rooted in the cultural tradition of breaking the resistance of parents against a marriage by kidnapping the bride with the help of relatives of the groom, and often serves the purpose of avoiding high expenses for a wedding ceremony.

13. The DMs were informed by some of their interlocutors that non-consensual bride abduction is not part of traditional Kyrgyz culture but rather a harmful practice that

¹ CEDAW/C/KGZ/CO/4.

² Ms. Nwankwo passed away on 9 December 2017.

regularly involves child and/or forced marriage, payment of a dowry or bride price and polygamy,³ as well as gender-based violence, including rape of the victim.

14. The scope of the present report is limited to bride kidnapping as a non-consensual act.

V. Legal framework on bride kidnapping in the Kyrgyz Republic

15. The abduction of a girl or a woman for forced marriage is defined as a crime in articles 154 (2) and 155 (2) of the Kyrgyz Criminal Code, respectively. In 2013, the maximum penalties were increased to ten years imprisonment for the abduction for forced marriage of a person below the age of 17 (article 154 (2)) and seven years for the kidnapping of a person above that age (article 155 (2)), respectively. Rape is punishable by five to eight years' imprisonment (article 129). Marital rape is not specifically criminalized.

16. Article 26 (3) of the Criminal Procedure Code defines the crimes subject to private-public accusation as “crimes of minor gravity” (article 10 of the Criminal Code) and less serious crimes (article 11 of the Criminal Code), for which the penalties do not exceed two and five years of imprisonment, respectively, as well as rape (article 129 of the Criminal Code) and other acts of sexual violence (article 130 of the Criminal Code), but remains silent on the prosecution of those crimes. The Ministry for Internal Affairs informed the DMs that in case of private-public accusation, criminal prosecution can be initiated only upon complaint by the victim, a legal representative or a third person and shall be terminated upon reconciliation of the parties. In accordance with article 26 (4) of the Criminal Procedure Code, all other crimes, such as grave crimes which are punishable with a term of imprisonment exceeding five years but not more than ten years (article 12 of the Criminal Code), including articles 154 (2) and 155 (2), are subject to public prosecution which does not depend on a criminal complaint and cannot be terminated upon reconciliation of the parties.

17. Marriages are legally recognized in the State party if concluded before a State organ or organs of local self-governing bodies authorized to register civil acts. Religious ceremonies concerning marriage and family are legally void, in accordance with article 1 (2) of the Family Code.

18. An amendment to the Criminal Code of 17 November 2016 added a new article 155¹, which states that “parents (or persons replacing them) of a person who underwent a religious wedding ceremony, a person who conducted the religious wedding ceremony as well as a person above the age of 18 years, who underwent a religious wedding ceremony with a minor in violation of the law on the minimum age of marriage are punished with imprisonment from three to five years.”

19. Article 14 of the Family Code establishes the minimum age of marriage at 18 years and allows for lowering the age of marriage by one year, if authorized by the local administration.

VI. Findings of fact

A. Gender stereotypes and socio-cultural context of bride kidnapping

20. According to a 2016 national survey conducted by the United Nations Population Fund and UN Women, 81 percent of the Kyrgyz population oppose bride kidnapping.⁴ In this regard, the Committee notes as positive information received by the DMs that

³ Joint General Recommendation No.31 of the Committee/General comment no. 18 of the Committee on the Rights of the Child on harmful practices (2014), paras. 20-28.

⁴ UN Women/UNFPA, Gender in Society Perception Study, National Research Result, 2016, p. 112.

education on gender equality has been included in certain school curricula and training for teachers, as well as school competitions and theatre plays on bride kidnapping organized by local village committees on the elimination of domestic violence.

21. While only 3 percent of the urban and 5-6 percent of the rural population view bride kidnapping positively, 14.9 percent of rural men are indifferent to bride kidnapping.⁵ In certain regions, more than 30 percent of the men believe that the victim of bride kidnapping should marry the abductor.⁶

22. During their meetings with the Deputy Minister of Foreign Affairs, the Deputy Minister of Justice, the Deputy Director of the State Commission on Religious Affairs and the Deputy Chair of the Supreme Court held on 14, 15 and 19 December 2016, respectively, the DMs noted a tendency to downplay the extent of bride kidnapping. The local administration in Osh denied outright that bride kidnapping persists in the region.

23. The Director of the “Sezim” Crisis Centre in Bishkek informed the DMs that during the Soviet era, bride kidnapping was not criminalized which led to the perception that it was a harmless tradition. A Member of Parliament explained that after the collapse of the Soviet Union, a “lost generation” of Kyrgyz men sought reaffirmation of their masculinity and cultural identity in practices such as bride kidnapping. While bride kidnapping was not widespread during Soviet times, current estimates refer to 12,000 cases per year⁷. The Committee notes that the maternal mortality rate in the State party is one of the highest in the region.⁸ This can partly be attributed to the fact that bride kidnapping often results in early pregnancies.⁹

24. During the visit, the DMs interviewed more than 30 victims of bride kidnapping in Bishkek, Karakol and Osh. Many interviewees stated that women who run away from a kidnapper are stigmatized and considered a shame for their family by their communities. They are presumed to have lost virginity, which makes it difficult for them to find a husband of their choice. The social status of married women is higher in Kyrgyz society than that of unmarried women. According to the Karakol Police Department, victims who have been pressured to consent to marriage therefore usually deny the fact of having been kidnapped. According to the Meerman Crisis Centre in Karakol, victims are stigmatized when they take a kidnapper to court, unable to return to their villages and sometimes compelled to emigrate.

B. Circumstances of abductions

25. The DMs observed that victims from low-income families and/or female-headed households are especially vulnerable to bride kidnapping. In some cases, the kidnapper took advantage of the fact that the victim’s father was either ill¹⁰, had died¹¹ or had left the family¹². Kidnappers often have a low level of education, limited professional prospects and low self-esteem. By kidnapping the victim, they try to avoid competition, being rejected or having to pay for the wedding and a high bride price.¹³

⁵ *Ibid.*

⁶ *Ibid.*, p. 123.

⁷ Asian Development Bank, Kyrgyz Republic: 16-Day Campaign to End Gender-Based Violence (2013); UN Women, News and events, “Stopping bride kidnapping in Kyrgyzstan”, 9 August 2016.

⁸ 76 deaths per 100,000 live births. See UNDP, Human Development Report 2016, Table 5: Gender Inequality Index, p. 215.

⁹ Meeting with UN entity on 12.12.2016.

¹⁰ Victim M., from Uzbekistan, interviewed on 13.12.2016; G. from Karakol, interviewed on 16.12.2016.

¹¹ Victim A. from Jalalabad, interviewed on 12.12.2016; I. from Bishkek, interviewed on 13.12.2016; A. from Aksu district, interviewed on 17.12.2016; E. from Osh, interviewed on 18.12.2016; Y., interviewed on 18.12.2016.

¹² Victim H. from Karakol, interviewed on 16.12.2016.

¹³ UN Women/UNFPA, Gender in Society Perception Study, National Research Result, 2016, p. 133.

26. The Committee notes that the scenarios of bride kidnapping vary, but there is one recurrent pattern: a perpetrator or his parents choose a victim, who is abducted, usually with the help of family members or friends. She is brought by force to the house of the kidnapper's parents, where preparations for a traditional wedding ceremony are already underway. The kidnapper's family normally puts pressure on the victim to consent to the wedding, sometimes assisted by the victim's parents seeking to avoid the stigma attached to victims who escape forced marriage¹⁴. As soon as the victim's or her parents' consent has been obtained, the perpetrator's family celebrates the religious wedding ceremony, regularly followed by rape during the night following the ceremony.

27. Most victims interviewed, including those who after persuasion consented to the marriage, described the shock they had experienced. A majority of victims interviewed decided to stay with the kidnapper; many were ashamed that they had been raped.¹⁵ The DMs were told that in 2012, two 18-year old university students from Issyk-kul region committed suicide after having been kidnapped. In about one fifth of the cases, victims are set free after threatening to call the police or escape.¹⁶

C. Non-registration of marriages and religious wedding ceremonies

28. As entering intimate relations without a religious wedding ceremony ("nikah") is considered a sin, the kidnapper's family usually invites an Imam or another person who is not necessarily an official religious authority to administer the ceremony once the victim's "consent" has been obtained under pressure. Religious leaders informed that nikah without the consent of both parties is void. In practice, religious wedding ceremonies are reportedly celebrated even in the absence of the woman's and girl's consent. Despite the new article 155¹ criminalizing religious clergy, families and adults involved, religious wedding ceremonies involving girls persist.

29. The DMs met with religious leaders, including women, who confirmed that no registry of religious unions exists. They informed that a proposed amendment to the Family Code, which would have required prior civil registration of a marriage before celebrating a religious wedding ceremony, had been withdrawn in Parliament as it was argued that it would have interfered with religious freedom. Religious marriages without civil registration thus continue to be celebrated despite being legally void.

D. Role of relatives

30. Many victims stated that their families, especially their mothers, had assisted the kidnapper either by facilitating the abduction or by putting pressure on the victim to stay with him. In some cases, the mother of the victim had been a victim of bride kidnapping herself.¹⁷ While most victims felt betrayed by their parents, some also emphasized good intentions of their parents and the societal or financial pressure upon them.

31. The members took note of cases where parents were supportive of victims, protected them and brought charges against the perpetrators, especially in cases where the daughter was under-aged¹⁸ or when the groom had a criminal record and/or had been married before and had divorced¹⁹.

¹⁴ Victim A. from Jalalabad; X. from Narim, interviewed on 12.12.2016.

¹⁵ Director of the Sezim Crisis Centre, interviewed on 13.12.2016. See also Begimai Sataeva, *Public shaming and resistance in the context of the Bride Kidnapping phenomenon in Kyrgyzstan*, Utrecht, the Netherlands, 2017.

¹⁶ Open Society Institute/Open Line, *Bride kidnapping analysis report*, Bishkek 2010, p. 56.

¹⁷ Victim X. from Naryn.

¹⁸ Victim H. from Karakol was 14 years old when she was kidnapped.

¹⁹ The kidnapper of victim A. from Talas region, interviewed on 18.12.2016, had a criminal record and was divorced.

E. Role of the judiciary and law enforcement agencies in investigating, prosecuting and punishing cases of bride kidnapping

32. The prevention and investigation of crimes fall under the responsibility of the investigative units of the police. Prosecution authorities informed the DMs that their mandate was limited to supervising that the internal affairs bodies investigate properly.

33. The Deputy Minister for Internal Affairs emphasized that the investigation of crimes related to bride kidnapping was a priority. However, UN sources indicate that only few cases of bride abduction are officially registered in the State party.²⁰ Internal affairs bodies are not interested in such cases, as complaints, even when they are filed, are rarely brought to court, because the families of the victim and the perpetrator often settle the case through reconciliation.²¹ According to figures that the DMs received from the Supreme Court, out of the 197 criminal cases initiated between 2011 and 2016 under article 155, 112 were referred to the courts, 26 were terminated upon withdrawal of the complaint, 32 were suspended because the accused had evaded criminal proceedings; 38 perpetrators were convicted in 2015 and 27 in 2016. During the same period, 63 criminal cases were initiated under article 154, out of which 38 were referred to the courts, 12 terminated upon withdrawal of the charges, 6 were suspended; 2 perpetrators were convicted in 2015 and 5 in 2016.

34. The DMs noted that several officials with whom they met²² were unaware that articles 154(2) and 155(2) of the Criminal Code are both subject to public prosecution. Due to the limited knowledge on the part of law enforcement authorities, the distinction between private-public and public prosecution is not strictly applied in practice.²³ Many police officers reportedly believe that they cannot accept complaints from third persons and that they must close a criminal case as soon as the victim has reconciled with the perpetrator and withdrawn her complaint. As a result, cases involving abduction are often terminated upon reconciliation and withdrawal of the complaint. The Minister of Labour and Social Development acknowledged the need for capacity building for law enforcement officers to address this implementation gap.²⁴

35. Forced sexual intercourse following bride kidnapping is prosecuted under article 129 of the Criminal Code (“rape”) only if the victim indicates in her complaint that she was raped due to the private-public nature of this crime.

36. According to the Deputy General Prosecutor, it is the exception rather than the general rule that victims withdraw their complaint. It was added that even if they withdraw their complaint, they can always submit new evidence or circumstances to reopen a criminal case. However, victims and other non-governmental sources informed the DMs that in most bride kidnapping cases, perpetrators are not punished either because the victim does not file a complaint or because victims withdraw their complaint after the families of the victim and the kidnapper reconcile. At the meeting with the DMs, the Minister of Labour and Social Development also expressed concern about the practice of terminating cases of forced marriage upon reconciliation.²⁵

37. Victims interviewed by the DMs mentioned reluctance on the part of the police to investigate cases of bride kidnapping and refer them to the courts. Police officers are influenced by traditional stereotypes, often discourage victims from filing a complaint and sometimes receive pressure from within their communities or bribes so as not to investigate reports of bride kidnapping. One victim²⁶ said that her husband and his brother, who both had raped her, had forced her to withdraw her complaint. As she was under 16 and could

²⁰ UN Women/UNFPA, Gender in Society Perception Study, National Research Result, 2016, p. 119.

²¹ *Ibid.*, p. 126.

²² Joint meeting with State authorities on 13.12.2016 (Deputy Minister of Internal Affairs); meeting with the Head of the Investigation Unit of the Province Police Department in Karakol on 16.12.2016; meeting with the Deputy General Prosecutor on 19.12.2016.

²³ Meeting with UN entity on 12.12.2016.

²⁴ Meeting with the Minister of Labour and Social Development on 14.12.2016.

²⁵ *Ibid.*

²⁶ A. from Aksu district, interviewed on 17.12.2016.

not write the withdrawal letter herself, the police officer did it for her without interrogating the kidnapper or his family.

38. Another barrier to victims' access to justice is that the Code of Criminal Procedure requires that a victim's testimony must be supported by forensic evidence. While forensic evidence can be obtained at the regional level from trained medical personnel in case of physical violence used to force a victim of bride kidnapping to enter into child and/or forced marriage, it can only be obtained from the State Forensic Centre in Bishkek in case of psychological violence. According to the Ministry of Justice, the law enforcement agencies are often unable to establish the victim's lack of consent, in the absence of such evidence. Cases involving psychological violence are therefore frequently either not referred to the courts or the courts acquit the accused.

39. In addition, Kyrgyz courts rarely make full use of the increased penalties for bride kidnapping introduced by the 2013 amendments to articles 154 (2) and 155 (2). NGOs informed the DMs that the courts tend to impose suspended sentences when the convict is a first-time perpetrator and that in some cases, they treat bride kidnapping as an administrative offence and merely impose a fine despite the more severe penalties prescribed by law.²⁷

40. According to NGOs,²⁸ prison sentences are imposed only in exceptional cases which receive media attention or in cases that are taken up by NGOs. Victims confirmed the lenient sentencing for bride kidnapping. In one case, the kidnapper and his accomplice were sentenced to two years of house arrest for having raped the victim. Parents or other accomplices of the kidnapper are rarely sentenced, although complicity in the crimes under articles 154(2) and 155(2) is punishable pursuant to article 30 of the Criminal Code.

41. The State party is focusing on capacity building to fight impunity for bride kidnapping. It has delegated a number of preventive tasks to local structures that do not necessarily have sufficient capacity to perform these functions, including 552 public prevention centres mandated by the Law on Crime Prevention to develop preventive plans on bride kidnapping and village committees on elimination of domestic violence.

F. Victims' fate within forced marriage and following its termination

42. According to Open Line, domestic violence is disproportionately prevalent in forced marriages. However, in most cases victims prefer not to file a complaint because they want to preserve family unity or because they are afraid that their children will be taken away from them upon termination of the forced marriage, as they are often destitute.

43. Several victims complained about exploitation and abuse by family members of their husband who forced them to do the housework, denied them education and ill-treated or humiliated them. Others reported that their husbands were alcoholic and abusive, had married a second wife in a religious wedding ceremony or had abandoned them. In some cases, bride kidnapping victims are prompted to commit suicide.²⁹

44. According to the Minister of Education, in the six cases of bride kidnapping of girls registered in 2015, all victims received assistance from the State party to complete their education. However, this is not the case when the crime is not reported. To keep track of children dropping out of school, educational institutions are required to report such cases to special committees on children's affairs when they have been unable to contact the parents.

45. According to the Ministry of Justice, following the termination of a forced marriage, when there are children, child custody is normally given to the mother. Kidnappers often lose interest in their children and fail to support them financially. Women are at a disadvantage upon termination of a religious union, which fails to protect their economic

²⁷ Meeting with NGOs at the Meerman Centre in Karakol on 16.12.2016.

²⁸ *Ibid.*

²⁹ UNDP, Europe and Central Asia, "In Kyrgyzstan a new law protects girls against early marriage", 25 November 2016.

rights and does not require a court decision on divorce, child custody and alimony. The fact that the father's name is entered into the civil registry only if he is present at the birth registration encourages men to deny paternity to avoid alimony payments. One of the victims interviewed was able to obtain a court decision ordering the father to pay 3000 to 4000 SOMs of alimony per month for their four children only because the marriage had been officially registered.³⁰ Several victims stated that child support benefits are very low in the State party. Their destitute situation reportedly forces many victims to emigrate and to leave their children behind.³¹

46. Following separation or divorce from the kidnapper, victims often find it difficult to obtain an affordable place at kindergarten for their children.

G. Access to remedies, protection and rehabilitation for victims of bride kidnapping

47. The Committee notes that lack of legal literacy had prevented several of the victims interviewed from reporting their cases to the police. NGOs³² informed the DMs that although during and following the amendments to the Criminal Code in 2013, civil society had increased public awareness of the criminalization of bride kidnapping, legal literacy remained low, especially with regard to the procedure for reporting the crime. Other barriers to reporting referred to by victims included limited trust in the justice system, fear of stigmatization, the costs of court proceedings, possible criminal law consequences for family members and the frequent interviewing of victims by male police officers or together with the perpetrator.

48. Limited access to legal aid prevents many victims of bride kidnapping from accessing justice. A network of 10 legal aid centres provides free legal aid and has reportedly assisted some 38,000 applicants since 2010. However, legal aid is normally available only to the accused. Although victims of crimes can apply for legal aid under Order No. 5415, the Family Code and a new law on legal aid, in practice they receive legal assistance during court proceedings only from NGOs that receive little or no State funding and depend on donor support.

49. Several victims alleged that the police or the lawyer of the accused had tried to dissuade them from pursuing a complaint.³³ Others acknowledged that duty officers at police stations or investigative officers had provided them with procedural information or assisted them to draft a complaint.³⁴ The Ombudsperson's Office sometimes assists victims with court proceedings or refers them to NGOs. According to NGOs,³⁵ the existing free nationwide 24/7 hotline is little known and not specifically oriented towards bride kidnapping victims.

50. The State party has taken a number of measures to encourage victims of bride kidnapping to file criminal complaints. The Ministry of Internal Affairs has established a department for legal assistance that is mandated to provide support to victims and witnesses.

51. According to the Ministry of Internal Affairs, of more than 5,000 protection orders issued in domestic violence cases in 2016, 28 related to bride kidnapping victims. Local police can issue temporary protection orders valid for 15 days, while court orders are valid

³⁰ In an NGO survey, 205 victims responded that their kidnapping had been "legitimized" through customary marriage. In 23 percent of these cases, the marriage was later officially registered. 6 victims responded that their marriage had been officially registered without any religious ceremony, and 7 victims lived neither in a religious union nor in an officially registered marriage. Open Society Institute/Open Line, *Bride kidnapping problem analysis*, Bishkek 2010, pp. 56-57.

³¹ Meeting with NGOs at the Meerman Centre in Karakol on 16.12.2016.

³² *Ibid*; concluding meeting with NGOs in Bishkek on 18.12.2016.

³³ Victim A. from Talas region, interviewed on 18.12.2016.

³⁴ Victim A. from Jalalabad province, interviewed on 12.12.2016.

³⁵ Initial meeting with NGOs in Bishkek on 13.12.2016.

for one month. Apart from victims, any witnesses or crisis centres can apply for protection orders. The DMs ascertained the lack of preventive protection orders for victims who face repeated kidnapping attempts by the perpetrator or when there are sufficient grounds to believe that such attempt is imminent.

52. The Supreme Court informed the DMs that courts are unable to order victim rehabilitation measures, as there is no specific legislation or budget for assistance to bride kidnapping victims. Psychological counselling is provided to victims of gender-based violence essentially by NGOs such as the Sezim Crisis Centre in Bishkek offering individual and group therapy. Victims described these services as extremely helpful. According to the director, more than 4,000 victims of gender-based violence have received assistance at the Sezim Crisis Centre since its establishment in 1998. Due to its limited capacity, the Centre provides services to bride kidnapping victims having escaped forced marriage only in exceptional cases.

53. Sezim and a few other independent civil society-run crisis centres such as the Meerman Centre in Karakol or the Ak-Jurok Crisis Centre in Osh are the only ones providing shelter and basic items to victims of gender-based violence. An association of 13 non-governmental crisis centres provides social and legal support to victims of gender-based violence; however, only seven were operational at the time of the visit due to limited funding.

54. The independent crisis centres receive little if any financial support from the State party. Only Sezim receives 20 percent of its funding from the Ministry of Labour and Social Development and the Bishkek Mayor's Office has made available premises for the Sezim shelter and pays its public utility bills. However, international donor support was not secured beyond 2017. The Meerman shelter is entirely funded by donors, and Ak-Jurok makes use of a room at the Osh hospital where it can temporarily shelter victims of domestic violence. As these shelters are overcrowded, victims of bride kidnapping can only be admitted in serious cases of gender-based violence. The shelter of Sezim was able to receive 264 persons in 2014.

VI. Legal findings

A. State party obligations under the Convention in relation to bride kidnapping

55. States parties are obliged not to discriminate against women through acts or omissions and to eliminate discrimination against women, regardless of whether such acts or omissions are those of the State or of private actors.³⁶

56. Discrimination can occur through the failure of States to take the necessary legislative measures, but also through the failure to enforce existing laws.³⁷ In this regard, the Committee recommended that the State party strengthen the capacity of judges and law enforcement agencies to protect women and girls from bride kidnapping and provide systematic training on the criminal nature of this harmful practice.³⁸

57. The Committee recalls that the abduction of girls and women for child and/or forced marriage is not only a harmful practice but also a pervasive form of gender-based violence against women,³⁹ especially if accompanied by rape. States parties have a due diligence obligation under article 2 (e) of the Convention to take all appropriate measures to prevent,

³⁶ CEDAW, General Recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, CEDAW/C/GC/28, para. 10.

³⁷ *Ibid.*

³⁸ CEDAW, concluding observations on the fourth periodic report of Kyrgyzstan, CEDAW/KGZ/CO/4, para. 20 (b) and (c).

³⁹ CEDAW, General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, para. 14.

investigate, prosecute, punish and provide reparation for acts or omissions by non-State actors which result in gender-based violence against women, including acts of bride kidnapping. The failure of a State party to take all appropriate measures to prevent acts of bride kidnapping when its authorities know or should know of the danger of such acts, or a failure to investigate and punish, and to provide reparation to victims, provides tacit permission or encouragement of bride kidnapping.⁴⁰

58. Under article 2 (c) of the Convention, States parties must ensure that victims of bride kidnapping have recourse to affordable, accessible and timely remedies, with legal aid, if necessary free of charge. They must provide access to appropriate reparations.⁴¹ Access to justice may require that fees for legal aid and issuing or filing documents as well as court and transportation, room and board costs are waived or reduced.⁴² It also requires supportive environments and legal literacy programmes that empower victims to claim their rights without fear of retaliation.⁴³ States parties should also financially support organisations that provide legal aid to victims.⁴⁴

59. States parties are required under articles 2 (f) and 5 (a) of the Convention to destigmatize victims of bride kidnapping who are asserting their rights⁴⁵ and to modify or eradicate prejudices, stereotypes and practices that are the root cause of this harmful practice,⁴⁶ in collaboration with the education system, the media, civil society and communities.⁴⁷

B. Violations of rights under the Convention

(I) The right to live free from gender-based violence against women

(a) Lack of awareness raising to prevent bride kidnapping

60. The Committee acknowledges the efforts made by the State party to raise public awareness of the criminal nature of bride kidnapping by including gender equality and women's rights in certain school curricula and training for teachers. However, the limited effectiveness of these measures demonstrates the need to take more systematic and comprehensive preventive measures to eliminate patriarchal stereotypes that persist in the State party, especially in rural areas, which perpetuate the social legitimization of bride kidnapping and forced marriage.

(b) Adequacy of the legislative framework

61. The Committee acknowledges that the penalties in articles 154(2) and 155(2) of the Criminal Code are commensurate with the gravity of the crimes and exclude the possibility of merely imposing a fine. However, the State party's failure to specifically criminalize marital rape denies victims of bride kidnapping effective legal protection against rape within forced marriage.

62. The Committee notes that rape is subject to private-public prosecution, in accordance with article 26(3) of the Criminal Procedure Code, and that victims of bride kidnapping therefore must complain specifically of non-consensual sexual intercourse following the bride kidnapping for the crime of rape to be prosecuted. The Committee notes that article 26(3) weakens the protection that the law should afford victims of rape, as rape is punishable by five to eight years' imprisonment (article 129 of the Criminal Code) and

⁴⁰ *Ibid.*, para. 24 (b).

⁴¹ GR 28, para. 34; Joint GR31/GC18, para. 55 (q).

⁴² GR 33, para. 17 (a).

⁴³ GR 33, para. 33 (c) and 51 (d).

⁴⁴ GR 33, para. 37 (d); GR 28, para. 34.

⁴⁵ GR 33, para. 25.

⁴⁶ GR 35, para. 26.

⁴⁷ Joint GR31/GC18, para. 81; GR 33, para. 35.

therefore constitutes a grave crime within the meaning of article 12 of the Criminal Code that should be prosecuted *ex officio*.

63. The Committee notes the absence of legislation providing for mandatory restraining or protection orders to safeguard women and girls at risk of bride kidnapping even when the perpetrator makes repeated attempts to abduct a victim or when there are sufficient grounds to believe that such attempt is imminent.

(c) *Lack of law enforcement*

64. Compared to the estimated number of 12,000 cases of bride kidnapping per year, the conviction rates under articles 154 (1) and 155 (2) are extremely low.⁴⁸ Family members or friends who are complicit in the crime are rarely charged or convicted. The Committee considers that the sentencing policy of the State party in relation to bride kidnapping is too lenient, given that the courts tend to impose suspended sentences or fines, especially when dealing with first-time perpetrators, rather than imposing the penalties stipulated in articles 154(2) and 155(2).

65. In addition, the law enforcement organs are too passive in investigating complaints. Police officers are often reluctant to intervene in cases of bride kidnapping and encourage victims to withdraw their complaint or they close a case upon reconciliation despite their duty to investigate further. In some cases, they reportedly obstruct criminal proceedings upon payment of a bribe.

66. The public nature of articles 154(2) and 155(2), allows the police to initiate criminal proceedings in the absence of a complaint. However, as noted, police officers do not seem to be aware of or ignore such possibility. This is aggravated by the reluctance of victims and their families to report cases of bride kidnapping to the police for fear of social stigma or when family members of the victim have been complicit in the kidnapping. The Committee observes that non-enforcement of articles 154 (2) and 155 (2) although they are of a public nature gives rise to impunity as many criminal cases are never initiated in the absence of a complaint from the victim.

67. In the Committee's view, the fact that non-consensual sexual intercourse following bride kidnapping is prosecuted as rape only if declared as such in the victim's complaint further attests to the State party's failure to comply with its duty to prosecute such severe crimes *ex officio*.

(d) *Lack of capacity building and awareness raising for the judiciary and police*

68. The Committee notes the limited impact of capacity building for judges, prosecutors and law enforcement officials and the need for further mandatory, recurrent and effective training on the strict application of legislation criminalizing bride kidnapping.

69. The reluctance on the part of the judiciary and law enforcement bodies to investigate, prosecute and punish acts of bride kidnapping can be attributed to the persistence of discriminatory stereotypes within these organs. In that regard, the Committee notes the lack of awareness raising programmes, specifically targeting the judiciary and police, to change traditional attitudes confining gender-based violence to the private sphere, thereby contributing to a culture of silence and impunity surrounding bride kidnapping.

(d) *Findings*

70. The Committee finds that the State party is in violation of Convention articles:

(a) 2(f), 5(a), 10(c) and (h) and 16 for failing to take sustained measures to prevent bride kidnapping by eradicating prejudices, discriminatory stereotypes and practices that are the root cause of this harmful practice;

⁴⁸ CEDAW/KGZ/CO/4, para. 19.

(b) 1 and 2(b), (c), (e) and (f) read with articles 5(a), 12 and 16 for failing to provide for ex officio prosecution⁴⁹ of bride kidnapping and related sexual violence as well as for mandatory restraining or protection orders to prevent imminent or repeated attempts of bride kidnapping,⁵⁰ and for failing to specifically criminalize marital rape;⁵¹

(c) 1 and 2(c), (d) and (e) read with articles 5(a), 12 and 16 for failing to comply with its due diligence obligation to effectively investigate, prosecute and punish cases of bride kidnapping and related sexual violence, and to provide mandatory, systematic and effective capacity building for the judiciary and law enforcement bodies on the strict application of legislation prohibiting these crimes.

(II) *Right to freely choose a spouse, equal rights within marriage and upon its dissolution and prohibition of child and/or forced marriages*

(a) *Equal right to freely choose a spouse and to enter into marriage only with one's free and full consent*

71. The Committee notes that the Constitution⁵² provides for equal rights for men and women to enter into marriage. However, in practice, the social acceptance of bride kidnapping especially in rural areas means that many women and girls, unlike men and boys, continue to be subordinated to perpetrators who abduct and force them into marriage without their free, prior and informed consent,⁵³ sometimes in polygamous unions. The perpetrator has the option to ask an Imam or other person to conduct a religious wedding ceremony and in this way, seek to legitimize his criminal act.

72. Contrary to the view expressed by some State officials during the visit and the widespread belief that bride kidnapping usually takes place with the consent of the woman or girl, the Committee notes that the circumstances surrounding cases of bride kidnapping, such as sexual violence, pressure by the kidnapper and his family, and stigmatization of victims, make it impossible in most cases to determine that the victim's consent to marriage was free and full.

73. The Committee also recalls that the kidnapper's family routinely seeks the consent of the victim's parents, who are often complicit in the kidnapping, and that Imams and other persons administering religious wedding ceremonies are not concerned to establish the free and full consent of the bride, with whom they must not speak behind closed doors. In the Committee's view, unions that disregard the free and full consent of one of the spouses constitute forced marriages and violate the right of women and girls freely to choose a spouse.

74. The Committee concludes that women in the State party do not enjoy the same right as men to freely choose a spouse and to enter into marriage only with their free and full consent. It observes that the practice of bride kidnapping has evolved into a harmful practice and a pervasive form of discrimination against women that violates their rights under article 16(1) (a) and (b) of the Convention. This violation can be attributed to the State party's failure to prevent such unilaterally consented religious unions by failing to require the civil registration of a marriage for any celebration of a religious wedding ceremony or the registration of any such ceremony in an official registry.

(b) *Equal rights within marriage and upon its dissolution*

75. The Committee notes that the subordinate role of women within marriage is sustained by the persistent gender stereotypes in Kyrgyz society. It considers that the high risk of violence, abuse and rights deprivations faced by victims of bride kidnapping within

⁴⁹ GR 35, para. 44.

⁵⁰ GR 35, para. 40(b).

⁵¹ Joint GR31/GC18, para. 55(p).

⁵² Constitution of the Kyrgyz Republic (as amended on 11 December 2016), article 13; Law "On State Guarantees of Equal Rights and Equal Opportunities for Men and Women" (2008).

⁵³ Joint GR31 /GC18, para 16.

forced marriage is a direct consequence of the fact that such unions are based on physical or psychological violence from the very outset.

76. The Committee notes that victims of bride kidnapping are regularly left without protection following the termination of a legally void religious union. In the absence of civil registration of the marriage, women are deprived of rights in relation to the sharing of joint marital property and child custody that are normally afforded to women upon dissolution of a marriage under the State party's Family Law. By failing to require civil registration for a religious wedding ceremony to take place or the registration of any such ceremony in an official registry, the State party fails to prevent situations where women enter religious unions that are legally void, thereby violating its obligation under article 16(1) (c) of the Convention to protect equal rights of women and men within marriage and upon its dissolution.

77. The Committee also notes that the failure of the State party to adopt legislation to protect the rights of women forced into marriage deprives victims of bride kidnapping of the protection afforded to women married under the Family Law.

(d) *Prohibition of child and/or forced marriages*

78. The Committee welcomes the recent amendment to article 155¹ of the Criminal Code criminalizing persons who administer or are complicit in religious wedding ceremonies involving girls. The Committee notes that prior to the entry into force of the above amendment to the Criminal Code, there was little indication of any systematic effort on the part of the State party to provide protection and assistance for children at risk, as well as redress for victims, and end impunity for perpetrators. By failing to provide immediate responses to the particularly vulnerable situation of child victims of bride kidnapping and related sexual and gender-based violence, including rape; require the registration of all religious unions in an official registry; reintegrate and rehabilitate child victims; and effectively prosecute perpetrators, the State party has violated its obligation under article 16(2) of the Convention to prohibit child marriages.

(e) *Findings*

79. The Committee finds that the State party is in violation of Convention articles:

(a) 16, paragraph 1 (a), (b) and (c), read with articles 5 (a) and 12, for failing to ensure the same right to women as to men to freely choose a spouse and to enter marriage only with their free and full consent, as well as the same rights during marriage and upon its dissolution, and for failing to protect victims of bride kidnapping from being forced into legally void unions without their free and full consent and to afford those victims the protection afforded to women married under the Family Law;

(b) 16, paragraph 2, read with articles 5 (a), and 10, 12, for failing to protect girl victims of bride kidnapping from being forced into illegal child marriage with adverse effects on their education, health and development, by not making the registration of religious unions in an official registry compulsory, not prosecuting all persons complicit in a child marriage and not providing immediate redress and assistance to the child victims.

(III) *The right to access to justice and victim support*

(a) *Lack of legal aid and of measures to support and facilitate reporting by victims*

80. The Committee considers that the State party has failed to create a supportive environment for women to report incidents of bride kidnapping and related sexual violence by de-stigmatizing victims, informing them of their rights and eligibility for legal aid, and sensitizing the police on the criminal nature of such acts.⁵⁴ It has also failed to encourage victims to file complaints by establishing specialized gender units within law enforcement

⁵⁴ CEDAW/C/KGZ/CO/4, paras. 18 and 20.

and prosecution systems, adequately staffed with female officers,⁵⁵ and by adopting standardized procedures for the police on gender-sensitive investigations.⁵⁶ While noting that the State party has adopted guidelines and provided training on the interrogation of victims of gender-based violence, the Committee finds that police practices reported by victims, such as requiring them to face the perpetrator, attest to the limited effectiveness of the measures taken.

81. The State party has not taken sufficient measures to remove the barriers to access to justice faced by victims of bride kidnapping. The lack of institutionalized affordable, or if necessary, free legal aid, waivers for expert or document fees and reimbursement of transportation costs⁵⁷ deprives many victims without sufficient means of their right to bring their case to court.

82. The Committee notes the lack of effective remedies, protection and support services for women complainants and witnesses of bride kidnapping before, during and after legal proceedings, in particular the absence of an operational network of State-run crisis centres and shelters for women and their children and the lack of financial support from the State budget for independent NGO-run crisis centres providing medical, psychological and legal services to victims. It observes that the State party cannot absolve itself from its obligation to ensure protection and assistance to victims of bride kidnapping by delegating the provision of such services to NGO-run crisis centres and shelters, without adequately funding them and ensuring that their services are accessible to all victims of bride kidnapping.⁵⁸

83. The Committee considers as overly restrictive the evidentiary requirement that violence used to force a bride kidnapping victim to accept forced marriage must be established on the basis of forensic evidence, in addition to a victim's testimony, especially in the absence of institutionalized free medical examinations of victims of sexual and gender-based violence and given the difficulties to prove psychological violence, for which forensic evidence can be obtained only in Bishkek, and that victims are frequently required to pay the travel and other costs for obtaining the required medical or psychiatric expertise.⁵⁹

(b) *Findings*

84. The Committee finds that the State party is in violation of Convention articles:

(a) 2(c), 5(a) and 15 for failing to remove economic and social barriers to access to justice faced by women victims of bride kidnapping, by not providing affordable or, if necessary, free legal aid as well as reimbursement or waivers for the travel and other costs of obtaining medical or psychiatric expertise and by failing to create a supportive environment for women to report incidents of bride kidnapping and related sexual violence;

(b) 2(c), (e), 12 and 15 for failing to ensure that victims of bride kidnapping have access to effective remedies, including reparations that are proportionate to the gravity of the harm suffered, and that appropriate protection and support services, including a sufficient number of adequately equipped crisis centres and shelters, are in place for women and their children before, during and after legal proceedings.

D. Principal findings of violations under the Convention

85. In light of the above, the Committee finds that the Kyrgyz Republic has violated Convention articles: 1 and 2(b), (c), (e) and (f) read with articles 5(a), 12 and 16; 1 and 2(c), (d) and (e) read with articles 5(a), 12 and 16; 2(e), 5(a), 10(c) and (h) and 16; 16, para

⁵⁵ GR 33, para. 51(c).

⁵⁶ CEDAW/C/KGZ/CO/4, para. 20(b); GR 33, para. 51(g).

⁵⁷ GR 33, para. 17(a) and (e).

⁵⁸ GR 28, para. 34; GR 33, para. 37(d).

⁵⁹ GR 33, para. 51(h).

1 (a), (b), and (c), read with articles 5 (a), 10 and 12; 16, para 2, read with articles 5 (a), 10 and 12. These articles should be read together with the Committee's General Recommendation No. 21 (1994) on equality in marriage and family relations; General Recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution; Joint General Recommendation No. 31 of the Committee/general comment No. 18 of the Committee on the Rights of the Child on harmful practices (2014); General Recommendation No. 35 (2017) on gender-based violence against women, updating General Recommendation No. 19; General Recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention; and General Recommendation No. 33 (2015) on women's access to justice.

E. Grave or systematic nature of the violations

86. Pursuant to article 8 of the Optional Protocol and Rule 83 of its Rules of Procedure, the Committee must assess if the violations of rights are grave or systematic.

87. The Committee considers violations to be "grave" if they are likely to produce substantial harm to victims. Any determination regarding the gravity of violations must take into account the scale, prevalence, nature and impact of the violations found.

88. The term "systematic" refers to the organised nature of the acts leading to the violations and the improbability of their random occurrence. The Committee has stressed that a systematic denial of equal rights for women can take place either deliberately, namely with the State party's intent of committing those acts, or as a result of discriminatory laws or policies, with or without such purpose. The systematic nature of violations can also be assessed in light of the presence of a significant and persistent pattern of acts which do not result from a random occurrence.

89. The Committee assesses the gravity of violations in the State party in light of the suffering experienced by women and girls subjected to bride kidnapping. It notes, in particular, the harm caused by gender-based violence, including sexual violence, during and following bride kidnapping, as well as the adverse impact that bride kidnapping has on the right of women freely to choose a spouse and to enter into marriage only with their free and full consent. The situation gives women and girls who are victims of bride kidnapping in the State party two deplorable options: remain in the forced and sometimes polygamous union, where victims are in many cases exposed to sexual violence by the perpetrator and exploitation by the perpetrator's family; or escape the forced marriage, at the risk of revenge violence, separation from their children, poverty, social isolation and stigmatization, and without adequate access to justice, protection and support services. In either case, victims find themselves without appropriate legal or economic protection upon termination of a legally void religious union. Victims of bride kidnapping are thus torn between submitting to forced marriage, frequently accompanied by gender-based violence, and enduring the social, economic and sometimes life-threatening consequences of escaping from such a union. In both cases, they experience rights violations.

90. The Committee finds that the State party has failed to implement systematic awareness raising programmes to sensitize the general public on the criminal nature and harmful effects of bride kidnapping in order to challenge its social legitimization, eliminate patriarchal stereotypes and destigmatize victims. It also notes the State party's failure to implement awareness raising programmes specifically targeting the judiciary and law enforcement officers to change persistent attitudes confining gender-based violence to the private sphere, thereby fostering a culture of silence and impunity surrounding bride kidnapping.

91. The Committee considers that the State party has systematically failed to enforce existing laws criminalizing bride kidnapping and child marriage. While it acknowledges the magnitude of these harmful practices, the State party has not made systematic efforts to effectively investigate, prosecute and punish cases of bride kidnapping and related sexual violence. Its failure to remove economic and social barriers to access to justice faced by women victims of bride kidnapping further aggravates the situation of victims and contributes to impunity for perpetrators. The Committee considers that the State party has

knowingly accepted these omissions, which are not a random occurrence, as evidenced by the prevalent pattern of bride kidnapping in the State party. They constitute elements of systematic violations of rights under the Convention.

92. The Committee finds that the State party is responsible for:

(a) Grave violations of rights under the Convention considering that it has failed to: protect a significant number of women and girls from bride kidnapping and related sexual violence; uphold their right freely to choose a spouse and to enter into marriage only with their free and full consent; and provide adequate access to justice, protection and support to enable women to escape forced marriage, thereby exposing them to and/or unnecessarily prolonging their severe physical and mental suffering;

(b) Systematic violations of rights under the Convention considering that the State party has knowingly omitted to take effective measures to:

(i) Address traditional attitudes and social norms that legitimize bride kidnapping and to destigmatize victims;

(ii) Enforce existing laws criminalizing bride kidnapping and child marriage and remove economic and social barriers as well as create a supporting environment enabling victims of bride kidnapping to access justice;

(iii) Require the civil registration of a marriage for any celebration of a religious wedding ceremony or the registration of any such ceremony in an official registry.

VII. Recommendations

A. Legal and institutional framework

93. The Committee recommends that the State party urgently:

(a) **Add rape as an aggravating factor in articles 154 (2) and 155(2) of the Criminal Code and amend article 26(3) of the Criminal Procedure Code to ensure that rape (article 129 of the Criminal Code), being a grave crime within the meaning of article 12 of the Criminal Code, is prosecuted ex officio;**

(b) **Adopt legislation to criminalize marital rape and ensure that its definition is based on lack of freely given consent and takes account of coercive circumstances;**

(c) **Adopt legislation providing for mandatory restraining or protection orders when a perpetrator makes repeated attempts to abduct a victim or when there are sufficient grounds to believe that such attempt is imminent as well as for adequate penalties for non-compliance with such orders;**

(d) **Amend article 154 of the Criminal Code so that it applies to bride kidnapping victims who have not attained the age of eighteen (rather than seventeen) years;**

(e) **Amend article 14 of the Family Code and/or implementing legislation to ensure that the minimum legal age of marriage established at 18 years for women and men may be lowered by one year only in exceptional circumstances, provided that the grounds for obtaining permission are legitimate and strictly defined by law, without deference to culture and tradition, and only by decision of a court of law upon the full, free and informed consent of the child or both children, who must appear in person before the court;⁶⁰**

(f) **Adopt legislation to make it mandatory for educational institutions, teachers, employers, hospitals and social services working with women and/or**

⁶⁰ Joint GR31/GC18, paras. 20 and 55 (f).

children to report to the law enforcement authorities if they have reasonable grounds to believe that an act of bride kidnapping has occurred or may occur.

B. Law enforcement

94. The Committee recommends that the State party:

(a) Exercise due diligence to prevent, investigate, punish and provide reparation for all crimes of bride kidnapping and related sexual violence;

(b) Provide mandatory, recurrent and effective capacity-building for all law enforcement personnel, including the judiciary, as well as legislators and forensic medical experts, on the effective application of articles 154 and 155 of the Criminal Code, gender-sensitive investigations, as well as on their role in prosecuting perpetrators and protecting victims of bride kidnapping;

(c) Provide systematic training to ensure that the public nature of articles 154(2) and 155(2) of the Criminal Code, which requires the police to initiate criminal cases even in the absence of a complaint (*ex officio*), is known to law enforcement officers and that they continue investigating when a victim withdraws her complaint upon reconciliation with the perpetrator;

(d) Ensure that bride kidnapers and family members or friends who are complicit in the crime are prosecuted and receive adequate penalties commensurate with the gravity of the crime;

(e) Establish specialized gender units within law enforcement and prosecution systems, adequately staffed with qualified female officers, and adopt gender-sensitive investigation procedures in bride kidnapping cases, not requiring the victim to face the perpetrator.

C. Access to justice

95. The Committee recommends that the State party:

(a) Remove barriers to justice faced by women and girl victims of bride kidnapping, including by providing institutionalized affordable, or if necessary, free legal aid, reimbursement of transportation, room and board costs or waivers for expert or document fees, and ensure that psychiatric forensic expertise is available in all regions of the State party;

(b) Ensure that victims of bride kidnapping have access to effective remedies, including reparation such as compensation which is proportionate to the gravity of the harm suffered, including by creating a specific fund to ensure that victims receive adequate reparation when perpetrators are unable or fail to comply with their obligation to provide reparation;

(c) Protect complainants and witnesses of bride kidnapping against retaliation before, during and after legal proceedings, in particular through the timely issuance and monitoring of restraining or protection orders and adequate sanctions for non-compliance;

(d) Ensure that cases of bride kidnapping are under no circumstances referred to alternative dispute resolution procedures such as Aksakal courts or mediation;

(e) Create a supportive environment to encourage victims to report incidents of bride kidnapping and related sexual violence by:

(i) De-stigmatizing victims, informing them of available remedies and their right and eligibility to legal aid;

(ii) Ensuring that women are adequately represented in the judiciary and law enforcement agencies;

(iii) Establishing a mechanism whereby routine medical examinations are systematically provided to all women and girls reporting instances of bride kidnapping, including for purposes of collecting forensic evidence and providing post exposure prophylaxis and treatment to victims of sexual violence, in particular rape;

(iv) Ensure that the evidentiary requirements in bride kidnapping cases are not overly restrictive, inflexible or influenced by gender stereotypes, by allowing photographic evidence, signs of violence and medical reports as well as by sensitizing the judiciary and police to give due weight to women's and girls' arguments and testimony, as parties and witnesses.⁶¹

D. Equal rights freely to choose a spouse, within marriage and upon its dissolution

96. The Committee recommends that the State party:

(a) Ensure that civil marriages are contracted and religious wedding ceremonies are celebrated only with the free, full and informed consent of both parties;

(b) Amend the Act on Religious Belief and Practice so that religious wedding ceremonies can be administered only subject to either prior registration of a civil wedding⁶² or registration within a short period of any such ceremony in an official registry, and provide for criminal penalties in case of non-compliance;

(c) Strictly enforce article 155¹ of the Criminal Code by prosecuting and punishing persons who administer or are complicit in religious wedding ceremonies involving girls, as well as articles 154(1) and 155 (1) criminalizing child marriage and forced marriage of women, respectively;

(d) Sensitize Imams and other religious leaders on the above provisions;

(e) Protect the rights of victims of bride kidnapping upon dissolution of a civil marriage or termination of a forced marriage resulting from a religious wedding ceremony, by upholding their rights under article 16 of the Convention in relation to the sharing of joint property,⁶³ alimony and child custody;

(f) Ensure that the names of both parents are entered into the civil registry irrespective of their attendance at birth registration;

(g) Provide immediate redress and assistance to girls who are victims or at risk of bride kidnapping for purposes of child marriage.

E. Victim support

97. The Committee calls on the State party to:

(a) Provide a sufficient number (at least one per region) of safe and adequately equipped crisis centres providing medical, psychological and legal services, as well as shelters for victims of bride kidnapping and their children. Where the provision of these services is delegated to independent NGO-run crisis centres, the State party should provide them with adequate financial support and, hence, urgently increase its funding for these centres;

⁶¹ GR 33, para. 51 (h) and (i).

⁶² General Recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, para. 26.

⁶³ *Ibid.*

(b) Establish a free nationwide 24-hour hotline that is adequately staffed with trained counsellors to enable victims and witnesses to report when acts of bride kidnapping have occurred or are about to occur;

(c) Adopt adequately funded victim support programmes to provide affordable housing, childcare, education and other basic services to victims of bride kidnapping and their children and investigate and punish all cases of extortion of bribes from victims to access such services.

F. Prevention and awareness-raising

98. The Committee recommends that the State party:

(a) Adopt, effectively implement and adequately fund preventive measures to challenge and change the underlying causes of bride kidnapping, including patriarchal attitudes and discriminatory stereotypes that perpetuate or legitimize bride kidnapping and confine gender-based violence to the private sphere, and to combat the culture of silence and impunity surrounding bride kidnapping;

(b) Implement and financially support local self-government bodies and civil society conducting awareness-raising programmes for law enforcement personnel, political, local and religious leaders and the media to promote understanding of the criminal nature of bride kidnapping, and address stigma faced by victims, in particular those having escaped child and/or forced marriage;

(c) Integrate educational programmes on women's rights and gender equality, including legal literacy programmes, into curricula at all levels of education to eliminate stereotyped gender roles and deter boys from harmful practices such as bride kidnapping and child and/or forced marriage;

(d) Adopt guidelines for the training of media professionals and encourage the media to adopt a code of conduct to promote gender-sensitive coverage of and public discussion on cases of bride kidnapping and to avoid portraying gender-discriminatory images or content that objectify or demean women and girls.

H. Data collection

99. The Committee recommends that the State party:

(a) Establish a system to regularly collect, analyse and publish disaggregated statistical data on the number of complaints about bride kidnapping, the rates of dismissal and withdrawal of complaints, including upon reconciliation, prosecution and conviction rates, the sentences imposed on perpetrators and the reparation provided to victims;

(b) Conduct research with a view to obtaining more reliable data on the extent of the practice of bride kidnapping in the State party;

(c) Provide information on the data collected in its fifth periodic report due in March 2019.