



SECURING WOMEN'S
RESOURCE RIGHTS
THROUGH GENDER
TRANSFORMATIVE
APPROACHES



Investing in rural people

Kyrgyzstan Land Rights:

Quick Guide to Resolving Disputes and Securing Ownership



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Prepared for the project: Global Initiative for Gender Transformative Approaches for Securing Women's Resource Rights (WRR), led by the Center for International Forestry Research (CIFOR)-World Agroforestry (ICRAF) together with the Alliance of Bioversity International and CIAT and the International Food Policy Research Institute (IFPRI), funded by the International Fund for Agricultural Development (IFAD).

ABOUT THE INITIATIVE

SECURING WOMEN'S RESOURCE RIGHTS THROUGH GENDER TRANSFORMATIVE APPROACHES

In 2020, the International Fund for Agricultural Development (IFAD) invited a consortium of the Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF), the International Food Policy Research Institute (IFPRI) and the Alliance of Bioversity International and the International Center for Tropical Agriculture (CIAT) to work with selected IFAD projects to promote and strengthen women's land rights through the integration of gender transformative approaches (GTAs) in rural development interventions by improving policies, tools and practices.

Following a detailed gender analysis to identify contextual factors across projects and geographies, as well as bottlenecks and opportunities for promoting women's land rights, the initiative used collaborative learning and design approaches to develop and test innovative gender transformative approaches (GTAs) and complementary methods that can support the achievement of women's land rights (WLR) through rural development interventions. This co-creation process ensured that each tool was fit-for-project purpose and endorsed locally, while at the same time contributed to a GTA toolbox that can be adapted for rural transformation projects across the IFAD portfolio.

This collection of tools include GTAs already developed and applied by IFAD projects and partners across targeted countries, as well as a suite of new tools to integrate women's land rights more explicitly and support gender transformative outcomes. These tools entail different strategies to address inequalities at the individual, household, community, policy and institutional domains, as well as to catalyse and transform harmful and discriminatory norms, perceptions and attitudes, and behaviours and practices at the identified levels across targeted countries. We share this toolbox with the IFAD community to continue testing, contextualization and sharing learnings across countries.

<https://www.cifor.org/wlr>

https://www.ifad.org/en/gender_transformative_approaches

About this Guide

This set of briefs was produced as an easy-to-use guide to address the challenges surrounding land rights in Kyrgyzstan based on the Kyrgyz land, civil and family codes. Its primary goal is to offer Kyrgyz citizens a clear understanding of their rights, legal processes, and practical steps related to land ownership. It covers seven scenarios of land ownership for women and men, and disputes common in Kyrgyzstan, ranging from resolving marital property disputes to addressing unauthorized land expansions and combating squatting on agricultural lands.

Beyond providing visuals and notes to clarify the complexities of legal land rights in the Kyrgyz Republic, **the briefs outline pragmatic and actionable steps that individuals can follow to claim their rights. Whether they describe procedures for initiating legal proceedings, navigating bureaucratic processes, or understanding the steps involved in formalizing ownership, the briefs offer a practical roadmap for those actively engaged in securing their land rights.**

The seven briefs are as follows, listed in order of the frequency of disputes encountered:

1 MARITAL PROPERTY DIVISION AND LEGAL PROCEDURES



This brief delineates the procedural steps for both pre-trial and judicial division of the spouses' shared assets, with careful consideration given to safeguarding the personal properties of both the wife and husband, along with prioritizing the interests of minor children in cases of parental divorce. It provides step-by-step guidance for women and men, including the costs associated with public services and fees required for both the dissolution of marriage and the official registration of this event.

2 REGISTERING OWNERSHIP RIGHTS AFTER THE EXPIRATION OF THE INHERITANCE ACCEPTANCE PERIOD

This brief navigates the intricate process of formalizing ownership for heirs inheriting land and houses after the acceptance deadline.



3 RESOLVING LAND DISPUTES

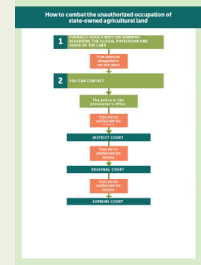


A third brief focuses on providing guidance for individuals embroiled in land disputes. It advocates for peaceful discussions, appeals to relevant government bodies, and legal avenues for resolution, ensuring a fair and transparent process.

4

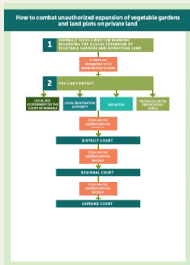
COMBATING THE UNAUTHORIZED OCCUPATION OF STATE-OWNED AGRICULTURAL LAND

This brief outlines procedures for combating squatting on state-owned agricultural land. It explains the process, which starts with official warnings, and moves to appeals to law enforcement, and legal consequences for unauthorized occupation, aiming to preserve the integrity of state-owned agricultural resources.



5

ADDRESSING UNAUTHORIZED EXPANSION OF VEGETABLE GARDENS AND LAND PLOTS ON PRIVATE LANDS



This brief covers the stages of addressing the issue, beginning with prevention measures, exploring options for pre-trial resolution, escalating to involvement of law enforcement agencies if needed, detailing the judicial proceedings, and outlining the various forms of liability associated with the unauthorized expansion of designated or secured land plots.

6

INHERITANCE OF LAND WITHOUT A WILL

The sixth brief details the formal process for establishing the right to inherit land without a will, emphasizing the special rights of minor or incapacitated heirs during the inheritance process. It outlines a hierarchy of inheritance and procedural steps, including applications, obtaining certificates, and state registration.



7

ENSURING THE RIGHTS OF SPOUSES AND CHILDREN IN STATE REGISTRATION OF LAND AND PROPERTY PURCHASES



The final brief focuses on ensuring the rights of spouses and children in the state registration of land and property purchases. It delineates the procedure and prerequisites for state registration of real estate rights and associated transactions, highlighting the pivotal role of state registration in safeguarding the property rights of both spouses and children concerning land and housing.

Family property rights are safeguarded for the wife, husband, and children in case of divorce

CIRCUMSTANCES AND CONDITIONS FOR THE DIVISION OF COMMON PROPERTY BETWEEN THE WIFE AND HUSBAND

Before or during the marriage



The marital agreement outlines the division of shared property at the mutual request of both spouses in the event of a divorce. It specifies the assets allocated to each spouse. Any portion of the common property not addressed in this agreement is considered joint property of the spouses, as per the regulations outlined in Articles 45 and 39 of the Family Code of the Kyrgyz Republic.

The marriage can be dissolved at the request of either spouse.



The voluntary division of common property can be initiated by either the wife or the husband through mutual agreement, provided there are no property disputes. Article 39 of the Family Code of the Kyrgyz Republic governs this process, allowing spouses to amicably arrange the division of their shared assets.

By the creditor's request



The division of matrimonial assets may occur at the request of a creditor seeking repayment of a debt, loan, or credit. This division involves utilizing the property share of one of the spouses who serves as a borrower or guarantor of the credit or debt. The relevant legal provision governing this scenario is outlined in Article 48 of the Family Code of the Kyrgyz Republic.

HOW THE WIFE AND HUSBAND'S COMMON ASSETS ARE DIVIDED

By the wish of spouses



The spouses have the option to divide their common property by mutual agreement, and if desired, such an agreement can be notarized. This provision is outlined in Article 39 of the Family Code of the Kyrgyz Republic.

According to pre-marital agreement



The common property of spouses may be divided in accordance with the terms specified in a contract. This contract outlines the respective shares or separate ownership of all the spouses' property, which will be allocated to each party in the event of marriage dissolution. Additionally, the contract may contain other provisions related to the property relations of the spouses. This legal framework is established in Article 45 of the Family Code of the Kyrgyz Republic.

By the court



In situations involving a property dispute and when there are common minor children, the courts will decide on the division of the spouses' common property and determine the respective shares of the wife and husband. This decision is made concurrently with the divorce proceedings or within a three-year period from the registration of the marriage dissolution, considering the statute of limitations. Article 48 of the Family Code of the Kyrgyz Republic governs this legal process.

HOW ARE THE SHARES OF THE COMMON PROPERTY OF A WIFE AND HUSBAND DETERMINED DURING DIVORCE?

What is the joint property of the spouses?



The property accumulated by spouses throughout their marriage is considered joint, encompassing:

- Income generated by the labour, business, and intellectual efforts of both the wife and husband.
- Pensions, benefits, and other financial gains without a specific purpose (such as material assistance or compensation for injuries or health-related damages).
- Both movable and immovable assets, securities, units, deposits, and shares in capital, acquired using the joint earnings of the spouses.
- Any other assets acquired during the marriage, irrespective of whether they are obtained in the name of one spouse or the other

The right to common property also belongs to the spouse(s) who, during the marriage, has carried out the household, cared for the children, or, for other valid reasons, did not have an independent income. (Family Code of the KR Article 35)

Spouses' shares in the division of common property



- In the division of the spouses' common property, the shares allocated to the wife and husband are presumed to be equal, unless otherwise specified in the pre-marital contract.
- However, the court has the authority to reassess the equal distribution of these shares based on the interests of minor children and/or the interests of one spouse. This reassessment may occur in situations where one spouse has unjustifiably not generated income, evaded child support responsibilities, and/or concealed, destroyed, or misused common property to the detriment of the family.
- Furthermore, when dividing the common property, any joint debts of the spouses will be apportioned between the wife and husband in proportion to the shares assigned to them.

(Family Code of the KR Article 39)

PERSONAL OWNERSHIP OF PROPERTY OF WIFE AND HUSBAND



According to Article 37 of the Family Code of the Kyrgyz Republic, the following types of property are recognized as the individual property of each spouse:

1. Property owned by either the wife or husband before entering the marriage.
2. Property gifted by one spouse to the other during the marriage.
3. Inherited property.
4. Assets acquired through other non-profit transactions, independently belonging to each spouse.
5. Personal items, such as clothing and footwear (excluding jewellery and luxury goods), even if acquired using the shared funds of the spouses during the marriage, are acknowledged as the property of the spouse who used them.

The personal property of the wife and the husband may be recognized as joint property if it is established that during the marriage investments were made from the common property of the spouses or from the property of each of the spouses, or from the labour of the spouse(s), significantly increasing the value of this property (major repairs, reconstruction, alterations, etc.).

(Family Code of the KR Article 38)

SHARE OF CHILDREN (DAUGHTER AND SON) IN FAMILY PROPERTY UPON DIVORCE



1. The court has the authority to reassess the equal distribution of the spouses' shares in their shared property in consideration of the well-being of minor children. This becomes particularly relevant when the other spouse has intentionally refrained from earning an income or contributing to the support of the child(ren).
2. Items acquired exclusively for the necessities of minor children, such as clothing, footwear, school and sports equipment, musical instruments, and children's library materials, are exempt from division. Instead, these items are to be transferred without compensation to the spouse with whom the children reside.
3. Deposits made by the wife and/or husband from the joint property of the spouses in the name of their common minor children are regarded as the children's own and are not factored into the division of the spouses' shared property.
4. During the privatization of family housing, daughters, sons, sisters, and other relatives, irrespective of age, have equal entitlement to all rights concerning this residence.
5. Children lacking parental care, including orphans, are protected from eviction from their dwelling without the provision of alternative accommodation, in accordance with Article 13 of the Family Code of the Kyrgyz Republic.

PROPERTY RIGHTS OF THE CHILD(REN)



1. Minor daughters and sons have a right to financial support from their parents and other family members.
2. The funds allocated to the child(ren) as alimony, pensions, and benefits are under the control of the parents (or individuals acting in loco parentis) and are expended by them for the well-being, upbringing, and education of the child. If requested by the obligated parent who is required to pay child support, the court has the authority to mandate that no more than 50% of the stipulated child support be transferred to accounts opened in the names of the minor children in banks.
3. Minor daughters and sons possess the entitlement to ownership of living spaces, income earned by them, property received as gifts or inheritance, and any other assets acquired using their own funds.
4. The child does not have a claim to the parents' property, and similarly, the father and mother do not have rights to the child's property. In cases where children and parents cohabit, they may mutually agree to own and use each other's property.

In the event that a daughter and/or son has a right to common family property (e.g., through gift or inheritance, etc.), their share, rights to own, use, and dispose of common property shall be determined by civil law. (Family Code of the KR Article 65).

PROTECTION OF PROPERTY RIGHTS

If, in alignment with national traditions, it is culturally acceptable to transfer land shares and other communal property to the husband in divorce proceedings, individuals may seek resolution through the Aksakal court or the district court in the locality where the property is situated. Aksakal courts are empowered to handle cases related to reclaiming property from unauthorized possession without charging any fees.

THE COST OF PUBLIC SERVICES AND THE STATE FEE FOR THE OFFICIAL REGISTRATION OF THE DIVORCE

Fees charged for the registration of a divorce



The Civil Registry Office charges the following fees for various divorce-related processes:

- Joint declaration of divorce, with the mutual consent of the spouses and no property disputes or minor children involved: **25 som.**
- Divorce initiated based on a court decision, either by one or both spouses: **15 som.**
- Application for divorce in cases involving persons recognized as missing or incapacitated due to mental illness or dementia, or individuals convicted of a crime leading to imprisonment for at least three years: **5 som.**
- Divorce certificate: **5 som.**
- Second divorce certificate: **12 som.**

Informational portal

<https://e.srs.kg/ru/service/page/5/price-list>

State fee when applying to court for divorce



Additional fees for specific divorce-related claims are as follows:

- From divorce claims: **1000 som.**
- From claims for the division of property upon dissolution of marriage: **1 percent of the price of the claim.**
- From actions for the dissolution of marriage with persons recognized as missing or incapacitated due to mental illness or dementia, or individuals sentenced to deprivation of liberty for a period of not less than three years: **700 som.**

Website of the Ministry of Justice of the KR
Database of the legal and regulatory framework
<http://cbd.minjust.gov.kg/act/view/ru-ru/13491>

Resolution of the Government of the KR # 159 On the approval of rates of state duty from April 15, 2019

For the dissolution of marriage, the presence of either the persons themselves or an authorized representative acting on their behalf at the Civil Registry Office is mandatory. This presence must be accompanied by the presentation of a valid passport.

Payments related to these services are to be made at the location where the services are provided, and the accepted methods include transactions through a bank or via a terminal.

A marriage that is dissolved shall be terminated from the date of the state registration of the dissolution of the marriage in the civil registry office.

The contacts of the Population Service Centers (PSC) can be found through the website of the State Registration Services (SRS) under the Ministry of Justice of the Kyrgyz Republic at <https://grs.gov.kg/ru/subord/drnags/462-tsientry-obluzhivaniia-nasieliieniia/> or by calling the telephone call centre number 119 (which is free of charge).

The contacts for all district and city courts in the Kyrgyz Republic can be accessed via the Supreme Court's website at <http://sot.kg/> under the "Local Courts" section. Additionally, you can find this information through their email at vskr@sot.kg, their hotline at +996 (312) 62-19-25, or in the "Prosecutor's Offices and Courts" section of the online telephone directory "Yellow Pages" at <https://yellowpages.akipress.org/page:1/cats:180/>

How is the division of the common homestead and house of spouses carried out in the event of divorce?

PROCEDURE STEPS

▶ **Step 1.** Initiate a lawsuit with the Court for the division of marital property. This can be done concurrently with a divorce or within three years from the marriage termination registration date (within the statute of limitations).

▶ **Simultaneous Applications:**

Step 2. File an application with the Local Registration Authority to impose restrictions on or prohibit the sale of the disputed property, even if it is registered under the other spouse's name. The distribution of common property considers the shares allocated to each spouse, with consideration given to the welfare of minor children and/or to either of the spouses' noteworthy negative behaviour (e.g., failure to generate income for unjustifiable reasons; avoidance of child support; concealment, destruction, or misuse of common property detrimental to family interests).

▶ **Court Decision:**

Step 3. Obtain a court decision on the division of marital property. If dissatisfied with the court's decision, an appeal can be filed until it becomes final.

▶ **Application Submission:**

Step 4. Submit the application along with the court decision to the Local Registration Authority for state registration of ownership of the allocated real estate within 30 days after the court decision.

▶ **Document Reception:**

Step 5. Receive the registration documents, including the State Certificate of Title for the homestead plot and the technical passport for the house, confirming ownership of the allocated real estate.

RESOURCES

Attached resources and contacts (as of December 31, 2023):

Disputes over the division of the spouses' common property, payment of support for a needy incapacitated spouse, and disputes over children in a divorce are heard only through the courts. The able-bodied and capable spouses who do not have common minor children have the right, with mutual consent, to resolve disputes about the division of their common property through mediation. (Article 21 of the Family Code of the Kyrgyz Republic).

Contacts of the Population Service Centers (PSC) can be found through the website of the State Registration Services (SRS) under the Ministry of Justice of the Kyrgyz Republic <https://grs.gov.kg/ru/subord/drnags/462-tsientry-obslyzhivaniia-nasielieniia/> or by calling the telephone call centre number 119 (which is free of charge).

Contacts of local civil registries can be found by calling the telephone call centre number 119 (which is free of charge) and +996 (312) 66-36-05 or through the website of the State Registration Service under the Ministry of Justice of the Kyrgyz Republic <https://grs.gov.kg/ru/subord/drnags/address/>.

Contacts for all district and city courts in the Kyrgyz Republic can be accessed via the Supreme Court's website at <http://sot.kg/> under the 'Local Courts' section. Additionally, you can find this information through their email at vskr@sot.kg, their hotline at +996 (312) 62-19-25, or in the "Prosecutor's Offices and Courts" section of the online telephone directory "Yellow Pages" at <https://yellowpages.akipress.org/page:1/cats:180/>

Contacts of all district and city prosecutors can be found in the online telephone directory "Yellow Pages" under the "Prosecutor's Offices and Courts" section at <https://yellowpages.akipress.org/page:1/cats:180/>.

Contacts of local registration authorities for registration of rights to immovable property can be obtained by calling them at (0312)30-06-45 or through email at eicn01@cadastre.kg and eicn01@mail.ru. Additionally, this information is available on the website of the State Institution "Cadastre" at <https://cadastre.kg/svc-portal/about/aboutpayment.do>.

2

REGISTERING OWNERSHIP RIGHTS AFTER THE EXPIRATION OF THE INHERITANCE ACCEPTANCE PERIOD

How to register land and house ownership rights after the inheritance acceptance period has expired

Within 6 months from the day of opening the inheritance, the heir(s) MUST:

Apply for **inheritance** acceptance to a notary at the place of inheritance opening.
Receive a «Certificate of Right to Inheritance» for the inheritance due to them or its part (share)
(Article 1154 Civil Code of KR)

If they have missed the term for accepting the inheritance, the heir(s) is considered **not to have inherited**.
(Article 1155 Civil Code of KR)

STEPS

1

Secure written consent from all heirs and proceed to file an inheritance acceptance application with the local notary where the inheritance was opened. In the absence of unanimous consent, initiate legal proceedings by filing a petition with the court (Article 1155 Civil Code).



2

Submit a petition to the court with valid justification. The court has the authority to extend the deadline for applying to accept the inheritance if deemed necessary (Article 1155 Civil Code).



3

Get a court decision on the right to inheritance and apply to a notary at the location where the inheritance was opened.



4

Receive a «Certificate of Right to Inheritance».



5

Within a **30-day timeframe**, present an application along with the "Certificate of Right to Inheritance" to the Local Registration Body for the official state registration of ownership pertaining to the inherited property.



6

Obtain registration documents, including the Certificate for the Land/House, and Government Certificate for the Household Plot, which serve as official confirmation of ownership for the inherited property.



Cases of denial of inheritance:

- 1. ineligible**
- 2. will invalidity**
- 3. unworthy heirs**

The contacts for all district and city courts in the Kyrgyz Republic can be accessed via the Supreme Court's website at <http://sot.kg/> under the "Local Courts" section. Additionally, you can find this information through their email at vskr@sot.kg, their hotline at +996 (312) 62-19-25, or in the "Prosecutor's Offices and Courts" section of the online telephone directory "Yellow Pages" at <https://yellowpages.akipress.org/page:1/cats:180/>

The contacts of local public notaries can be accessed via the Ministry of Justice of the Kyrgyz Republic website under the "Registers of public and private notaries" section <http://minjust.gov.kg/ru/content/686>



Registering ownership rights after the expiration of the inheritance acceptance period

PROCEDURE WITH THE CONSENT OF ALL HEIRS:

PROCEDURE STEPS

- ▶ **Step 1.** The heir who seeks to formalize ownership secures written consent from all heirs who have accepted the inheritance.
- ▶ **Step 2.** With the consent obtained, the heir who seeks to formalize ownership submits a statement of inheritance acceptance to the notary where the inheritance was opened.
- ▶ **Step 3.** Obtain a "Certificate of Right to Inheritance" from the notary.
- ▶ **Step 4.** Within 30 days of receiving the certificate, submit the application and the certificate to the Local Registration Authority for the state registration of the inherited real estate.
- ▶ **Step 5.** Obtain registration documents, including the State Certificate of Inheritance for the homestead plot and the technical passport for the house, confirming ownership rights.

PROCEDURE IN CASE OF DISAGREEMENT OR NOTARY REFUSAL:

PROCEDURE STEPS

- ▶ **Step 1.** The heir attempts to obtain written consent from all heirs who accepted the inheritance; if unsuccessful, proceed to court.
- ▶ **Step 2.** File a statement of claim with the court, explaining the reasons for the delay.
- ▶ **Step 3.** Obtain a court decision on the right to inheritance.
- ▶ **Step 4.** Submit the application and the court decision to the notary in the place where the inheritance was opened and obtain a "Certificate of Right to Inheritance."
- ▶ **Step 5.** Submit the application and the "Certificate of Right to Inheritance" to the Local Registration Authority for the state registration of the title to the inherited real estate not later than 30 days after receiving the certificate from the notary.
- ▶ **Step 6.** Obtain registration documents, including the Certificate for the Land Plot, for the house and State Certificate for the homestead plot, confirming the ownership of the inherited real estate.

RESOURCES

Attached documents/contacts (as of December 31, 2023):

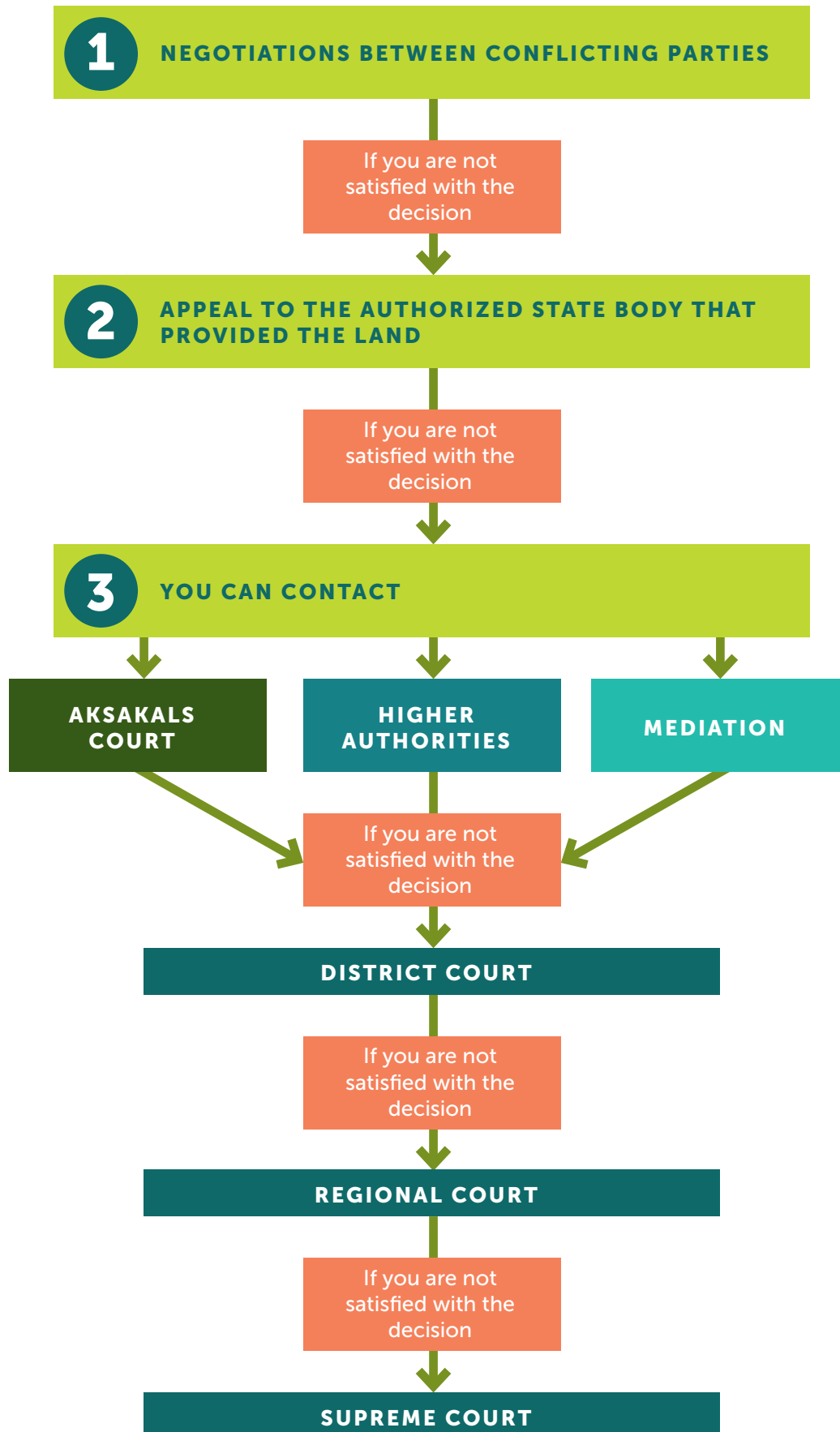
Inheritance Law (Section VI) of the Civil Code of the Kyrgyz Republic.

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The contacts of local registration authorities for the registration of rights to immovable property can be obtained by calling them at (0312)30-06-45 or through email at eicn01@cadastre.kg and eicn01@mail.ru. Additionally, this information is available on the website of the State Institution "Cadastre" at <https://cadastre.kg/svc-portal/about/aboutpayment.do>

Ways of resolving land disputes



Resolving Land Disputes

PROCEDURE STEPS

- ▶ **Step 1. Discussion with Conflicting Party**
Initiate a discussion with the party in dispute or the individual violating your land rights.
- ▶ **Step 2. Appeal to State and Local Government**
If the dispute persists, submit a written or verbal complaint to the relevant state and local government body responsible for allocating the land.
- ▶ **Step 3. Escalation to Higher Authorities**
If dissatisfied with the decision or actions (or inaction) regarding the appeal, escalate the matter to higher instances and authorities. This may involve appealing to the court of aksakals or engaging with a mediation to reach a resolution.
- ▶ **Step 4. Legal Resolution in Court**
If the dispute remains unresolved, proceed to the legal course of action. File a lawsuit in court in accordance with Kyrgyz law to settle the land dispute.



RESOURCES

Attached contacts (as of December 31, 2023) for reference.

Administration of the President of the Kyrgyz Republic

720003, Bishkek, Abdumomunov str. 207. Website and Email: <http://www.president.kg/ru>

Tel.: + 996 312 66 53 85, + 996 312 62 50 20. Office: +996 312 96 02 15

Cabinet of Ministers of the Kyrgyz Republic

Address: 720003, 207, Abdymomunova str., Website and Email: www.gov.kg

Phone number: + 996 312 62-53-85, fax number: 0 312 62-60-50

The contacts for all district and city courts in the Kyrgyz Republic can be accessed via the Supreme Court's website at <http://sot.kg/> under the 'Local Courts' section. Additionally, you can find this information through their email at vskr@sot.kg, their hotline at +996 (312) 62-19-25, or in the 'Prosecutor's Offices and Courts' section of the online telephone directory 'Yellow Pages' at <https://yellowpages.akipress.org/page:1/cats:180/>

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How to combat the unauthorized occupation of state-owned agricultural land



Combating the Unauthorized Occupation of State-owned Agricultural Land

PROCEDURE STEPS

Step 1. Official Written Warning

Local self-government bodies issue a formal, written warning about the illegal possession and use of state agricultural land. This includes a demand to vacate the land and restore it to its original state.

Step 2. Escalation in Case of Non-Compliance

If the warning is ignored or refused, escalate the matter:

- Appeal to the police/prosecutor's office.
- Alternatively, file a lawsuit in court to reclaim the seized land.

Article 212 of the Criminal Code of the Kyrgyz Republic categorizes unauthorized occupation of a land plot as a crime (excluding objects of land amnesty). The offense carries a fine ranging from 100,000 to 200,000 som. In cases involving violence, squatting can lead to imprisonment for a period of five to ten years.



RESOURCES

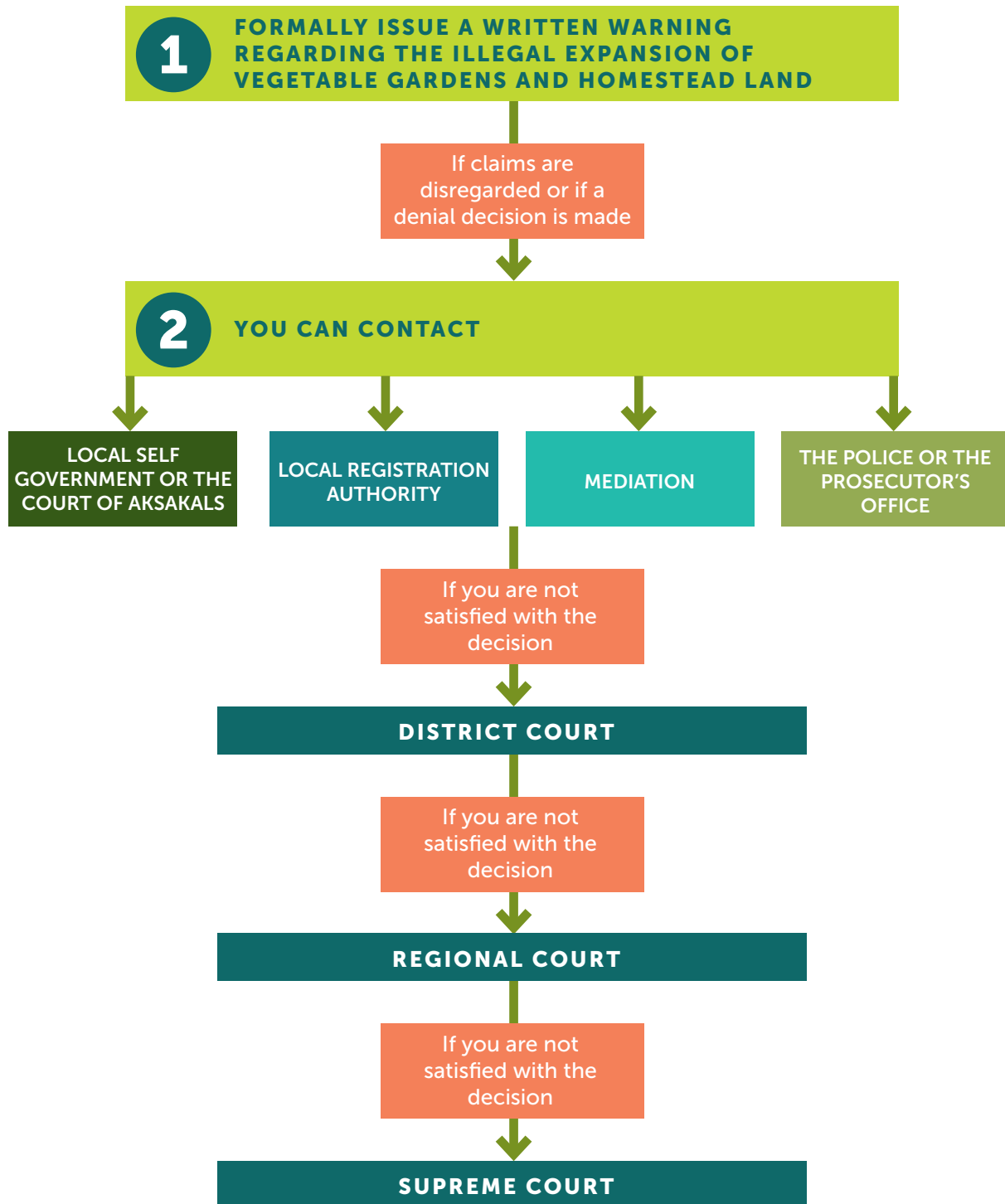
The contacts of local registration authorities for the registration of rights to immovable property can be obtained by calling them at (0312)30-06-45 or through email at eicn01@cadastre.kg and eicn01@mail.ru. Additionally, this information is available on the website of the State Institution "Cadastre" at <https://cadastre.kg/svc-portal/about/aboutpayment.do>

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The contacts of all district and city prosecutors can be found in the online telephone directory "Yellow Pages" under the "Prosecutor's Offices and Courts" section at <https://yellowpages.akipress.org/page:1/cats:180/>



How to combat unauthorized expansion of vegetable gardens and land plots on private land



Addressing Unauthorized Expansion of Vegetable Gardens and Land Plots on Private Lands

PROCEDURE STEPS

Step 1. Verbal/Written Warning

Warn the trespasser verbally or in writing, emphasizing the illegality of land expansion and demanding the vacation of occupied plots.

Step 2. Course of Action for Non-Compliance

If the warning is ignored:

- File a complaint with the aksakals' court, LSG bodies, local registration body (formerly the State Register), or seek resolution through mediation by visiting centres of mediation.
- If necessary, escalate the matter by appealing to the police/prosecutor's office or file a lawsuit in court to protect land rights.

Legal Consideration:

Unauthorized land expansion is considered an offense under Article 149 of the Kyrgyz Republic Code of Offenses, incurring fines of 30,000 som for individuals and 100,000 som for legal entities.

RESOURCES

Attached documents/contacts (as of December 31, 2023):

Article 149 of the "Contravention Code of the Kyrgyz Republic".

The contacts of local registration authorities for the registration of rights to immovable property can be obtained by calling them at (0312)30-06-45 or through email at eicn01@cadastre.kg and eicn01@mail.ru. Additionally, this information is available on the website of the State Institution "Cadastre" at <https://cadastre.kg/svc-portal/about/aboutpayment.do>

The contacts for all district and city courts in the Kyrgyz Republic can be accessed via the Supreme Court's website at <http://sot.kg/> under the 'Local Courts' section. Additionally, you can find this information through their email at vskr@sot.kg, their hotline at +996 (312) 62-19-25, or in the 'Prosecutor's Offices and Courts' section of the online telephone directory 'Yellow Pages' at <https://yellowpages.akipress.org/page:1/cats:180/>



Who is entitled to inherit land and other immovable property?

Section VI Civil Code of the Kyrgyz Republic and Articles 55-67 of the Law of the Kyrgyz Republic "On Notarization"

BY WILL

1. The persons specified in the will.
2. Minor and disabled children (daughters and sons), disabled wife (husband), mother and father of the testator are entitled to a compulsory share in the inheritance, regardless of the content of the will.

BY LAW IN ORDER OF PRIORITY

- Children (daughters and sons), wife (husband), mother and father;
- Full and half sisters and brothers, grandmother and grandfather;
- Native aunts and uncles, cousins and brothers;
- Relatives up to the 6th degree of consanguinity;
- Disabled dependents of heritage.

1

The heir (s) must present a statement asserting their inheritance rights to the notary where the inheritance was initiated within a maximum of 6 months from the inheritance commencement date.

2

UPON BEING INFORMED OF THE COMMENCED INHERITANCE, THE NOTARY:

- Verifies the testator's death, as well as the time and location of the inheritance initiation, and assesses the property's composition.
- Implements protective measures for the inherited property.
- Confirms the existence of a will.
- Validates the individuals eligible for the compulsory share in the inheritance.
- Is obligated to notify known heirs at their place of residence or work.
- Ascertains the rights of individuals who have asserted their lawful inheritance claims.

3

THE NOTARY ISSUES A CERTIFICATE OF RIGHT TO INHERITANCE (by will or by law)

4

THE HEIR (S) SUBMITS DOCUMENTS TO THE LOCAL REGISTRATION AUTHORITY FOR STATE REGISTRATION OF THE RIGHT TO INHERIT REAL ESTATE WITHIN 30 DAYS.

CASES OF DENIAL OF INHERITANCE RIGHTS

- Is not entitled to;
- Invalidity of the will;
- Unworthy heirs.



The contacts of local public notaries can be accessed via the [Ministry of Justice of the Kyrgyz Republic website](http://minjust.gov.kg/ru/content/686) under the “Registers of public and private notaries” section <http://minjust.gov.kg/ru/content/686>

If, in accordance with cultural customs, family-owned land shares and other communal properties initially intended for inheritance by various family members (daughters, mothers, eldest sons, etc.) are unlawfully transferred to the youngest son, it is permissible to seek resolution through the aksakals’ court or the district court situated where the property is located. Aksakals’ courts possess the authority to adjudicate matters concerning the recovery and reclaiming of property wrongfully held by others.



Inheritance of Land Without a Will

The right to inherit is possible by Will and by Law as per Article 1149 of the Civil Code of the Kyrgyz Republic.

By Will:

1. The persons named in the will (this can be any person, even non-relatives).
2. Minor and disabled children (daughters and sons), disabled wife (husband), mother and father of the testator are entitled to a compulsory share in the inheritance, regardless of the content of the will.

Hierarchy of Inheritance by Law:

- a. Children (daughters and sons), wife (husband), mother, and father.
- b. Full and half sisters and brothers, grandmother, and grandfather.
- c. Native aunts and uncles, cousins, and brothers.
- d. Relatives up to the 6th degree of consanguinity.
- e. Disabled dependents of the testator.



PROCEDURE STEPS



Step 1.

The designated heir submits a formal application asserting his or her right to inherit the land plot to the notary at the location of inheritance within 6 months of the inheritance opening.



Step 2.

Upon application approval, the heir is issued a Certificate of Right to Inherit the land plot, specifying whether it is through a will or by law.



Step 3.

The heir, with the consent of all accepting heirs, submits the necessary documents to the local registration authority for the state registration of the inherited land plot within 30 days.

RESOURCES

Attached documents/contacts (as of December 31, 2023):

Title VI Inheritance Law of the Civil Code of the Kyrgyz Republic.

The fees for notarial services and the issuance of copies (duplicates) of notarized documents are as follows, based on the Resolution of the Government of the Kyrgyz Republic dated July 18, 1994, No. 521, "On Approval of State Duty Rates":

Certification of Wills:

Simple will: 50% of 1-fold amount of the calculated index (**50 som**).

Secret will: 5 times the amount of the calculation index (**500 som**).

Issuance of Certificate of Right to Inheritance:

Children, parents, spouse: **1000 som**.

Brothers, sisters, grandmothers, grandfathers, grandchildren: **2000 som**.

Other heirs: **5000 som**.

Issuance of Certificate of Ownership of a Share in Common Property of Spouses:

1-fold of the calculated indicator (**100 som**).

Note: These fee structures are outlined in accordance with the government resolution and are subject to change as per official updates.

Contacts of local public notaries can be accessed via the Ministry of Justice of the Kyrgyz Republic website under the "Registers of public and private notaries" section <http://minjust.gov.kg/ru/content/686>

How are the rights of a wife, husband, and children secured during the state registration of a transaction of land and other immovable property?

(Law of the Kyrgyz Republic "On State Registration of Rights to Immovable Property and Transactions related thereto")

WHERE

Transactions involving immovable property, such as purchase and sale, lease, inheritance, trust management, mortgage, etc., are subject to state registration. This process occurs at the local registration body situated at the property's location. Failure to register such transactions will result in their illegality, rendering the associated rights to immovable property invalid.

RIGHTS OF WIFE AND HUSBAND, CHILDREN AND OTHER RESIDENTS

established by the legislation of the Kyrgyz Republic are considered to be VALID regardless of whether they have been registered or not.

WHO HAS THE RIGHT TO REGISTER?

- Owner (proprietor)
- Landlord who is not the owner (proprietor)
- Tenant (lessee)
- Mortgagee (pledgee)
- Trustee(s)
- Special administrator(s) in cases of bankruptcy proceedings
- Guardian
- Trustee (guardian)
- A person without property rights but possessing power of attorney for state registration
- Other individuals as specified by legislation

If an authorized representative of the property owner submits the registration application, a notarized power of attorney for the registration of immovable property or related transactions must be provided.

WHAT DOCUMENTS ARE PROVIDED:

- An application of the prescribed form
- An identity document. For an authorized representative - an identity document and a power of attorney
- Title documents for the unit of immovable property*
- A document containing technical characteristics of the unit of immovable property

** A title deed is a legal document that establishes, transfers, limits, or terminates the ownership and other rights to a unit of immovable property (law, decision of the relevant competent authority, contract, court decision, Certificate of Right to Inheritance, etc.).*



REQUIREMENTS FOR DOCUMENTS SUBMITTED FOR STATE REGISTRATION:

- All documents submitted for registration must contain complete details, including the name of the issuing body, institution, or organization, along with the document's date, number, and seal or corner stamp.
- Personal information, such as surnames, first names, patronymics, and residence addresses should be presented without abbreviations.
- Legal entity names should be written in full, without abbreviations, and must include both postal and legal addresses. The taxpayer identification number should be indicated on the stamps of legal entities.
- Any corrections made in the documents must be authenticated by the issuing authority. If the submitted title deeds span multiple sheets, they should be appropriately numbered and endorsed by the applicants, with certification by the issuing body's seal. In specific cases stipulated by law, notary certification may be required.
- Copies of judicial acts submitted for registration are only valid if certified by the court.
- Two copies of all documents must be submitted to the registration authority, one being the original. After the right is registered, the original document will be returned to the applicant, and the copy will be archived in the registration file.

REGISTRATION DEADLINE

Initial registration shall take place within **seven (7) working days** from the date of application submission.

The re-registration of rights to immovable property is carried out within **2 (two) working days**. At the same time, rights arising from transactions with immovable property that do not require mandatory notarization are registered within **3 (three) working days**. (Law of the Kyrgyz Republic "On State Registration of Rights to Immovable Property and Transactions related thereto")

PROCEDURE AND COST OF STATE REGISTRATION

1

INITIATE THE PAYMENT FOR THE REGISTRATION OF RIGHTS.

2

SUBMIT THE APPLICATION ALONG WITH THE REQUIRED DOCUMENT PACKAGE. OBTAIN A RECEIPT ACKNOWLEDGING THE ACCEPTANCE OF YOUR APPLICATION AND DOCUMENTS.

3

COLLECT THE REGISTRATION DOCUMENTS UPON COMPLETION OF THE PROCESS.

1. The registration of rights to real estate based on an agreement involves:

For individuals: **520 som**

For legal entities: **1040 som**

2. State registration of a contract of sale, gift, and exchange of immovable property that does not require mandatory notarization costs:

For individuals: **1325 som**

For legal entities: **2850 som**

Ensuring the Rights of Spouses and Children in State Registration of Land and Property Purchases

PROCEDURE STEPS

Step 1.

Draft a written sale and purchase contract with the seller and ensure its notarization.

Step 2.

Apply for a Land Registration Certificate to the local registration authority within 30 days of finalizing the transaction with the notary. You will need to submit the following documents for your application: the notarized sale and purchase agreement, state certificate for the homestead plot, and technical passport for the house.

Step 3.

Complete the payment for the state registration of ownership for both the homestead plot and the house.

Step 4.

Obtain a receipt acknowledging the acceptance of the application and accompanying documents.

Step 5.

Collect the registration documents, including the State Certificate for the homestead plot and the technical passport for the house, confirming your ownership rights to the purchased real estate.

Note: The rights of the wife, husband, children, and other dependents, as established by Kyrgyz law, remain valid irrespective of whether they have undergone registration, if a person purchasing real estate has registered his/her rights. Nevertheless, it's crucial to note that the absence of state registration for rights to immovable property resulting from a transaction renders it invalid. Such a transaction is deemed null and void, rendering the associated rights invalid.

RESOURCES

Refer to attached data/contacts (as of December 31, 2023):

Kyrgyz Republic Law "On State Registration of Rights to Immovable Property and Transactions Therewith".

1. State registration of rights to immovable property based on an agreement costs:

- For individuals: **520 som**
- For legal entities: **1040 som**

2. State registration of a contract of sale, gift, and exchange of immovable property, which does not require mandatory notarial certification, costs:

- For individuals: **1325 som**
- For legal entities: **2850 som**

Transactions (purchase and sale, lease, inheritance, trust management, mortgage, etc.) of land and other immovable property are subject to state registration in the local registration body at the place of their location.

The contacts of local registration authorities for registration of rights to immovable property can be obtained by calling them at (0312) 30-06-45 or through email at eicn01@cadastre.kg and eicn01@mail.ru. Additionally, this information is available on the website of the State Institution "Cadastre" at <https://cadastre.kg/svc-portal/about/aboutpayment.do>





INITIATIVE CONSORTIUM



The Center for International Forestry Research (CIFOR) and World Agroforestry (ICRAF) envision a more equitable world where trees in all landscapes, from drylands to the humid tropics, enhance the environment and well-being for all. CIFOR and ICRAF are CGIAR Research Centers.



Climate change, biodiversity loss, environmental degradation, and malnutrition. These four interconnected global crises have put at stake the wellbeing of our planet for years. Fueled by COVID-19, their impact on agriculture, landscapes, biodiversity, and humans is now stronger than ever. Reversing this negative trend is a challenge, but also an opportunity for bold choices and integrated solutions. Established in 2019, the Alliance of Bioversity International and the International Center for Tropical Agriculture (CIAT) was created to address these four crises, maximizing impact for change at key points in the food system.



The International Food Policy Research Institute (IFPRI) provides research-based policy solutions to sustainably reduce poverty and end hunger and malnutrition in developing countries. Established in 1975, IFPRI currently has more than 600 employees working in over 50 countries. It is a research center of CGIAR, a worldwide partnership engaged in agricultural research for development.

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<https://www.cifor.org/wlr>
https://www.ifad.org/en/gender_transformative_approaches

