

Kyrgyzstan

CEDAW, A/59/38 part I (2004)

133. The Committee considered the second periodic report of Kyrgyzstan (CEDAW/C/KGZ/2 and Add.1) at its 632nd and 633rd meetings, on 14 January 2004 (see CEDAW/C/SR.632 and 633).

Introduction by the State party

134. In her introduction, the representative of Kyrgyzstan stated that the second periodic report provided a realistic picture of the implementation of the Convention in the country. The strengthening of legislation and of national mechanisms to improve the status of women were cited as major achievements. Attention was drawn to the Kyrgyz law on the bases for State guarantees of gender equality, adopted in 2003, which ensured equal rights and opportunities for women in all areas; the national programme on human rights for the period 2002-2010, and the national plan of action for achieving gender equality for the period 2002-2006. Kyrgyzstan had ratified more than 30 international human rights instruments, including, in 2002, the Optional Protocol to the Convention.

135. Women in decision-making positions remained a priority for the Government, and the representative highlighted the underrepresentation of women in legislative and executive bodies. A presidential decree on the further improvement of the framework policy for recruiting women leaders for the State administration of Kyrgyzstan was issued in August 2002. Gender quotas in appointments to the Constitutional Court, the Supreme Court, the Central Commission on Elections and Referendums and the Auditing Chamber of Kyrgyzstan were stipulated in the law on the bases for State guarantees of gender equality. The representative indicated that women were not considered a political force and were underrepresented in political parties.

136. The country's laws conferred equal rights upon women in employment. The representative conceded, however, that traditional gender divisions in the economy persisted, in particular the relegation of women and girls to less profitable occupations. Work at home was considered a major source of productive labour but was not included in calculations of the country's gross national product, and thus was not considered in entitlements to pension and other benefits.

137. The country's laws and programmes guaranteed equal rights with regard to education. The level of education of women was actually somewhat higher than that of men. The National Plan of Action for Education for All, adopted in July 2002, guaranteed free and mandatory elementary

education to all children, in particular girls and children of ethnic minorities, by 2015.

138. The country's laws guaranteed equal access to medical services. Medical services for women ranged from outpatient to highly specialized hospitalization services. The representative noted that there had been a drop in infant mortality rates, although maternal mortality rates remained high. Abortion was legal and performed in State and licensed private medical institutions. Contraception was available to women of reproductive age. As of December 2003, there were 482 registered cases of HIV, of which 44 were women.

139. Various measures had been taken by the Government to address the problem of violence against women. The representative highlighted the adoption, in 2003, of the law on social and legal protection against violence in the family, which provided for temporary protection orders to be issued for victims of violence. She said that trafficking in women and children was a source of increasing concern for the Government. She described a number of legislative and programmatic measures that had been taken to address the issue, including the drafting of a proposed amendment to the Criminal Code on trafficking in individuals; the adoption of a national programme of measures to combat the illegal export of and trafficking in persons in 2002; and the establishment of a national council on the issue.

140. The representative indicated that there remained barriers to the achievement of women's equality despite the Government's efforts to improve the status and rights of women in the country. Such barriers included the growth of poverty and unemployment, a low level of social protection, the low participation of women in decision-making, and the persistence of gender stereotypes and traditions. She noted, in addition, that women were poorly informed of their rights.

141. In conclusion, the representative of Kyrgyzstan informed the Committee that its concluding comments and recommendations would become guidelines for future work on the practical achievement of gender equality in the country.

Concluding comments of the Committee

Introduction

142. The Committee commends the State party for its second periodic report, which complies with the Committee's guidelines for the preparation of periodic reports, and expresses appreciation for the written replies to the issues and questions raised by the Committee's pre-session working group and for the frank oral presentation, which provided additional information on the current

situation with regard to the implementation of the Convention in Kyrgyzstan.

143. The Committee commends the State party for its delegation, which was headed by the Head of the Secretariat of the National Council on Women, Family and Gender Development. The Committee appreciates the constructive dialogue held between the delegation and the members of the Committee.

144. The Committee notes with satisfaction that government action, including the national plan of action for achieving gender equality for the period 2002-2006, is placed within the context of the implementation of the Beijing Platform for Action.

145. The Committee welcomes the growing number of non-governmental organizations that play a prominent role in promoting gender equality in Kyrgyzstan.

146. The Committee welcomes the information that the State party views positively the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

Positive aspects

147. The Committee commends the State party for enacting new laws in support of the goal of gender equality, including the law on the bases for State guarantees of gender equality, which prohibits direct and indirect gender discrimination and allows for the adoption of temporary special measures to promote de facto equality between women and men; and the law on social and legal protection against violence in the family, which provides for temporary protection orders to be issued for victims of family violence.

148. The Committee commends the State party for adopting a range of plans and programmes to address discrimination against women, including the national plan of action for achieving gender equality for the period 2002-2006; and the programme of measures to combat the illegal export of and trafficking in persons for 2002-2005. The Committee also commends the adoption of the national human rights programme for the period 2002-2010 and the establishment of the Human Rights Representative (Ombudsman), which provides a mechanism for monitoring the observance of human rights, including women's rights.

149. The Committee welcomes the initiative to open centres for gender studies at higher educational institutions.

150. The Committee welcomes the accession, in July 2002, by the State party to the Optional Protocol to the Convention.

Principal areas of concern and recommendations

151. While noting that, in accordance with the Constitution of Kyrgyzstan, the Convention is an integral and directly applicable part of Kyrgyz law, and that a number of laws have been adopted to promote gender equality, the Committee is concerned that women have seldom, if at all, used the Convention or existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

152. The Committee urges the State party to ensure that Kyrgyz law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human rights. The Committee invites the State party to provide, in its next report, detailed information about complaints filed in courts on the basis of the Convention and the legal provisions on gender equality, as well as any court decisions that refer to the Convention and domestic legislation on gender equality.

153. The Committee is concerned that the judiciary, law enforcement personnel and women in general are not familiar with the Convention or with existing laws to promote gender equality, including the law on social and legal protection against violence in the family, and the procedures for their application and enforcement.

154. The Committee urges the State party to introduce education and training programmes on the Convention and on existing laws to promote gender equality, in particular for the judiciary, law enforcement personnel and parliamentarians. It recommends that awareness-raising campaigns targeted at women be undertaken to enhance women's awareness of their rights and to ensure that women can avail themselves of procedures and remedies for violations of their rights under the Convention and those laws.

155. The Committee expresses concern about the situation of women in the labour market, including the concentration of women in traditional spheres of employment, in low-paying jobs and in the informal sectors; the wage differentials between women and men; women's rising unemployment rate; and the employment of women in unfavourable working conditions.

156. The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25. The Committee urges the State party to intensify its efforts to ensure that all employment-generation programmes

are gender sensitive and that women can fully benefit from all programmes to support entrepreneurship. It recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical; to narrow and close the wage gap between women and men; and to ensure that both women and men work under proper conditions of health and safety. It also recommends that effective measures allowing for the reconciliation of family and job responsibilities be strengthened and that further measures be taken to promote the sharing of domestic and family responsibilities between women and men.

157. The Committee is concerned about the status of women's health and the deterioration of the health-care system. It is concerned about the continuing high rates of maternal and infant mortality, anaemia during pregnancy, the still high number of abortions, including among women under the age of 19, underweight girls, the increase in tuberculosis and sexually transmitted diseases among women and the problem of alcoholism and drug addiction among women. The Committee is concerned about the lack of attention to the negative impact on women of the reform of the health-care system, including with respect to the decline in the quality and accessibility of medical services and the closing down of medical institutions, where a majority of workers were women.

158. The Committee recommends that, in accordance with general recommendation 24 on women and health, the State party fully implement a holistic, life cycle approach to women's health. It recommends that the State party strengthen measures to reduce the maternal and infant mortality rates and to address alcoholism and drug addiction among women as well as the spread of tuberculosis and other diseases among women. It urges the State party to reinforce programmes of sexual and reproductive education for both girls and boys to foster responsible sexual behaviour. The Committee urges the State party to maintain access to affordable and adequate health care, to assess the impact on women of the reform of the health-care system and to take remedial action so as to ensure that the reform does not disproportionately disadvantage women.

159. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including amendments to the Criminal Code to include provisions on trafficking in persons and the adoption of the programme of measures to combat the illegal export of and trafficking in persons, the Committee remains concerned that the problem of trafficking in women in Kyrgyzstan continues to be serious. The Committee is also concerned at the lack of information on the exploitation of prostitution.

160. The Committee urges the State party to intensify its efforts to combat trafficking in women and girls. It calls on the State party to ensure that victims of trafficking have adequate support and that they are not penalized. The Committee recommends the strengthening of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers. The Committee requests the State party to provide in its next report information and data on trafficking in women and girls and the exploitation of prostitution, and on the measures taken to combat the phenomena and their results.

161. Despite the enactment of the law on social and legal protection against violence in the family and efforts to combat domestic violence, the Committee is concerned at the continuing hidden nature of domestic violence and the inadequate performance of the police in dealing with the reporting from the victims. The Committee also expresses concern about the lack of detailed information on sexual violence against women, including sexual harassment in the workplace.

162. The Committee recommends that an extensive, public awareness-raising campaign against violence in the family be launched nationwide and that strengthened training programmes for the police and the judiciary be provided so as to ensure that the rights of victims of domestic violence are properly protected. The Committee requests that detailed information on sexual violence, including sexual harassment, and efforts to eliminate it be provided in the next report.

163. The Committee is concerned about the increase in poverty among women.

164. The Committee recommends that the State party closely monitor the poverty situation of women and ensure that all programmes aimed at poverty alleviation take full account of the gender dimensions of poverty.

165. While noting that the law on the bases for State guarantees of gender equality provides for gender quotas in the appointment of judges to the Constitutional Court and the Supreme Court, the staff of the Central Commission on Elections and Referendums, and the auditors of the Auditing Chamber, the Committee is concerned about the underrepresentation of women in elected and appointed bodies, particularly at high levels, including the Zhogorku Kenesh (Parliament) and regional and district parliaments, State executive and administrative organs and the diplomatic service.

166. The Committee urges the State party to strengthen and implement measures to increase the representation of women in elected and appointed bodies through,

inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation 25, in order to realize women's right to equal participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party fully utilize general recommendation 23 concerning women in public life and promote changes in the attitudes and perceptions of both women and men with regard to their respective roles in the household, the family, at work and in society as a whole. The Committee recommends that the State party increase its efforts in carrying out awareness-raising campaigns regarding the importance of women's equal participation in political and public decision-making and in the diplomatic service.

167. While noting the efforts of the State party to eliminate gender role stereotyping, especially in the media, the Committee is concerned about the persistence of discriminatory cultural practices and stereotypes relating to the roles and responsibilities of women and men in all areas of life, and the deep-rooted patriarchal attitudes, which undermine women's social status and are an obstacle to the full implementation of the Convention.

168. The Committee urges the State party to monitor carefully the persistence of discriminatory cultural practices and stereotypes and intensify its efforts to eliminate them. It urges the State party to encourage men to share family responsibilities, to direct its awareness-raising programmes to both women and men, and to take action to change stereotypical attitudes and perceptions as to men's and women's roles and responsibilities. It recommends that the State party encourage the media to promote a positive image of women and of the equal status and responsibilities of women and men in both the private and public spheres.

169. The Committee is concerned at the continuing existence of bride abduction and polygamy, despite the legal prohibition of these practices.

170. The Committee recommends action without delay by the State party to enforce its laws penalizing these practices. The Committee also recommends that the State party take comprehensive and effective measures, including the training of the judiciary and law enforcement officials and public awareness-raising campaigns, to eliminate these practices.

171. The Committee is concerned that provisions in the laws on land and agrarian reform and in other laws, as well as customs and traditional practices, regarding ownership, transfer and inheritance of land discriminate against

women and prevent them from exercising their rights to land.

172. The Committee requests the State party to undertake a study on women's de jure and de facto ownership and inheritance of land and to report the results in its next periodic report. The Committee urges the State party to take appropriate measures, including review and amendment of legislation, awareness-raising and adequate enforcement of the law, to eliminate all forms of discrimination against women with respect to ownership, transfer and inheritance of land.

173. The Committee is concerned that the law on nationality precludes Kyrgyz women from passing their nationality on to their children on the same basis as men.

174. The Committee urges the State party to take immediate steps to amend the nationality law and bring it into conformity with article 9 of the Convention.

175. The Committee encourages the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee, without delay.

176. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report, due in 2006, to be submitted under article 18 of the Convention. It also requests that the report take account of the general recommendations of the Committee and provide information, including sex-disaggregated data, on the impact of legislation, policies and programmes designed to implement the Convention. The Committee urges the State party to cooperate with non-governmental organizations and civil society to enhance enjoyment by women of their human rights and in follow-up to the concluding comments. It recommends that the State party consult with women's non-governmental organizations during the preparation of the next periodic report.

177. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions, such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing, the Committee requests the State party to include in its next periodic report information on the implementation

of aspects of those documents relating to relevant articles of the Convention.

178. The Committee requests that the present concluding comments be widely disseminated in Kyrgyzstan in order to make the people of Kyrgyzstan, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".