



## Convention on the Elimination of All Forms of Discrimination against Women

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### Committee on the Elimination of Discrimination against Women

Forty-second session

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### Concluding observations of the Committee on the Elimination of Discrimination against Women

#### Kyrgyzstan

1. The Committee considered the third periodic report of Kyrgyzstan (CEDAW/C/KGZ/3) at its 856th and 857th meetings, on 23 October 2008 (see CEDAW/C/SR.856 and 857). The Committee's list of issues and questions is contained in CEDAW/C/KGZ/Q/3 and the State party's responses thereon are contained in CEDAW/C/KGZ/Q/3/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its third periodic report. The Committee notes that the report generally follows the Committee's guidelines for the preparation of periodic reports and makes reference to the Committee's previous concluding observations, although it notes that it provides incomplete statistical data disaggregated by sex. The Committee welcomes the information according to which, following its examination of the second periodic report of Kyrgyzstan, the State party's Government adopted, in 2004, a global matrix of activities for implementing the Committee's final comments, and invites the State party to do so with regard to the present concluding observations. The Committee regrets, however, the lack of detailed and comprehensive information as to the outcome, in practice, and to the obstacles faced, in the implementation of a number of activities listed in the report.

3. The Committee expresses its appreciation to the State party for its written replies to the list of issues and questions raised by the pre-session working group, but notes that these replies were not always satisfactory and did not answer the questions entirely.

4. The Committee commends the State party for its delegation headed by the Chairman of the Committee on Gender Policy, Youth, and Sports of the Jogorku Kenesh (Parliament), and composed of representatives of various institutions of the

Executive, including a representative of the judiciary. It appreciates the frank and constructive dialogue that took place between the delegation and members of the Committee, even if a number of specific questions remained unanswered.

#### **Positive aspects**

5. The Committee commends the State party for its commitment to implement the Convention and on the range of initiatives aimed at eliminating discrimination against women and promoting gender equality, including through the enactment of the Law on State Guarantees for Equal Rights and Equal Opportunities.

6. The Committee welcomes the changes in the electoral legislation and the introduction of temporary quotas guaranteeing that not more than 70 per cent of the electoral lists of candidates for Members of Parliament shall be composed of individuals of one sex. It notes with satisfaction that women's representation in the current Parliament exceeds one quarter.

#### **Principal areas of concern and recommendations**

**7. While recalling the State party's obligation systematically and continuously to implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of the next periodic report. Consequently, the Committee calls upon the State party to focus on those areas in its implementation activities and to report on action taken and results achieved and main obstacles encountered in its next periodic report. It calls upon the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

#### **Parliament**

**8. While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee stresses that the Convention is binding on all branches of Government, and it invites the State party to encourage its national Parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.**

9. While noting that both the Constitution and legislation, including the Law on State Guarantees for Equal Rights and Equal Opportunities (2003), contain prohibitions of discrimination and right to equality, it is not evident that such legal guarantees for equality result in the practical realization of women's right to equality.

**10. The Committee encourages the State party to raise awareness with respect to the nature of indirect discrimination and the Convention's concept of substantive equality, among Government officials, the judiciary and the general public. The Committee also calls upon the State party to monitor, through measurable indicators, the impact of laws, policies and programmes on women, to evaluate progress achieved towards the practical realization of women's**

**substantive equality with men and to provide this information to the Committee in its next report. The State party is also invited to introduce a legislative provision according to which it will be the responsibility of the State to ensure that women will be able to exercise their right to equality in practice.**

11. The Committee is concerned that although the Law on State Guarantees for Equal Rights and Equal Opportunities provides for gender-based legal analysis of all legislation and regional and local programmes, such analysis has rarely been conducted.

**12. The Committee urges the State party to take urgent measures to conduct a gender-focused legal analysis of its legislation, in order to eliminate overt and covert discriminatory provisions. The Committee further urges the State party to put in place a mechanism for systematic gender-based analysis for draft laws and programmes using a framework based on the normative standards of the Convention.**

#### **Visibility of the Convention**

13. The Committee is concerned that, although the Convention is directly applicable and thus an integral part of Kyrgyz law, its provisions, the Optional Protocol and the Committee's jurisprudence thereon, as well as the Committee's general recommendations, are not sufficiently known, including by judges, lawyers and prosecutors, and by women themselves, as indicated by the absence of any court decisions that refer to the Convention. In addition, the State party has failed to explain whether the Convention's provisions were ever raised in court.

**14. The Committee calls upon the State party to take more active and concrete measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to design and implement programmes for prosecutors, judges, the Ombudsperson and lawyers that cover all relevant aspects of the Convention and the Optional Protocol. It also recommends that sustained awareness-raising and legal literacy campaigns targeting women, including rural women, as well as non-governmental organizations (NGOs) working on women's issues, be undertaken to encourage and empower women to avail themselves of available procedures and remedies for violations of their rights under the Convention and through the complaints procedures provided in the Law on State Guarantees for Equal Rights and Equal Opportunities. The Committee requests that information regarding complaints made by women under the existing provisions of the law and related outcomes be provided in the next report.**

15. Noting that in its replies to the lists of issues (p. 5 of the written replies), the State party provides examples of cases where the Ministry of Education has produced a gender-focused analysis of new school manuals, the Committee remains concerned that they are limited and relate only to primary/basic education.

**16. The State party is invited to take all necessary measures to analyse all existing manuals and curricula from a gender perspective, and to systematically review all new manuals and curricula, in particular in respect to secondary education.**

17. The Committee is concerned at the existence of marriages involving girls under the age of 18, as well as the existence of non-registered marriages, in violation of article 16, paragraph 2, of the Convention.

**18. The Committee requests the State party to implement fully the laws on marriage and family which set the legal age of marriage at 18 years for both women and men and to adopt measures in order to bring all marriages in line with article 16, paragraph 2, of the Convention. It requests the State party to include in its next report information on the measures taken in this regard, and the impact of such measures on the registration of marriages.**

#### **Violence against women**

19. The Committee remains concerned about the fact that, despite existing legislation (law on social and legal protection against violence in the family) and other efforts, domestic violence remains widespread. It is also concerned that the police approach to such violence is ineffective and that police officers frequently prefer to qualify such incidents as constituting mere hooliganism. In addition, victims of violence prefer to contact crisis centres, mainly run by NGOs, rather than addressing the State authorities. The Committee also expresses concern about the lack of detailed information on sexual violence against women, including sexual harassment in the workplace, in the report of the State party.

**20. In line with its previous concluding observations, the Committee recommends that an extensive public-awareness-raising campaign against violence in the family be launched nationwide. It also recommends that the State party ensure that its existing legal framework in this context is effectively applied in particular by law enforcement personnel; that training programmes for the police are strengthened; and that the judiciary is provided with and effectively uses or strengthens the existing mechanisms so as to ensure that the rights of victims of domestic violence are properly protected. The Committee further recommends that an adequate State budget be allocated for the programmes to combat violence against women. The Committee also requests that detailed information on sexual violence, including sexual harassment and efforts to eliminate it, be provided in the next report.**

21. The Committee remains seriously concerned at the continuing existence of bride abduction, despite its prohibition in the law, and notes that this matter was also highlighted in its previous concluding observations. It is also concerned that this practice results in forced marriages, in contradiction to article 16 of the Convention. The Committee is also concerned at the existence of polygamy, despite its legal prohibition in the State party.

**22. The Committee recommends immediate action by the State party to ensure full respect of the laws penalizing bride abduction, forced marriage and polygamy. In particular, the Committee urges the State party to take appropriate measures in order to have all cases involving these phenomena recorded, investigated and prosecuted, even in the absence of a formal complaint. The Committee also recommends that the State party take urgent and effective measures, including the training of the judiciary and law enforcement officials and constant and large public-awareness-raising campaigns, to eliminate these practices. The role of the media is of crucial importance in this respect. The State party is also invited to conduct research**

**on the causes for the existence and reinforcement of these phenomena, in order to better understand what would be the most adequate measures for their eradication.**

#### **Stereotypes and cultural practices**

23. The Committee notes with concern the persistence of stereotypes, including in the media, on women's roles in the family and in society. It is also concerned that these contribute to women's disadvantaged position in a number of areas, including their role in the labour market and in access to decision-making positions, and affect women's choices of studies and professions.

**24. The Committee recommends that the State party strengthen policies and implement programmes, including awareness-raising and educational campaigns directed at women and men, and specifically at the media, aimed at the elimination of stereotypes on the role of women and men in society and in the family, in accordance with articles 2 (f) and 5 (a) of the Convention. It also recommends that the media be encouraged to project a positive image of women, and to promote the value of gender equality for society as a whole. It further calls upon the State party periodically to review the measures taken in order to assess their impact, take appropriate action and report thereon to the Committee in its next report.**

#### **National machinery for the advancement of women**

25. Noting that the State party has indicated that it is considering the establishment of a specialized State institution on gender issues, the Committee is concerned that such a mechanism has not yet been established with a clear mandate and adequate financial and human resources.

**26. The Committee recommends that the State party urgently put in place a specialized body specifically responsible for gender issues (see State party's response to issue number 5), which shall be provided with sufficient resources, both human and financial, and a clearly defined mandate, in order to be able to develop, coordinate and draw accountability from all ministries for strong and consistent gender-sensitive activities and programmes that are effectively mainstreamed.**

#### **Non-governmental organizations**

27. While noting the State party's indication in its replies to the list of issues and questions that its authorities have started to cooperate more actively with non-governmental organizations, the Committee is concerned that no NGO appears to have been consulted during the preparation or the finalization of the current State party's report.

**28. Taking into account the important role of NGOs in the implementation of the Convention, in particular as NGOs are running the majority of the crisis centres for women victims of violence and trafficking/sexual exploitation in Kyrgyzstan, the Committee urges the State party to provide adequate support and funding to such organizations. The Committee invites the State party to interact more actively and in a sustained manner with civil society and to involve NGOs in the preparation of the State party's next periodic report.**

**Trafficking**

29. The Committee is concerned about the absence in the State party's report and oral replies of sufficient information and statistical data on the phenomenon of trafficking in persons in Kyrgyzstan.

**30. The Committee urges the State party to produce a comprehensive study on the dynamics of trafficking, aiming at the understanding of the phenomenon and its dimensions, in order to allow the State party to better understand the causes and the methods used by traffickers, to prevent its development, and to ensure that victims benefit from adequate protection in practice, and to prosecute and punish those responsible. The State party is invited to submit information on the measures taken in this regard, including to produce detailed statistical data. The State party is also invited to carry out, on a systematic basis, information campaigns on the risks and causes of trafficking in persons, in particular focusing on improving the legal literacy of rural women in this connection. It is further invited to put in place a system of effective monitoring of migrant workers to identify links with trafficking.**

**Temporary special measures**

31. The Committee expresses concern that temporary special measures such as those provided for in article 4, paragraph 1, of the Convention, and as explained in the Committee's general recommendation 25, are not sufficiently employed as a method of accelerating the achievement of de facto or substantive equality between women and men in all areas of the Convention (in particular for achieving better representation of women in posts of responsibility in public life and decision-making at all levels, in education, in the participation in economic life, etc.).

**32. The Committee encourages the State party to give consideration to the further use of temporary special measures, including through the allocation of resources and the creation of incentives, targeted recruitment and the setting of time-bound goals and quotas, in accordance with article 4, paragraph 1, of the Convention, and the Committee's general recommendation 25, in order to accelerate the realization of women's de facto equality with men in decision-making at all levels, in the economy, in education, and in decision-making posts. It also recommends that the State party include in its equality legislation provisions to encourage the use of temporary special measures, in both the public and private sectors.**

**Political participation and participation in public life**

33. While noting the progress made in relation to the representation of women in the Parliament, as well as the requirement that the maximum limit for same-sex auditors in the Auditing Chamber cannot exceed 70 per cent, the Committee is concerned about the continuing general underrepresentation of women in public and political life, in particular women in decision-making positions, including at the highest level in political parties, local representative bodies, the executive bodies of the Government and local government, as well as in diplomacy.

**34. The Committee invites the State party to introduce measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 23 and 25, to**

accelerate women's full and equal participation in elected and appointed bodies, including at the international level. Such measures should include time-bound numerical goals, conducting training programmes on leadership and negotiation skills for current and future women leaders, as well as regular monitoring of the progress made and the results achieved. It also recommends that the State party draw this matter to the attention of political parties. It further urges the State party to implement campaigns to raise awareness about the importance of women's participation in public and political life and at decision-making levels.

### **Employment**

35. The Committee is concerned at the situation of women in the labour market, including the persistent concentration of women in traditional spheres of employment, in low-paid positions, in particular in the informal sector; the wage differentials between women and men; and the high rate of unemployment among women.

36. **In line with its previous concluding observations, the Committee urges the State party to take measures 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 the Committee's general recommendation 25. It urges the State party to ensure that all employment-generation programmes are gender-sensitive and that women effectively benefit from all programmes to support entrepreneurship. The Committee recommends that the State party introduce measures to narrow and eliminate the existing gap between the wages of women and men. It also recommends that existing measures allowing for the reconciliation of family and employment responsibilities be strengthened and further measures implemented to promote the sharing of domestic and family responsibilities between women and men.**

### **Health**

37. The Committee is concerned, in general, about the health situation of women, and in particular at the inequalities in access between urban and rural areas. The Committee is concerned that the requirement that individuals contribute to health costs may disproportionately disadvantage women, although it notes that children up to the age of 5, pregnant women, those who have recently given birth and those aged 75 and above are exempted from such contribution to costs. The Committee is concerned about the increase in the rates of maternal and infant mortality, women's anaemia during pregnancy, the persistent high number of abortions, including among those under the age of 18, underweight girls, the large incidence of tuberculosis and sexually transmitted diseases among women. It is also concerned about the problem of alcoholism among women and the lack of sex-disaggregated statistical data about the health situation of rural women.

38. **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. The Committee urges the State party to ensure accessible, affordable and adequate health care to all parts of the population and to rural women in particular. It recommends that the State**

party strengthen measures to reduce the maternal and infant mortality rates as well as the spread of tuberculosis and other diseases among women. It also urges the State party to take effective steps to address and prevent alcoholism and drug addiction among women. It recommends the adoption of measures to increase knowledge of, and access to, affordable contraceptive methods, and recommends that sex education be widely promoted and targeted at adolescent girls and boys. The Committee invites the State party to undertake broadcasts on sexual and reproductive health education programmes in public media, and increase the public awareness in the domain of reproductive health. It also encourages the State party to carefully monitor delivery of health services in order to ensure that it responds in a gender-sensitive manner to the health concerns of all women, including those in rural areas. The Committee invites the State party to utilize its general recommendation 24 as a framework for action to ensure that all health policies and programmes integrate a gender perspective.

#### **Economic consequences of divorce**

39. The Committee expresses concern at the economic situation of women as a result of divorce. It is concerned about the situation of women in rural and remote areas, and about the lack of specific regulations safeguarding, in practice, the property rights of women in de facto marriages.

40. **The Committee requests the State party to conduct an analysis of the number of de facto marriages, in order to evaluate the economic situation of women upon separation, and to consider the adoption of laws and regulations in order to protect the property rights of women upon the dissolution of marriage or of de facto unions. The Committee also requests the State party to include information on the research undertaken in this regard, as well as the results, in its next periodic report.**

#### **Vulnerable groups of women**

41. The Committee remains concerned at the lack of detailed information, in general, in relation to rural women.

42. **The State party is invited to provide comprehensive statistical data on the situation of rural women, disaggregated by age, sex, occupational group, income, and so forth, in its fourth periodic report.**

43. The Committee is concerned about reports of discrimination and harassment against women because of their sexuality as well as about acts of harassment against women in prostitution by police officials.

44. **The Committee urges the State party to take all appropriate measures to ensure that the Convention applies to all women without discrimination and to further take all necessary steps to protect them from all forms of discrimination and violence by public and private individuals.**

#### **Beijing Declaration and Platform for Action**

45. **The Committee urges the State party to utilize fully, in the implementation of its obligations under the Convention, the Beijing Declaration and Platform**



**for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.**

#### **Millennium Development Goals**

**46. The Committee also emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.**

#### **Article 20, paragraph 1, of the Convention**

**47. With reference to its previous concluding observations,<sup>1</sup> the Committee encourages the State party to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee, given the State party's positive assessment of that amendment.**

#### **Ratification of other treaties**

48. The Committee notes that States' adherence to the nine major international human rights instruments<sup>2</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the State party to consider ratifying the treaties to which it is not yet a party, namely, the Convention on the Rights of Persons with Disabilities, and the International Convention for the Protection of All Persons from Enforced Disappearance.

#### **Dissemination of concluding observations**

**49. The Committee requests the wide dissemination in Kyrgyzstan of the present concluding observations, in the Kyrgyz and Russian languages, in order to make the people, including Government officials, politicians, parliamentarians and women's and human rights organizations, aware of the measures that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are required in this regard. It requests the State party to continue to strengthen the dissemination, in particular to women's and human rights organizations, of the Convention, its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of**

<sup>1</sup> *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38 (A/59/38)*, para. 149.

<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance and the Convention on the Rights of Persons with Disabilities.

the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”.

**Follow-up to concluding observations**

50. The Committee requests the State party to provide, within one year, written information on the steps undertaken to implement the recommendations contained in paragraphs 20 and 22 above. The Committee also requests the State party to consider seeking technical cooperation and assistance, including advisory services, if necessary and when appropriate for implementation of the above recommendations.

**Date of next report**

51. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its fourth periodic report, as scheduled, in October 2012.

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