



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

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**Committee on the Elimination of Discrimination
against Women**
Twentieth session

Summary record of the 413th meeting

Held at Headquarters, New York, on Wednesday, 27 January 1999, at 10 a.m.

Chairperson: Ms. González

later: Ms. Kim Yung-chung (Vice-Chairperson)

later: Ms. González (Chairperson)

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Initial report of Kyrgyzstan (CEDAW/C/KGZ/1)
(continued)

1. *At the invitation of the Chairperson, Ms. Ismailova (Kyrgyzstan) took a place at the Committee table.*

2. **Ms. Ismailova** (Kyrgyzstan), replying to questions posed by the Committee at the 409th meeting, said that the Fourth World Conference on Women had proved a turning point in Kyrgyzstan's policy on women, beginning with the designation of 1996 as Women's Year. The State Commission for the Family, Women and Youth had been established and Parliament had ratified five international conventions on the elimination of discrimination against women. The national programme "Ayalzat" had been strengthened in 1997 by the establishment of an interdepartmental working group, headed by the Deputy Prime Minister and comprising representatives of key ministries, regional administrations and non-governmental organizations. The special national programme "Madaniyat" (culture) had been designed to develop national traditions and promote the cultural development of women. It provided for a range of measures to eliminate prejudices against women. Invaluable help was given by non-governmental organizations concerned with developing folk arts and crafts for the purpose of furthering the new status of women in society.

3. In relation to article 2, she reiterated the equality of all before the law. There was no definition of discrimination, but by default it signified any restriction on the rights guaranteed under the Constitution. In that connection she drew attention to paragraphs 57 to 62 of the report.

4. In response to the request for more information concerning the State Committee for the Family, Women and Youth, she said that the Committee was State-financed and had a staff of 13, including a lawyer, a sociologist and other specialists. Its role, and that of the Regional Centres for Women's Initiatives, were described in paragraph 67 of the report. It differed from the interdepartmental commission described in paragraph 47 in that the latter concentrated on

interdepartmental cooperation on the "Ayalzat" programme, whereas the State Committee coordinated the activities carried out by the authorities at every level in implementing the programme.

5. The Regional Centres for Women's Initiatives, which received both public and private financing, had proved their worth. By means of revolving funds, they helped women's groups to obtain credit for profitable activities and develop market practices. All six existing Centres had been given public funds in 1997 under a pilot scheme, still running, to provide microcredit to low-income women, preparatory to setting up the women's credit bank planned under the "Ayalzat" programme.

6. The first results had been positive: when jobs were created, women earned money, the family's material and spiritual well-being improved and the whole community benefited from the essential goods and services provided by the women who had received the credit. The preparation of business plans and the use of their credits had also helped to expand the women's economic and legal knowledge. One of the most encouraging aspects concerned the repayment of credit. Women were chosen to receive credit according to their previous employment and the opinion of the members of their community; their activity was carried out in full view of the community, which guaranteed the proper use of the credit and timely repayment.

7. The first studies on rape in Kyrgyzstan were carried out from 1994 to 1995, with help from organizations in the Netherlands and the United States of America. The "Diamond" association had held a conference entitled "Unreliability of gender protection" in 1995. A systematic approach to the problem had enabled a wide-ranging protection programme for women and girls to be set up, including the establishment of a crisis centre for women victims of rape. Measures were currently being prepared to clarify legislation on rape; to address the factors tending to encourage rape (pornography, prostitution and the decline in public morals); to establish a broad network of "secure" telephone numbers and rehabilitation centres for rape victims; and to change public attitudes and discourage the forcing of women into relations such as marriage with a minor or polygamy. The measures were being prepared by the interdepartmental commission, while coordination of their implementation would be in the hands of the State Committee for the Family, Women and Youth.

8. Statistics showed that 30 per cent of violent incidents took place within the home, yet only 10 per cent of such incidents were reported, in the interests of protecting the family's reputation. Between 1995 and 1998, six crisis centres had been established, bringing the total to 10. A survey of their activities had been carried out in November 1998. Every woman in Kyrgyzstan had access to the information system of the National Statistics Committee, which contained all the essential information on human rights violations.

9. The Criminal Code defined lesbianism as a "violent action of a sexual nature". Its practice, or threat, or taking advantage of a helpless victim, was punishable by a prison term of three to eight years. She was at a loss to explain why lesbianism was associated with sexual violence, since it could well be simply a manifestation of sexual orientation. Lesbianism was a comparatively new phenomenon, and Kyrgyz society still viewed it as reprehensible. Given that Kyrgyzstan was a secular and not a Muslim State, such attitudes — and the corresponding legislation — should clearly be reassessed.

10. Women's non-governmental organizations worked on equal terms with the State Committee in conducting research on women's status, improving the legal basis for that status, scrutinizing draft legislation from a gender perspective and running social programmes. The Women's Democratic Party was active in Kyrgyzstan, promoting the participation of women in social and political life and in management, sponsoring legislation to eliminate all forms of discrimination, resolving problems over women's employment and lobbying Parliament. It had organized meetings with women parliamentarians of the Commonwealth of Independent States on such topics as "Women and politics: the problem of participation and future prospects".

11. In addition to receiving assistance from the State Committee and the "Ayalzat" programme, women were helping themselves in the transition to the market economy and had become firmly entrenched in the ranks of middle management. In addition there was a growing number of well-informed non-governmental organizations which strengthened women's position in the new labour market in various ways.

12. In implementation of the Presidential Decree of 1998 for the overcoming of poverty, a national fund had been established, financed out of both public and

voluntary funds, investments, grants and credits. Measures had been taken in a comparatively short space of time to improve the social insurance system, social protection for children and the disabled, access to social services for all sectors of the population and the development of small and medium-sized businesses. The only obstacle to the implementation of the "Ayalzat" programme and the provisions of the Convention was the lack of necessary funding from the State budget.

13. All recommendations emerging from the seminars and conferences of the past two years had been passed on to the authorities and carefully considered by the relevant bodies.

14. Women constituted 50 per cent of union members. Moreover, 35 per cent of the leaders of the main trade unions were women. The independent business union, which was at the forefront of the trade union movement in Kyrgyzstan, was also headed by a woman.

15. The figures for the percentage of women participating in decisions on economic issues were 9 per cent; on political issues in Parliament, 4.1 per cent; and in State bodies, 29 per cent.

16. Responding to the question posed under article 5 concerning violence against women, she said that the increased incidence was a result of the social and economic difficulties of the period of transition. In order to address those problems, seminars were being held to raise women's awareness of their legal rights, non-governmental organizations were publishing pamphlets on human rights and law enforcement officers were receiving special training on the prevention of violence against women.

17. A number of initiatives for the advancement of the girl-child were to be implemented under the "Ayalzat" programme in order to increase access to education and raise functional literacy among girls with a view to combating gender stereotypes.

18. Also within the framework of the Ministry of Health's programme for the protection of the girl-child, the State Committee for the Family, Women and Youth was to conduct a gender analysis of the bill on reproductive health, giving particular attention to provisions relating to the girl-child. The Centre for Reproductive Health had recently opened a paediatric

gynaecology department and was planning to set up advisory and preventive services for adolescents.

19. With regard to the amendment to the Criminal Code concerning sexual harassment in the workplace, that proposal had been rejected because the Code already contained relevant provisions. As to the draft legislation on the mass media, it had been proposed that a separate article on the realization of gender equality should be incorporated into that bill guaranteeing equal access to sources of information and equal opportunities in respect of the use of new technologies and prohibiting the publication of materials which degraded women or depicted them as sex objects.

20. Turning to the question posed under article 6, she said that, according to the data of the national office of Interpol, which was monitoring trafficking, no cases had been uncovered, although a number of women who had gone abroad to take up employment had had their passports confiscated and had been subjected to sexual exploitation. The Criminal Code provided for the punishment of those engaging in the traffic of persons for purposes of sexual or other exploitation. The operations of the tourist agencies referred to in the report (para. 91) had been suspended as a preventive measure, in order to allow the authorities to investigate their activities.

21. Gang rape was a relatively new phenomenon and its incidence remained low because of the cultural, religious and moral values of Kyrgyz society. Data on the number of cases would be submitted to the Committee at a later date. She agreed that the increase in alcohol abuse was related to the rising levels of violence in society. As for polygamy, it was an offence under the Criminal Code, but women accepted the practice because of their economic dependence.

22. A number of initiatives were planned or had been implemented to promote women's participation in political and public life (art. 7) although research had shown that, while women supported the current reforms, which they saw as a tool for economic and political stability, many believed that politics was a male preserve. Moreover, the country as a whole found itself in an ideological vacuum, the new political ideals not yet having taken root among the population.

23. Replying to the questions posed under article 11, she said that information on the number of men taking parental leave to care for young children would be

submitted at a later date. With regard to the role of trade unions in cases of discrimination, they were entitled under the law to resolve labour disputes and provide legal assistance to Kyrgyz citizens, including women, with a view to protecting their rights and interests. Individuals who felt they had been subjected to discrimination in employment could also submit a complaint to the courts, which, if they found for the plaintiff, would award compensation for the material and moral damage suffered. Kyrgyzstan's Labour Code had been examined in 1997 by a special committee of the Legislative Assembly established to review outdated legislation. Also, more than 30 independent experts representing a broad range of governmental and non-governmental organizations had participated in a gender analysis of the Code.

24. With regard to the prevention of acquired immunodeficiency syndrome (AIDS) (art. 12), she said that legislation had been adopted in 1996 making it compulsory to carry out measures to prevent AIDS and to provide medical assistance to AIDS sufferers in the Republic. In accordance with article 34 of the Constitution, all citizens were entitled to free medical care. Under the Criminal Code, transmission of human immunodeficiency virus (HIV) infection was an offence. Thus far, four cases of HIV/AIDS had been diagnosed in Kyrgyzstan, two women and two men. A national tuberculosis programme was being implemented. In the period from 1996 to 1998, 92 per cent of the population had been revaccinated against the disease. All tuberculosis sufferers were required to take an HIV test.

25. Her Government had approved a nationwide immunization programme for the period from 1996 to 2000. Under the programme, the population of the Republic, irrespective of gender and age, would be vaccinated free of charge against infectious diseases.

26. The Criminal Code set out penalties for performing illegal abortions, which were defined as abortions performed in unsanitary conditions without appropriate care. Women were motivated to seek such abortions by a desire for secrecy. Abortion was available in rural areas and was performed free of charge throughout the Republic.

27. Replying to the questions raised under article 13, she said that women were playing an increasingly important role in the rapidly expanding informal commercial sector. A number of women entrepreneurs

were setting up their own businesses. They were highly educated and had adapted to the new market economy more readily than men. Entrepreneurial activity was being promoted through the “Emgek” programme, a national fund for the development of small and medium-sized businesses and credit from international lending organizations.

28. With regard to the programme aimed at prompting income-generating activity (art. 14), she said that more than 20,000 loans had been made to the Republic’s poorest citizens, 90 per cent of them women. Access to microcredit was restricted, however, because of lack of funding.

29. In order to address the problem of unemployment among women, the State employment service was promoting self-employment and home-based work, organizing training and re-training and running courses to help women adapt psychologically to labour market requirements. Various non-governmental organizations were helping women find work, and job seekers’ clubs had been set up. Also the mobile employment service was financing microcredit projects with the support of the World Bank.

30. While women had taken on new roles outside the home, they still bore the primary responsibility for child-rearing and domestic tasks, which meant that their burden was immeasurably greater than that of men. However, efforts to alleviate that burden, including the implementation of measures aimed at improving conditions in tobacco farming, had been stymied by lack of finance.

31. According to the data of the National Statistical Committee, which were compiled biannually, more than 50 per cent of the population of Kyrgyzstan were living in poverty, of whom 15 per cent were living in absolute poverty. The national programme “Araket” (para. 76) set out measures aimed at radically reducing poverty and unemployment and enhancing the social protection of vulnerable groups of the population.

32. The sodium cyanide spillage to which members of the Committee had referred had been the subject of a report by a government commission, which had presented its findings at a special session of the Kyrgyz Parliament. However, given the differences between the views of the international and national experts brought in to evaluate the impact of the spillage and those of the local population, she proposed to reply to the Committee’s questions in writing at a later date.

33. *Ms. Kim Yung-chung, Vice-Chairperson, took the Chair.*

34. **Ms. Acar** said that she welcomed the efforts of the Kyrgyz Government to familiarize the members of the judiciary, the civil service and the general public with the provisions of the international instruments to which Kyrgyzstan was a party. Those efforts must be pursued with even greater vigour in order to integrate the principles of those instruments in Kyrgyzstan’s political culture. The existence of effective national machinery was crucial for the realization of women’s human rights. She was not convinced that the Kyrgyz Government had demonstrated the necessary political will in that regard and urged it to allocate additional human and financial resources to its national machinery.

35. **Ms. Schöpp-Schilling** thanked the Kyrgyz delegation for its detailed replies. She had been impressed by the efforts of the Government, together with international and bilateral donors, to raise awareness of human rights.

36. She was concerned that in Kyrgyzstan, as in many other countries of the former Soviet bloc, the approach to human-rights issues was still conditioned by the old mindset. Thus, while Kyrgyz legislation contained provisions prohibiting gender discrimination in the labour market, there appeared to be no understanding of the reality that, when significant disparities existed between the status of men and women, the application of equal provisions could result in unintentional discrimination. She recommended that the Kyrgyz Government should consult American and European experts, who had acquired considerable experience in dealing with that problem.

37. Noting that gender stereotypes had crept into the Kyrgyz report, which referred to the husband as the family’s breadwinner, she encouraged the relevant committees and commissions in Kyrgyzstan to make greater efforts to change traditional concepts of the roles of men and women.

38. The structure of Kyrgyzstan’s national machinery for the realization of women’s rights was still not clear to her. While there were various State committees and commissions, women’s issues did not appear to have been effectively integrated into government mechanisms. The Kyrgyz Government should study the national machinery in other countries. It must, at the

very least, appoint a person to the cabinet to coordinate its policy on women.

39. With regard to the economic situation, while she applauded the Government's efforts to promote small businesses through the allocation of microcredit, such initiatives did not represent a viable long-term solution for women, who must be integrated into the formal sector in order to enjoy the benefits of future economic development.

40. The linking in the report of lesbianism with "violent actions of a sexual nature" (para. 75) was unfortunate. She urged the decriminalization of lesbianism, which was a sexual orientation and thus a private matter.

41. **Ms. Taya** said that it was her impression that the most serious problem in Kyrgyzstan was the prevailing poverty, especially as it affected rural women. The Government should be aware, however, that while foreign investment that applied environmental and labour standards lower than those internationally accepted might indeed increase the gross national product, it might also worsen the effects of poverty. The participation of rural women in development programmes should be ensured.

42. **Ms. Abaka** said that in countries undergoing economic transition such as Kyrgyzstan women had often moved away from the formal sector and into microenterprise or the informal sector as a means of survival. More information on credit schemes for that sector of the economy would be useful. She wondered if women who were engaged in the informal sector or in family-owned microenterprises made social security contributions or received paid maternity leave. It would also be important to know whether workers in the informal sector were protected by International Labour Organization (ILO) Conventions and whether compliance with environmental standards was required.

43. **Ms. Khan** said that microcredit had proven to be an effective tool for poverty alleviation, but there had sometimes been a tendency to push women into such traditional sectors as handicrafts without giving them the new skills needed for the modern sectors of the economy. In order to supplement the limited funds and international resources available to the microcredit sector, she suggested that commercial banks such as the country's agricultural bank could become involved, as the rate of return on such projects could be quite

substantial. Women's high rate of involvement in trade unions was encouraging, and it would be interesting to know whether unions included issues of interest to women, for example equal pay, in their agendas.

44. It was still not entirely clear from the information provided whether or not the practice of polygamy was legal in Kyrgyzstan. In the next report, more information should be included on the steps taken to review outdated laws, especially in the area of marriage and the family.

45. **Ms. Manalo** said that she had been struck by the fact that no complaints of gender discrimination had been brought before any court in Kyrgyzstan, although the report had been quite frank in admitting that some common practices were against the law. The Government must find ways to make women aware of their rights and assist them in bringing complaints to court.

46. She would like to hear more about any attempts by the Government to assist women with entrepreneurial activities, as opposed to sustainable development activities. The objective of the former was to realize a profit, while the latter was survival, and thus a clear distinction must be made. In Soviet times, investment in women's education was valued; she would like to know if that was still encouraged by the Government and whether women were encouraged to continue their studies at the university level. Kyrgyzstan, as a member of the Commonwealth of Independent States (CIS), could benefit from the links of that organization with the European Union. As a developing State of Central Asia, ties with the United Nations Conference on Trade and Development (UNCTAD) and South-South cooperation could be sources of assistance in its economic development.

47. **Ms. Acar** said that it had been her understanding that the delegation had stated that, despite feelings against polygamy, there had been attempts to revive a legal basis for that practice in the Parliament. Such action was dangerous and difficult to understand in a secular State like Kyrgyzstan. The notions of tradition and culture must not be allowed to undermine women's human rights.

48. **Ms. Goonesekere** requested further information on men's support obligations in situations of de facto polygamy and children born out of wedlock.

49. *Ms. González, Chairperson, resumed the Chair.*

50. **Ms. Ismailova** (Kyrgyzstan) said that, with regard to the comments on microcredit, those resources were indeed one of the most effective means of action to combat poverty. She had received training in microcredit offered through the Grameen Bank of Bangladesh, one of the pioneers in that area. Kyrgyzstan currently had two branches of the Grameen Bank, in addition to 19 other organizations providing microcredit services.

51. With regard to suggestions on improving legal norms applying to marriage, the family and women, polygamy as such was prohibited by law and no remarriage was permitted unless a first marriage had been dissolved. However, even in a secular State such as Kyrgyzstan, some situations remained outside the reach of the justice system, and the Government must take a firmer stand in the future. The Government had benefited from international expertise in establishing the Labour Code and the Family Code and it would make additional documentation available to the Committee for its archives. It had also produced booklets on human rights in general and on women's rights in particular, and it had made available materials on violence against women.

52. Women were extremely important to the economic transition, and the impact of the programme on women entrepreneurs established by the State Committee had been significant. Frankly speaking, women's understanding of the concept of discrimination was probably inadequate. The Government was making efforts to disseminate that information, but there was a great deal of inertia to be overcome. In closing, she mentioned the "Araket" programme for economic development and assistance to people in vulnerable sectors, which would guide efforts to combat poverty through 2005.

The meeting rose at 12.10 p.m.