



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

Distr.: General  
6 March 2008

Original: English

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-second session

20 October-7 November 2007

### List of issues and questions with regard to the consideration of periodic reports

#### Kyrgyzstan\*

The pre-session working group considered the third periodic report of Kyrgyzstan (CEDAW/C/KGZ/3).

#### General

1. According to the report (para. 3), pursuant to the adoption of the Committee's concluding comments on the second periodic report of the State party (January 2004),<sup>1</sup> the Government adopted resolution No. 837 on activities to implement the Committee's recommendations. Please provide information on the implementation of these activities and their results, in particular those measures listed in paragraphs 11-20 of the report, as well as details of the budgetary allocation for their implementation. Please, indicate, if appropriate, any obstacles that may have impeded such implementation.

2. Please indicate whether the third periodic report was adopted by Government and presented to Parliament. According to the report (para. 53), State authorities have begun to collaborate more actively with NGOs and public associations. Were NGOs involved in the preparation of the present report? Was the Office of the Ombudsman consulted in its preparation?

#### Constitutional, legislative and institutional framework

3. Article 13 of the Constitution which enshrines the philosophy of equality between women and men, also provides that men and women shall have equal rights

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\* Issued without formal editing.

<sup>1</sup> See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 38 (A/59/38)*, para. 133.

and freedoms and equal opportunities for their realization. Please provide information on whether any specialized mechanism or special courts have been set up where women can bring complaints of sex discrimination. Have gender sensitive procedures for litigation been introduced in courts including victim protection measures? How many cases of discrimination have been filed by women in the courts or any other competent authority regarding discrimination in both the public and private spheres and with what result? Please indicate the number of complaints filed before the Office of the Ombudsman since its establishment in 2000? What measures are being taken to sensitize women and encourage them to seek redress against discrimination? Please also indicate what percentage of women have received legal aid pursuant to article 40 of the Constitution?

4. Given the supremacy of the Convention over the State party's domestic legislation, please indicate whether the provisions of the Convention have been invoked in national courts and provide examples of pertinent case law. Is training provided to judges, prosecutors and lawyers on the Convention and the Committee's general recommendations (in particular with regard to the Convention's applicability), and on the Optional Protocol to the Convention?

5. Please provide detailed information on the changes made to the institution responsible for promoting the advancement of women and indicate what the current institutional arrangements are in this context. Please explain the rationale for the changes, the role of the current institution and its powers and the human and financial resources allocated to it. According to the report (para. 36), the mandate and functions of the Special Representative on Matters of Gender Development of the President of the State party appointed in 2005, was an important one. Please explain why such a position was abolished in May 2007 and whether there are plans to reinstate it.

6. The report (paras. 79 and 80) acknowledges the need to conduct a gender analysis of laws and State programmes and to prepare new draft laws or amendments of existing laws that would be more sensitive to the interests of women. Please provide detailed information on the steps envisaged to conduct an exhaustive gender-focused analysis of the legislation in force similar to that conducted in relation to the law on HIV/AIDS in 2005.

7. Please provide information on the implementation and evaluation of the results of the National Plan of Action for achieving gender equality for the period 2002-2006 and its priority objectives mentioned in paragraph 70 of the report.

8. According to the report, the State budget for 2005-2010 provides for an increase in the funds to finance NGO projects and a Programme of State Support for NGOs (2007-2010) was also developed (paras. 46 to 50). Please provide information on the implementation of the programme, including data collected since 2005 on funding to NGOs in general, and to women's NGOs in particular. Please provide information on the status of the draft Law on the State social mandate, which, according to the report (para. 47), would facilitate the more active participation of NGOs in addressing State problems.

#### **Violence against women**

9. Please describe the obstacles to a proper implementation of the Law on Social and Legal Protection against Domestic Violence, as well as the amended Code of

Administrative Liability and what measures are envisaged to strengthen the enforcement mechanism. Is a review of the existing laws envisaged with a view to criminalizing all acts of violence against women, including sexual harassment, and marital rape? Please provide detailed information on sexual violence, including harassment in the workplace and the efforts to eliminate it.

10. Please provide information on concrete measures taken by the State party to investigate all instances of violence against women, whether it occurs in the home, in the workplace, the community or society; prosecute and punish perpetrators; grant adequate compensation and support to victims and provide sufficient crisis centres/shelters/safe houses and counselling for women survivors of violence. Please provide data on the incidence of domestic violence and indicate if there is a systematic method of collecting and disseminating data on all forms of violence against women at all stages, from complaint to completion of investigations in place.

11. The report indicates that victims of violence turn to crisis centres more often than to law enforcement structures (para. 131). What efforts are being undertaken to provide women who are subjected to violence with access to justice mechanisms and to just and effective remedies for the harm they have suffered? Are there legal literacy campaigns to inform women of their rights and of existing avenues of redress? What measures and programmes are in place to train law enforcement officers, police personnel and judicial, medical and social workers, on the causes and consequences of violence against women, so as to increase their sensitivity to the needs of victims of violence and their families?

12. What efforts are being taken to ensure the allocation of adequate resources within the government budget for activities related to the elimination of violence against women, including resources for the implementation of the different initiatives and plans of actions as listed in the report?

### **Trafficking in persons**

13. The report mentions the adoption of presidential decree No. 94 on measures to combat the illegal export of and trafficking in persons in the State party which was adopted on 21 April 2002 (para. 173), and a Programme of Measures to be taken up to 2005. Please describe the concrete measures taken to implement the Programme of measures up to 2005 and specify what new measures have been adopted after 2005? Please provide detailed and updated statistics on the number of criminal cases brought and the number of convictions in this context.

14. The report refers to research which revealed the commercial sexual exploitation of children along with that of women (para. 164). What measures are being taken to address the root factors, including external factors, that encourage trafficking in women and girls for prostitution, with a view to better protect the rights of women and girls and to punish the perpetrators? Are there programmes in place to heal and rehabilitate into society victims of commercial sexual exploitation, including through job training, legal assistance and confidential healthcare and if so, what resources are being allocated for this purpose?

**Participation of women in political and public life**

15. The new Election Code which introduced special affirmative measures is commendable and has shown positive results so far. Given the current party list system, are new measures envisaged in order to ensure that when elected female members of Parliament are substituted, they are substituted by individuals of the same sex? Please indicate whether any gender-based quota system is envisaged for the upcoming Village Council elections in 2008?

**Nationality**

16. Please indicate whether there has been any development in the adoption of the draft amendment to the Law on citizenship in order to ensure its conformity with the Convention's provisions (para. 222).

**Stereotypes and education**

17. The report notes that "stereotypes continue to exist and to affect the role and place of women in Kyrgyz society, politics, and family life, and affect the status of women not only in the areas of political representation, decision making and economic activities, but also at the level of everyday life" (para. 95). Please indicate whether an impact assessment of the various initiatives undertaken by the State party has been carried out to identify the main difficulties and whether any remedial action is envisaged to eradicate patriarchal attitudes and stereotypes that continue to exist and negate equality of women and men in society, politics, family life, etc.

18. Please provide information on steps taken to integrate gender equality and human rights norms into school curricula and books.

19. Please provide information on measures taken or envisaged to promote an educational setting that eliminates all barriers that could impede the schooling of pregnant adolescents and young mothers, including physically accessible child care facilities and to encourage those young mothers who are responsible for the care of their children to complete their schooling.

**Employment**

20. The report indicates that the situation of women in the labour market remains unequal in comparison to that of men, with unemployment of women remaining higher and important differences persisting between the wages of women and men (paras. 252, 265, and 273). Please indicate what measures are envisaged to eliminate discriminatory practices by employers, to ensure full compliance with the provisions of the Constitution, the Labour Code and the Law on the Basics of the State Guarantees for Gender Equality in the public and private sectors; and to guarantee the rights of women and men to equal pay for equal work and work of equal value?

21. The report reveals women's limited employment opportunities in spite of their better academic qualifications. In all spheres of employment, the proportion of men is higher among managers, whereas the proportion of women is higher among junior personnel. Are temporary special measures, as recommended by the Committee in its previous concluding observations, envisaged? Please describe any obstacles to the adoption of such temporary special measures? What measures are being taken to eliminate occupational segregation and to promote the equal participation of women

in highly skilled jobs and senior management positions, in particular in the public sector?

22. High unemployment and the lack of secure employment has induced women to seek employment in the informal sector of the economy where they are often found in work associated with low and unstable earnings, and are excluded from formal social protection programs. Please provide detailed information and data on the situation of women in the informal sector. Please provide information on results of surveys, if any, on women in the informal sector as well as on estimates of the contributions of women in informal sector to the GDP. How is the State party addressing the constraints faced by women in the informal economy and their particular vulnerability in light of the fact that they are outside the reach of labour legislation? What strategies are in place in order to ensure visibility of these issues to policy-makers and government planners, so that appropriate policies, institutions, and services are put in place. Also kindly indicate what measures are being undertaken to provide women in informal employment with access to social protection, to address the constraints faced by women entrepreneurs in the informal sector in gaining access to microfinance and support services.

### **Health**

23. The report (paras. 277 and 278) mentions that the Manas Taalimi National Programme for the Reform of Health Care (1996-2006) has been extended for the period 2006-2010. What is the status of its implementation, as well as the status of implementation of the National Strategy for Protecting Reproductive Health up to 2015 (para. 279). Please indicate the main achievements so far and the major challenges encountered.

24. According to the report (para. 282), free medical care is provided to children under five years of age, women “registered as pregnant”, as well as women during labour and in the postpartum period for eight weeks, and to retirees of 75 years or older. Please indicate what measures are taken to ensure that adequate medical care is provided systematically to the most vulnerable parts of the population. Please indicate what steps have been taken to provide the rural population (in particular women) with adequate medical care.

25. The report indicates that both child and maternal mortality have increased during the reporting period and remain high (paras. 287-292). Please indicate what steps have been undertaken in order to address the situation. What were the results, in practice, of the implementation of the “Zhan-Enye” programme and the programme “Promoting the Enhancement of the Effectiveness of Perinatal Care” (para. 294)?

26. The report notes that in 2004, 6.7 per cent of children between age one and six suffered from malnutrition and that 60 per cent of pregnant women suffer from anaemia, in spite of the measures taken to combat the problem (paras. 297 and 298). Please disaggregate the above mentioned 6.7 per cent figure on malnutrition by sex. Please indicate what further steps have been undertaken to remedy these problems.

27. Paragraph 304 of the report states that despite the availability of modern contraceptives and methods for preventing unwanted pregnancy, adolescents continue to resort to abortions. Is there a link between early and unwanted pregnancies and abortions and early marriages? Has research been conducted to

determine whether the adolescents who are resorting to abortions, are married or not? The report mentions a 2006 presidential decree which approved a national strategy for protecting the reproductive health of the population (para. 302). Please provide information on the status of implementation of this strategy, as well as on all other measures taken or envisaged in order to remedy this situation.

### **Equality in marriage**

28. The report (para. 97) indicates that although the Family Code sets the minimum marriageable age at 18 years, the number of underage marriages in particular of girls is growing, mainly because of poverty, unemployment and low incomes, as well as “unique national and cultural patterns”. The abduction of women and girl brides is also said to be on the increase, despite the fact that it is legally prohibited. Please provide further information on the establishment of hotlines for girls victims of bride-theft or arranged marriages. Please elaborate on the steps taken and measures envisaged to strengthen the fight against these practices and to eradicate these phenomena.

29. The practice of de facto polygamy persists in Kyrgyzstan. Statistics provided in the report show that there were only three prosecutions under article 153 of the Criminal Code (on bigamy and polygamy). Please provide information on measures taken and envisaged to counter the development of the phenomenon, to eradicate the stereotypes in this regard, and effectively track and punish those responsible.

30. The Committee reiterates the request it made to the State party in its previous concluding observations to provide it with information on women’s de jure and de facto ownership and inheritance of land. Please provide information on the measures taken to eliminate all forms of discrimination against women with respect to ownership, transfer and inheritance of land, in particular women in rural areas. Please indicate what legal protection exists for women living in a de facto union following separation or death of their partner.

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