

KYRGYZSTAN

CEDAW A/54/38/REV.1 (1999)

95. The Committee considered the initial report of Kyrgyzstan (CEDAW/C/KGZ/1) at its 408th, 409th and 413th meetings, on 22 and 27 January 1999 (see CEDAW/C/SR.408, 409 and 413).

(a) Introduction by the State party

96. In her introduction, the representative of Kyrgyzstan informed the Committee that the initial report had been prepared by a special commission established for that purpose that included governmental and legal officials. The report was also prepared through a process of consultation and participation with non-governmental organizations.

97. The representative described the political, economic and social conditions of the country since its declaration of independence on 31 August 1991. She noted that the current situation was characterized by the transition to a market economy, which had had a negative impact on the situation of women. She highlighted increasing poverty among women, high rates of unemployment, the growth of all forms of violence against women, the decrease of women's participation in decision-making and the lack of equal rights and access to land and credit. She noted that the situation of rural women was exacerbated by limited infrastructure and markets for sale of agricultural products, an increase in domestic violence and difficult working conditions. The representative noted that among the positive factors was the high level of women's education.

98. The representative described the measures and initiatives that had been undertaken by the Government to guarantee the equal rights of women and to ensure their advancement. Twenty-two international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, had been adopted, and the central principles and standards of international law had been reflected in domestic legislation. The curricula of many universities and schools included human rights education.

99. The representative described the role and functions of the newly established Gender Analysis Council. The Council had analysed six laws from a gender perspective and had plans to review more than 20 laws and regulations. As a result of the Council's work, the National Gender Policy Council had been created in the office of the President in July 1998. The Council would monitor the national implementation of international human rights treaties and agreements, including the Convention on the Elimination of All Forms of Discrimination against Women.

100. To accelerate implementation of the Convention, concrete national programmes relating to the economy, education, health care and poverty that are aimed at the advancement of women and the elimination of *de jure* and *de facto* discrimination against women had been designed and were being implemented.

101. The representative noted that the Fourth World Conference on Women had had a catalytic role in Kyrgyzstan and had been an important factor in the ratification of the Convention. The impact of the Beijing Platform for Action had been positive, and the Government was committed to its implementation. She described the national programme "Ayalzat" for 1996-2000, which constituted the national action plan for the implementation of the Platform and incorporated 11 critical areas of concern as the priorities for women's advancement. She noted that the programme was financed from the national budget.

102. The representative noted that by presidential decree, 1996 had been proclaimed women's year, and in March of that year the State Commission for the Family, Women and Youth had been established. She indicated that, in coordination with regional affiliates, the Commission was responsible for implementing the national action plan in all six regions of the country.

103. The representative indicated that her Government was paying increased attention to collaboration with non-governmental organizations in the elimination of discrimination against women. The representative drew attention to the contribution of non-governmental organizations in various contexts, particularly with regard to violence against women, and acknowledged their important role in establishing crisis centres in all regions of the country.

104. The representative noted the decreasing number of women in decision-making positions, and indicated that there was debate in relation to the reinstatement of quotas that had existed in the past.

105. The representative concluded with an analysis of experiences and proposals for measures and initiatives to promote the advancement of women in all sectors.

(b) Concluding comments by the Committee

Introduction

106. The Committee expresses its appreciation to the Government of Kyrgyzstan for submitting, in a timely manner, a well-structured and comprehensive initial report. It commends the Government on its comprehensive oral presentation and for the replies to the questions posed by the Committee.

107. The Committee appreciates the high-level delegation, headed by the chairperson of the State Commission for the Family, Women and Youth, which presented the report. It notes that the report described measures taken by the Government to implement the Beijing Platform for Action.

108. The Committee commends Kyrgyzstan for ratifying a large number of international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, which was ratified, without reservations, during a difficult time of transition to a market economy and of rapid social and political change.

Positive aspects

109. The Committee commends the fact that the texts of the treaties ratified by Kyrgyzstan have been translated into the Kyrgyz language and other languages used in Kyrgyzstan, including Russian and Uzbek. In this context, the Committee expresses its appreciation of the Government's will to implement the Convention. The Committee also commends Kyrgyzstan for integrating the provisions of the ratified treaties into its basic domestic laws, including the criminal code, the civil code, the labour code and the law on protecting consumers' rights. It is also pleased to learn that there are plans to review other laws from a gender perspective.

110. The Committee appreciates the fact that human rights are part of the curriculum of many universities and schools.

Factors and difficulties affecting the implementation of the Convention

111. The Committee views the prevailing conditions of poverty and unemployment as well as the negative effects of rapid social and political change on women to be major impediments to the implementation of the Convention.

112. The persistence of a strong patriarchal culture, which emphasizes traditional roles of women and men, is also seen as a hindrance to the implementation of the Convention.

Principal areas of concern and recommendations

113. The Committee is concerned at the lack of understanding of discrimination against women as a multi-faceted phenomenon that entails indirect and unintentional as well as direct and intentional discrimination. This understanding is a sine qua non of comprehensive analyses and for policy analysis for the effective elimination of discrimination against women in both *de jure* and *de facto* terms.

114. The Committee recommends that the principle of the equality guaranteed by law should also refer to non-discrimination on the grounds of sex. It also recommends the introduction of a procedure for enforcing rights through effective judicial and other means. Policies, including educational, mass media and awareness-raising campaigns should also be introduced and efforts should be directed at countering both intentional and unintentional discrimination.

115. The Committee expresses concern with regard to the extent and nature of the power of the national machinery, as well as the ambiguity surrounding the relationship between the State Commission and the Ministry. It also notes the inadequacy of the existing budget and personnel for the advancement of women.

116. The Committee recommends enhancing the national machinery by clarifying its functions and the relations between its various organs and the organs of Government, as well as through the allocation of greater budgetary and human resources so as to ensure its effective functioning at the national and regional levels.

117. The Committee also recommends that all national programmes to promote the advancement of women include mechanisms for the assessment of the outcomes of their implementation and the

evaluation of their effectiveness and the extent of their outreach.

118. The Committee expresses concern that no efforts have been made to use temporary special measures as envisaged in article 4, paragraph 1, of the Convention to improve the situation of women in various areas; and to ensure women's participation in decision-making bodies and women's employment in non-traditional areas.

119. The Committee recommends the introduction of a broad range of temporary special measures in accordance with article 4, paragraph 1, including quotas, to improve the representation of women in politics and at all levels of decision-making and in non-traditional fields of employment.

120. The Committee is concerned about the prevalence of patriarchal culture and the continuing emphasis on the traditional roles of women exclusively as mothers and wives. The Committee notes with particular concern that the initial report, in referring to the role of man as the breadwinner, may legitimize existing stereotypes.

121. The Committee urges the Government to introduce a range of measures, including comprehensive public education and mass media campaigns, to eliminate traditional stereotypes of the roles of men and women.

122. The Committee is alarmed at the increase in all forms of violence against women, including gang rape. The Committee is also concerned that the emphasis of the initial report is on sexual violence rather than on gender-based violence as an infringement of the right to personal security.

123. The Committee recommends that all forms of gender-based violence be a focus of serious concern. It recommends the enhancement of comprehensive measures to prevent violence and to support women victims, including gender-sensitization and the training of law enforcement officials. It recommends the collection of comprehensive sex-disaggregated data and information on the issue of violence against women. In the light of the linkage of violence with poverty, the Committee recommends the introduction of measures aimed at improving the economic status of women, including retraining for income-generating occupations.

124. The Committee recommends, in both urban and rural areas, the expansion of the network of crisis centres and the establishment of consultative services to provide necessary medical assistance to women victims of violence.

125. The Committee is concerned about the increase in alcoholism and drug addiction, to the extent that these are causes of health problems, as well as violence against women everywhere.

126. The Committee recommends that programmes be put in place to create awareness about the negative impact of alcoholism and drug addiction on individuals and on society in general. It also recommends the introduction of rehabilitation programmes for victims of such addictions.

127. The Committee is concerned that lesbianism is classified as a sexual offence in the Penal Code.

128. The Committee recommends that lesbianism be reconceptualized as a sexual orientation and

that penalties for its practice be abolished.

129. The Committee is concerned about the increase in prostitution and the trafficking of women, which it views as being related to poverty, lack of employment and lack of effective national measures to suppress the growth of these practices.

130. The Committee recommends that increased efforts in cooperation with other countries be taken to arrest and punish perpetrators of trafficking. It also recommends that domestic measures be launched to combat the negative effects of structural adjustment programmes on women and to provide job opportunities and training to vulnerable women.

131. The Committee is concerned at the economic situation of women, characterized by an increase in the number of women in poverty and among the unemployed.

132. The Committee recommends that the gender dimension of poverty be considered in the design and implementation of all policies and programmes aimed at the elimination of poverty.

133. The Committee is concerned about the conditions of work and job security of the growing number of women who are entering the informal sector as agents in what is referred to as the "women's suitcase economy" or "women's shuttle economy".

134. The Committee recommends the introduction of comprehensive measures aimed at the improvement of women's economic status, particularly through a review of the taxation legislation relating to small businesses and the expansion of micro-credit programmes involving commercial and agricultural banks in order to ensure gainful and secure employment for women. It also recommends that steps be taken to integrate women into all sectors of the national economy.

135. The Committee recommends that international cooperation be sought to promote the economic position of women.

136. The Committee is concerned at the situation of women's health, in particular the increase in the incidence of maternal mortality and morbidity, as well as the high rates of infant mortality and the use of abortion as a method of contraception.

137. The Committee recommends the introduction of comprehensive family-planning programmes based on the right to reproductive choice, as well as measures to ensure that abortion is not perceived as a method of contraception.

138. The Committee notes with concern that although polygamy is illegal, it is nonetheless practiced in some regions without legal or social sanctions.

139. The Committee recommends that effective measures be taken with respect to the implementation of existing laws, the improvement of women's economic situation and the implementation of public education programmes to change traditional values supportive of polygamy in order to eradicate this practice altogether.

140. The Committee recommends that effective participation of non-governmental organizations be secured in the preparation of the next report of Kyrgyzstan and that the report be made widely available to the community of non-governmental organizations.

141. The Committee requests the Government of Kyrgyzstan to provide information addressing the concerns raised in the present concluding comments in the next periodic report required under article 18 of the Convention.

142. The Committee requests the wide dissemination in Kyrgyzstan of the present concluding comments in order to make the people of Kyrgyzstan, and particularly government administrators and politicians, aware of the steps to be taken to ensure *de jure* and de facto equality for women. It also requests the Government to continue to disseminate widely, in particular, to women's and human rights organizations, the Convention, the Committee's general recommendations and the Beijing Declaration and Platform for Action.