



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

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### Committee on the Elimination of Discrimination against Women

Thirty-seventh session

15 January-2 February 2007

### Concluding comments of the Committee on the Elimination of Discrimination against Women: Kazakhstan

1. The Committee considered the second periodic report of Kazakhstan (CEDAW/C/KAZ/2) at its 757th and 758th meetings, on 16 January 2007 (see CEDAW/C/SR.757 and 758). The Committee's list of issues and questions is contained in CEDAW/C/KAZ/Q/2, and Kazakhstan's responses are contained in CEDAW/C/KAZ/Q/2/Add.1.

#### Introduction

2. The Committee expresses its appreciation to the State party for its second periodic report, which followed the Committee's guidelines for the preparation of reports and has taken into account the Committee's previous concluding comments, while regretting that it provided insufficient statistical data disaggregated by sex. The Committee commends the State party for the written replies to the list of issues and questions raised by the pre-session working group, and for the oral presentation and additional written information, which elaborated on the recent developments in the implementation of the Convention in Kazakhstan, and for the responses to the questions posed orally by the Committee.

3. The Committee commends the State party for having sent a high-level delegation, headed by the Chairperson of the National Commission on Family Affairs and Gender Policy, and which included members of Parliament and the Supreme Court and specialists from various Ministries and Government offices. The Committee appreciates the constructive dialogue that took place between the delegation and the members of the Committee.

4. The Committee commends the State party for the ratification, in August 2001, of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.



**Positive aspects**

5. The Committee commends the State party for its continued commitment and political will to implement the Convention and on the range of initiatives aimed at eliminating discrimination against women and promoting gender equality, including the Strategy for Gender Equality in the Republic of Kazakhstan 2006-2016 and the 2006-2008 Plan of Measures for Implementing the Strategy for Gender Equality in the Republic of Kazakhstan, as well as the establishment of the office of the Human Rights Representative (Ombudsman) and of gender focal points in government agencies who are responsible for the development and implementation of gender policy within their respective areas.

6. The Committee welcomes the measures carried out by the State party to combat trafficking in women and girls, in particular the amendments to the Criminal Code and to other laws, the establishment of the Interdepartmental Commission for Suppressing the Unlawful Removal, Import or Traffic in Persons, and the adoption of the 2006-2008 government action plan to combat and prevent crimes linked to trafficking in persons.

7. The Committee welcomes the expansion of powers of the national machinery for the advancement of women and notes that it has been renamed the National Commission on Family Affairs and Gender Policy, with its Chairperson reporting directly to the President of the Republic of Kazakhstan.

**Principal areas of concern and recommendations**

**8. While recalling the State party's obligation to systematically and continuously implement all the provisions of the Convention, the Committee views the concerns and recommendations identified in the present concluding comments 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 in its next periodic report. It calls on the State party to submit the present concluding comments to all relevant ministries and to Parliament so as to ensure their full implementation.**

9. The Committee is concerned that the provisions of the Convention, the Optional Protocol and the general recommendations of the Committee 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.

**10. The Committee calls on the State party to take more active measures to disseminate information about the Convention, the procedures under the Optional Protocol and the Committee's general recommendations, and to implement programmes for prosecutors, judges, ombudspersons 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 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.**

11. While noting the elaboration of the draft law on equal rights and equal opportunities, the Committee is concerned about the apparent limited understanding in the State party of the concepts of formal and substantive equality and of the prohibition of direct and indirect discrimination against women contained in the Convention.

**12. The Committee requests the State party to ensure that the draft law on equal rights and equal opportunities contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, and extending to acts of discrimination by public and private actors, and also calls on the State party to enact speedily the draft law. It urges the State party to undertake measures to eliminate discrimination against women and ensure both de jure (formal) and de facto (substantive) equality between women and men in line with the Convention. It 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. It also calls upon the State party to ensure the full application of the principles of the Convention in laws, policies and programmes; to monitor, through measurable indicators, the impact of such laws, policies and programmes; and to evaluate progress achieved towards the practical realization of women's substantive equality with men.**

13. While noting the introduction of a number of courses on gender-related subjects in institutions of higher education, the Committee continues to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Kazakhstan, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee is concerned about persistent stereotypes found in school textbooks.

**14. The Committee requests the State party to enhance the training of teaching staff in regard to gender equality issues and to revise educational textbooks to eliminate gender stereotypes. The Committee urges the State party to disseminate information on the Convention through all levels of the educational system, including human rights education and gender-sensitivity training, so as to change existing stereotypical views and attitudes about women's and men's roles. The Committee calls on the State party to further encourage diversification of the educational choices of boys and girls. It also urges the State party to encourage public dialogues on the educational choices girls and women make and their subsequent opportunities and chances in the labour market. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project positive images of women and of the equal status and responsibilities of women and men in the private and public spheres.**

15. The Committee continues to be concerned about the prevalence of violence against women in Kazakhstan. While noting the elaboration of the draft law on domestic violence, it is concerned about delays in its adoption. It is also concerned about the lack of information on whether marital rape is criminalized and whether legislation prohibits sexual harassment.

16. **The Committee urges the State party to enact speedily the draft law on domestic violence and to make it widely known to public officials and society at large. The Committee calls upon the State party to ensure that all women who are victims of domestic violence, including rural women, have access to immediate means of redress and protection, including protection orders, and access to a sufficient number of safe shelters, as well as to legal aid. It calls on the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions, and are sensitized to all forms of violence against women and adequately respond to them. It urges the State party to conduct research on the prevalence, causes and consequences of domestic violence to serve as the basis for comprehensive and targeted intervention and to include the results of such research, and of the impact of follow-up action taken, in its next periodic report. The Committee requests the State party to ensure that marital rape is criminalized and that there is legislation prohibiting sexual harassment.**

17. While noting the legislative and other measures taken to combat human trafficking, including the amendments to the Criminal Code and other laws, the adoption of the 2006-2008 government action plan to combat and prevent crimes linked to trafficking in persons and the establishment of the Interdepartmental Commission for Suppressing the Unlawful Removal, Import or Traffic in Persons, the Committee remains concerned about the persistence of trafficking in women and girls in Kazakhstan.

18. **The Committee calls upon the State party to ensure that legislation on trafficking is fully enforced and that the action plan and other measures to combat human trafficking are fully implemented and their impact regularly monitored and evaluated. The Committee urges the State party to collect and analyse data from the police and international sources, prosecute and punish traffickers, and ensure the protection of the human rights of trafficked women and girls. It also recommends that the State party address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, and take measures for the rehabilitation and social integration of women and girls who are victims of trafficking. The Committee requests the State party to provide, in its next report, comprehensive information and data on trafficking in women and girls and on exploitation of prostitution, and on the measures taken to prevent and combat such activities, including their impact.**

19. While noting the strengthening of the national machinery for the advancement of women, in particular the National Commission on Family Affairs and Gender Policy under the President of the Republic of Kazakhstan, the Committee is concerned that the Commission may lack sufficient authority, decision-making power and financial and human resources to coordinate effectively the Government's work to promote gender equality and the full implementation of the Convention, including coordination and cooperation with all other gender equality and human rights mechanisms at the national and local levels.

20. **The Committee recommends that the State party further strengthen the national machinery for the advancement of women and provide it with the authority, decision-making power and human and financial resources that are**

**necessary to work effectively for the promotion of gender equality and the enjoyment of women's rights. This should include capacity for effective coordination and cooperation among the various gender equality and human rights mechanisms and with civil society.**

21. While noting the proposal for quotas aimed at having no less than 30 per cent of women in political institutions, which the delegation stated was included in the draft law on equal rights and equal opportunities, the Committee is concerned about the continuing underrepresentation of women in public and political life and in decision-making positions, including in Parliament, local representative bodies, the executive bodies of the Government and local government, as well as in diplomacy.

**22. The Committee encourages the State party to speedily adopt and implement the proposal aimed at having at least 30 per cent of women in political institutions, and to take other sustained measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations 25 and 23, to accelerate women's full and equal participation in elected and appointed bodies, including at the international level. Such measures should include establishing of benchmarks, numerical goals and timetables, conducting training programmes on leadership and negotiation skills for current and future women leaders, as well as regular monitoring of progress made and results achieved. It further urges the State party to undertake campaigns to raise awareness about the importance of women's participation in public and political life and at decision-making levels.**

23. While noting some wage increases in female-dominated sectors, the Committee continues to be concerned about the occupational segregation between women and men in the labour market and the persistent wage gap, as well as the high level of unemployment among women. The Committee is also concerned about the absence of legislation providing for equal pay for work of equal value. The Committee continues to be concerned about the manner in which social benefits and protective labour legislation is structured as this could create continued obstacles to the employment of women.

**24. The Committee recommends that efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men, for example by linking job evaluation schemes in the public sector with continued wage increases in sectors dominated by women. It also recommends that efforts be strengthened to ensure women's access to vocational training. The Committee urges the State party to introduce legislative provisions on equal pay for work of equal value. The Committee recommends that the State party continue to review the current structure of social benefits and the content of protective legislation, and to revise them as necessary so as to reduce the barriers women face in the labour market. It invites the State party to include the results of that review, and further measures taken, in its next report. The Committee requests the State party to provide in its next report detailed information, including statistical data indicating trends over time, about the situation of women in the area of employment in the public, private, formal and informal sectors and about the impact of measures taken to realize equal opportunities for women.**

25. The Committee is concerned about limited access to adequate health-care services for women, particularly women in rural areas. It is concerned about the negative health implications for women using intrauterine devices, which seem to be the predominant method of contraception, without proper medical checkup, and that a comprehensive range of contraceptives is not widely available. The Committee is concerned about the prevalence of teenage pregnancy, and the still high abortion rate which indicates that abortion may be used as a method of contraception.

**26. The Committee urges the State party to take concrete measures to enhance and monitor affordability and access to health-care services for women, including in rural areas, in accordance with article 12 of the Convention and the Committee's general recommendation 24 on women and health. It requests the State party to strengthen measures aimed at the prevention of unwanted pregnancies, especially among teenagers. Such measures should include monitoring any negative effects of the use of intrauterine devices, making a comprehensive range of contraceptives available more widely and without any restrictions and increasing knowledge about family planning. The Committee requests the State party to include in its next report further information on women's health and on the impact of measures it has taken to improve women's health and access to health-care services, including family planning.**

27. The Committee is concerned about the lack of information on the situation of rural women and elderly women in the areas covered by the Convention.

**28. The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of rural women and elderly women in all areas covered by the Convention, including with respect to pension benefits and reform.**

29. The Committee is concerned about the existence of marriages involving girls under 18, and of religious or traditional marriages, which are not registered and can violate women's rights.

**30. The Committee requests the State party to implement fully the laws on marriage and family which set the age of marriage at 18 years for both women and men and to adopt measures which are aimed at bringing religious and traditional marriages in line with the Convention. It requests the State party to include in its next report information on the measures taken in this regard.**

31. 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.

**32. The Committee urges the State party to utilize fully, in its implementation of the 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.**

**33. The Committee also emphasizes that a 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 the 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.

34. The Committee notes that States' adherence to the seven major international human rights instruments<sup>1</sup> enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Kazakhstan to consider ratifying the treaty to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

35. The Committee requests the wide dissemination in Kazakhstan of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure the de jure and de facto equality of women, as well as the further steps that are required in that regard. The Committee requests that the State party continue to disseminate widely, in particular to women's and human rights organizations, 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 the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

36. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its third periodic report, which is due in September 2007, and its fourth periodic report, which is due in September 2011, in a combined report in 2011.

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<sup>1</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 and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.