

## KAZAKHSTAN

### CEDAW A/56/38 (Part I) (2001)

68. The Committee considered the initial report of Kazakhstan (CEDAW/C/KAZ/1) at its 490th, 491st and 497th meetings, on 18 and 23 January 2001 (see CEDAW/C/SR.490, 491 and 497).

#### (a) Introduction by the State party

69. In introducing the report, the representative of Kazakhstan highlighted recent political, social and legal developments in Kazakhstan, noting that 2000 had been marked by an increase of productivity in the main sectors of economy that would allow increasing expenditure on social needs of the population, especially women and children. She indicated that Kazakhstan had acceded to 30 international human rights treaties, and that the ratification of the Convention in 1998 without reservations was an expression of the country's commitment to the advancement of women and achieving goals of gender equality. She drew attention to the fact that the Optional Protocol had been signed by President N. A. Nazarbayev in September 2000 and was currently going through the ratification process in Parliament.

70. The representative said that the Constitution did not contain a reference to "discrimination against women". However, international treaties ratified by Kazakhstan, including the Convention, took precedence over national laws. The principle of equality between men and women was the foundation of the legislation of Kazakhstan as well as the draft law on equal rights and equal opportunities.

71. By an order of the President, the National Commission for Family and Women had been established in 1998 to ensure the necessary conditions for the participation of women in the political, social, economic and cultural life of the country. The Commission had developed, in accordance with the recommendations of the Beijing Platform for Action, a national plan of action for the improvement of the status of women in Kazakhstan. Cooperation between governmental bodies and non-governmental organizations in the development of policies and programmes for women was increasing, and Kazakhstan had benefited from cooperation with and technical assistance from international organizations, especially UNFPA, the United Nations Development Fund for Women (UNIFEM) and the Organization for Security and Cooperation in Europe (OSCE).

72. The representative informed the Committee that a special parliamentary group on the family and a special subcommittee of the lower chamber of the Parliament on the issues of women, family, youth, tourism and sport had been created since the submission of the initial report. A section entitled "Women in development" had been included in the indicative plan for social and economic development of the country for 2000-2005. From 2000, national legislation had been subject to gender analysis and amendments on violence against women had been introduced into the Criminal Code. The Government had also started to collect statistical data disaggregated by sex and had published a statistical handbook entitled "Women and men in Kazakhstan".

73. The changes currently taking place in the economy had negatively affected the situation of women in the labour market. Women represented two thirds of the unemployed, and the Government

had recently adopted a new programme on combating poverty and unemployment for 2000-2002. The Government planned to decrease the level of unemployment by 4.5 per cent to approximately 9 per cent by 2002, and it was envisaged that over 400,000 new jobs would be created as a result of that programme. The Government was also promoting industries in which women were traditionally highly represented. The National Commission for Family and Women had initiated a special credit line to support women entrepreneurs working in the production sector. A State programme of microcredit targeting the rural population, including women, had been successfully implemented during the period 1998-2000, and would be strengthened over the period 2000-2003.

74. The representative emphasized the educational achievements of women, noting in particular that women constituted 62 per cent of specialists with higher and secondary levels of education. In the course of the 1999 election campaign, non-governmental organizations had united and registered the first women's party in Kazakhstan - the Political Alliance of Women's Organizations. The participation of women in public and political life remained a concern, with women constituting only 11 per cent of the total number of members of Parliament. Kazakhstan intended to implement the recommendations of the Beijing Platform for Action regarding quotas of 30 per cent for women at the decision-making level.

75. Efforts to change traditional stereotypes and attitudes regarding the role of women in the society included the drafting of a law on advertising, which would prohibit the sexual exploitation of women, and, from 2001, the introduction of gender studies in higher and secondary education. The representative informed the Committee that the Government was paying serious attention to the issue of violence against women, especially domestic violence, and that the conclusions and recommendations of the comprehensive study conducted by the Government on the issues of violence against women would constitute the framework for a draft law on domestic violence. A network of crisis centres had been established in various cities of the country. The Government had also reinforced legislation and measures against trafficking in women and girls.

76. The representative said that Kazakhstan had implemented the "Health of the nation" programme in order to combat tuberculosis and other diseases and to improve reproductive health care and family planning. Maternal and child mortality had declined. The Government was addressing the negative impact of environmental degradation on the population, especially on women and children.

77. In closing, the representative informed the Committee that her Government fully understood that much more needed to be done in order to achieve equality between women and men. She emphasized the Government's full commitment to continuing its work in that regard and to overcoming obstacles that the women of Kazakhstan still encountered.

(b) Concluding comments of the Committee

Introduction

78. The Committee expresses its appreciation to the Government of Kazakhstan for the timely submission of its initial report. It commends the Government on its comprehensive oral presentation, which updated the developments in the country since the submission of the report in December 1999 and further clarified the current status of implementation of the Convention. The

Committee welcomes the high-quality statistical data disaggregated by sex contained in the report.

79. The Committee commends the Government of Kazakhstan for sending a high-level delegation headed by the Minister and Chairperson of the National Commission for Family and Women, who provided valuable information and established a constructive dialogue with the members of the Committee. The Committee welcomes the fact that the Government of Kazakhstan has a national plan of action for the advancement of women.

80. The Committee welcomes the fact that Kazakhstan has ratified the Convention without reservations and has signed the Optional Protocol, and intends to ratify it as soon as possible.

#### Positive aspects

81. The Committee commends the Government for its political will to implement the Convention. It notes with appreciation the incremental establishment of comprehensive national mechanisms for the advancement of women and the efforts of the Government to conduct gender assessment of its legislation. The Committee welcomes the efforts to elaborate a law on equal opportunities and to establish the office of ombudsman.

82. The Committee also commends the Government for the high levels of education among women. The Committee notes with appreciation the measures taken by the Government to provide credit to women entrepreneurs.

83. The Committee welcomes the increasing cooperation between governmental bodies and non-governmental organizations working on women's issues.

84. The Committee also welcomes the decision of the Government to disseminate the report and the concluding comments widely in the country.

#### Factors and difficulties affecting the implementation of the Convention

85. The Committee considers that the country's ongoing transformation has had a negative impact on women.

86. The persistence of traditional stereotypes of women and men in society also constitutes a major impediment to the full implementation of the Convention.

#### Principal areas of concern and recommendations

87. The Committee is concerned that although the Constitution provides for the equality of all citizens, it does not contain a definition of discrimination against women in accordance with article 1 of the Convention, which prohibits both direct and indirect discrimination. The Committee is also concerned about the status of the Convention and whether its provisions can be directly invoked before the courts.

88. The Committee urges the Government to adopt as soon as possible the draft law on equal

opportunities, which includes a definition of discrimination against women modelled on article 1 of the Convention. It requests that information be provided on the next report on the law's adoption and implementation and that additional information be provided in the next report on remedies available to women for violation of their rights protected by the Convention.

89. The Committee expresses its concern that there is a lack of clear understanding of temporary special measures according to article 4, paragraph 1, of the Convention. It also expresses its concern that stereotypical attitudes regarding the role of women and men in society are reflected in the low representation of women in decision-making bodies, and the fact that women hold only 11 per cent of the seats in Parliament. It notes that traditional attitudes towards women are also reflected in the lack of sharing of family responsibilities by men and there is no legislative provision for parental leave. It expresses further concern about the lack of targeted educational programmes and mass media campaigns to eliminate those stereotypes.

90. The Committee recommends that the Government take urgent measures to overcome traditional stereotypes of women and men in society. It recommends that the Government take steps to create an understanding of temporary special measures in accordance with article 4, paragraph 1, of the Convention and implement such measures to increase the number of women in decision-making at all levels and in all areas. It recommends that the Government strengthen efforts to promote women to positions of power by organizing special training programmes for women and conducting awareness-raising campaigns on the importance of women's participation in decision-making at all levels.

91. The Committee expresses its concern that the Government lacks an integrated policy and institutional approach to achieving women's equality with men, including the aspect of gender mainstreaming.

92. The Committee recommends that the Government integrate a holistic approach to women's equality with men in all fields of its activities. The Committee notes that a shift from a focus on women solely as wives and mothers, to individuals and actors equal to men in society is required for the full implementation of the Convention. The Committee also recommends a review of and subsequent shift from a welfare approach directed at women to a human rights approach in which women are perceived as being entitled to their rights.

93. The Committee expresses its concern about the adequacy of the financial and human resources of the national machinery for the advancement of women.

94. The Committee recommends that the Government assess the resources of the national machinery and provide it with the necessary human and financial resources to allow it to provide leadership in the implementation of policy to ensure the advancement of women. It also recommends the strengthening of existing national governmental mechanisms for women by establishing gender focal points in all governmental bodies. It further recommends the creation of an ombudsman's office to address issues of women's advancement and gender equality.

95. The Committee expresses its concern at the prevalence of violence against women and girls, including domestic violence.

96. The Committee urges the Government to make the issue of violence against women a high priority and to recognize that such violence, including domestic violence, constitutes a violation of human rights of women under the Convention. In the light of its general recommendation 19, the Committee requests the Government to enact legislation on domestic violence as soon as possible, and to ensure that violence against women and girls constitutes a criminal offence and that women and girl victims of violence have immediate means of redress and protection. It recommends gender training for all public officials, in particular law enforcement officials and the judiciary, as well as health workers, to educate them about all forms of violence against women and girls. The Committee also recommends that the Government organize awareness-raising campaigns through the media and public education programmes to address all forms of violence against women and girls, including domestic violence.

97. The Committee expresses its concern that the Government has not made sufficient effort to address the issue of trafficking in women and girls.

98. The Committee requests the Government to provide in its next report, comprehensive information on trafficking in women and girls, as well as female migration. It recommends the formulation of a comprehensive strategy to combat trafficking in women, which should include the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. It also recommends the introduction of measures aimed at improving the economic situation of women so as to reduce their vulnerability to traffickers, and rehabilitation and reintegration measures for women and girls who have been victims of trafficking.

99. While noting with appreciation the high level of education among women in a wide range of disciplines, the Committee expresses its concern about the low representation of women in senior decision-making positions, as well as in highly paid jobs.

100. The Committee encourages the Government to analyse the correlation between the high level of educational attainments of women and their income levels. It recommends the introduction of measures to accelerate the representation of women at all levels of decision-making. It urges the Government to implement the planned curriculum reform and revision of textbooks in order to combat the traditional attitudes towards women, and to help create an enabling environment for promoting women's presence in high-level and well-paid positions.

101. The Committee expresses its concern with the situation of women in the labour market, in particular with the high level of women's unemployment and discrimination in recruitment and dismissal. The Committee also expresses its concern that the present structuring of the social benefits system and the protective labour legislation might create additional obstacles to the employment of women in the labour market, especially in the process of transition to a market economy.

102. The Committee urges the Government to enforce appropriate legislation and to ensure equal opportunities for women and men in the public and private sectors of the labour market. It recommends that the Government review the structuring of the social benefits system and of protective legislation with a view to reducing the barriers against the participation of women in the labour market. It also recommends that the Government design and implement special training and

retraining programmes for different groups of unemployed women according to their percentage of the unemployed population and their skills and education. It further recommends wage increases in female-dominated sectors in order to decrease the wage differentials between those and male-dominated sectors.

103. The Committee expresses its concern about the high increase in poverty among women compared with men, in particular among households headed by females and older rural women.

104. The Committee recommends the specific targeting of poor women and, in particular, those who are heads of household and older and rural women, with poverty alleviation programmes.

105. While noting a decline in the mortality rate of women, the Committee expresses its concern about the status of women's health, especially their reproductive health. It is alarmed that free access to health care appears to be no longer available to all women. It also expresses its concern that abortion continues to be used as a means of birth control. The large number of women suffering from anaemia and the incidence of infectious diseases alarms the Committee. It further expresses its concern about the increase in the use of alcohol and tobacco among women. The Committee expresses concern about the degree of environmental degradation in the country and its extremely negative impact on the health of the whole population, in particular on women and children.

106. The Committee urges the Government to maintain free access to adequate health care and to improve its family planning and reproductive health policy, including availability of and accessibility to modern contraceptive means. It encourages the Government to promote sex education for both girls and boys, as well as educational programmes to combat alcohol and drug abuse among women. The Committee also urges the Government to design and implement a sound environmental policy aimed at protecting the health of women and children.

107. The Committee notes with concern the insufficient capacity and resources of women's non-governmental organizations, making it difficult for them to implement various projects and programmes in support of human rights of women.

108. The Committee recommends that the Government provide support for the work of women's non-governmental organizations by, inter alia, encouraging greater cooperation between them and the specialized agencies of the United Nations system and by increasing the awareness of the private sector and individuals regarding possible donations to women's organizations.

109. The Committee expresses its concern with the situation of rural women, including their access to health-care services, education and income-generating activities.

110. The Committee recommends that the Government pay greater attention to the situation of rural women and develop special policies and programmes aimed at their economic empowerment, ensuring their access to capital and productive resources as well as to health-care services and educational and social opportunities.

111. The Committee urges the Government to approve the amendment to article 20, paragraph 1, of the Convention concerning the Committee's meeting time.

112. The Committee also urges the Government to respond in its next periodic report to the specific issues raised in the present concluding comments.

113. The Committee requests that the text of the present concluding comments be widely disseminated in Kazakhstan so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between women and men and of the further measures that need to be adopted in this area. The Committee urges the Government to continue to give wide publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration<sup>3</sup> and Platform for Action and the outcome of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”,<sup>4</sup> particularly among women’s groups and human rights associations.

---

<sup>3</sup> *Report of the Fourth World Conference...*, annex I..

<sup>4</sup> General Assembly resolutions S-23/2 and 23/3.