



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

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### Responses to the list of issues and questions with regard to the consideration of the third periodic report

Kyrgyzstan\*

#### List of issues and questions with regard to the consideration of the third periodic report of Kyrgyzstan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women

##### 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.

Paragraph 11: In implementing the recommendations of the Committee, the Prime Minister of the Kyrgyz Republic, in the context of the Matrix, entrusted various governmental agencies with the following tasks:

Paragraph 12: The Judicial Department within the Ministry of Justice was charged with analysing actions initiated in the courts on the basis of the Convention and the provisions of gender-equality law, as well as any court decisions in which reference is made to the provisions of the Convention or domestic gender-equality law.

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\* The present report is being 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.



No actions have been initiated in the courts on the basis of the Convention and the provisions of gender-equality law, nor are there any court decisions in which reference is made to the provisions of the Convention or domestic gender-equality law.

Paragraph 13: The Ministry of Internal Affairs and the Judicial Department were charged with taking preventive actions to identify and eradicate human trafficking and violence by introducing protection orders and other measures under the law; and keeping records and managing the data for each incident involving violence against women, including domestic disputes.

Criminal groups engaged in illegal placement of citizens of the Kyrgyz Republic in employment abroad have been identified and brought to account by the law enforcement agencies of the Republic in the course of their operational and investigative activities. A unit has been set up as part of the Ministry of Internal Affairs of the Kyrgyz Republic to combat human trafficking and crimes against foreigners. The records of the unit show that, in the period 2003-2005, there were over 60 crimes involving human trafficking, in 2006 there were 36 acts of human trafficking and, in 2007, 33 crimes which gave rise to criminal proceedings.

In 2006-2007, the investigative division of the State Committee for National Security of the Kyrgyz Republic initiated criminal proceedings in respect of 10 cases of human trafficking and verdicts of guilty were handed down in respect of 15 people. An attempt to transfer 62 potential victims of human trafficking to the United Arab Emirates was foiled. In order to prevent and put a stop to human trafficking, the Ministry of Internal Affairs of the Kyrgyz Republic, together with other State bodies concerned, constantly monitors the activity of tourist firms, marriage agencies and other entities engaged in the placement in employment abroad of citizens of Kyrgyzstan.

Paragraph 16: The Ministry of Education, Science and Youth Policy and the Ministry of Culture, for purposes of eliminating traditional stereotypes and asserting the equal rights of men and women in all spheres of life, were charged with facilitating the conduct of gender analysis and the creation of new textbooks and teaching aids, as well as the teaching of special gender-education courses.

The Ministry of Education and Science of the Kyrgyz Republic, with the support of UNESCO, is implementing a project entitled "Inclusion of gender perspective in family education". Four modules have been developed for the practical implementation of the programme: "Gender. Basic concepts", "Gender roles, gender relations, gender equality", "Understanding gender and its importance for families", and "Understanding gender and its importance for the community". In the framework of those modules, training is conducted at resource centres for parents in the Batken and Naryn regions. There are plans to extend that experiment to cover the whole of the Republic.

A gender component has been taken into account in the analysis of textbooks on the Kyrgyz language (first and fifth grades), homeland studies (first grade), the English language (first grade) and Russian literature (seventh grade).

Study corners on the subject of gender have been opened in regional and district libraries, and literature on that subject is available. Textbooks have been published on the subject of gender and there are plans to develop methodological

recommendations on “Participation of libraries in the promotion of gender policy and assistance with the legal education of women”.

Paragraph 18: The Ministry of Agriculture and Water Resources was charged with the drafting of special development programmes for women living in remote mountainous and highland rural areas, and with devoting special attention to the participation of rural women in the implementation of rural investment projects and to their enlistment in rural development and land reforms.

A Rural Advisory Service has been established which offers advice to rural people on cropping, animal husbandry, mechanization, marketing, economics, farm management and the processing of agricultural produce. Out of a total of 16,406 people who have consulted the Service about 46 per cent were women. Out of a total of 39,006 trainees, 21,379, or 55 per cent, were women. In 2006-2007 working seminars or field days were organized for women at seed sorting units and at seed growing establishments.

The involvement of women in the projects “Provision of infrastructure services in population centres” and “Rural water supply and sanitation” is fundamental to the steady development of the rural water supply. The process of involving women in the projects begins with the evaluation of public participation and the formation of special women’s groups. A necessary condition for the choice of the lead agencies of public rural associations of drinking water consumers is the selection of women as members of management, the audit commission or the dispute resolution commission. It should be noted that 12 per cent of the chairpersons of such public rural associations are women, 3 per cent of the chairpersons of the dispute resolution commissions are women and 5 per cent of the chairpersons of the audit commissions.

Paragraph 19: The National Statistical Committee was charged with performing special processing of statistical data on a regular basis and releasing a compendium of gender-disaggregated statistics annually.

The National Statistics Committee publishes a compendium each year entitled “Women and men in the Kyrgyz Republic” which contains data on the situation of women and men in all areas of socio-political life in the Republic.

**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?**

Independent gender experts from the Government of the Kyrgyz Republic took part in the preparation of the third periodic report. In preparing the report, consultations were held with the Office of the Ombudsman (Akykatchy) of the Kyrgyz Republic. The working group on the preparation of the third periodic report included the Deputy Ombudsman (Akykatchy) of the Kyrgyz Republic with whom consultations were held.

#### **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 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.**

There are no special courts for the consideration of complaints by women of sex discrimination in the Kyrgyz Republic. All matters involving the protection of the rights and freedoms of citizens in the Kyrgyz Republic are considered under the general procedure by the local courts.

The legislation of the Kyrgyz Republic provides for a number of procedures geared to the specific needs of women, including victim protection measures. In particular, the Kyrgyz law on socio-legal protection against domestic violence provides for issuance by the courts to victims of domestic violence of a judicial protection order the aim of which, as stated in article 25 of the law, is primarily to protect the victim against domestic violence and to put an end to such violence. Another form of protection for the rights and freedoms of citizens is compensation for material and moral injury. That right is, first and foremost, enshrined in the Constitution of the Kyrgyz Republic and in the Codes of Civil and Penal Procedure.

In 2007 and the first half of 2008, the Ombudsman (Akykatchy) of the Kyrgyz Republic considered 47 applications alleging offences against the rights of women. Between 2006 and 1 September 2008, 2,284 women received qualified legal assistance. In addition, oral consultations are available to the citizens.

In 2004, 117 women applied to the elders' courts in connection with problems of domestic violence, the corresponding figures being 539 in 2005, 153 in 2006 and 451 in 2007.

A total of 2,523 women received legal assistance and consultations in the elders' courts, crisis centres and public associations in 2006-2007, and 8,891 women benefited from telephone consultations.

**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?**

The Judicial Training Centre attached to the Supreme Court of the Kyrgyz Republic, with the assistance of international organizations, has held workshops for local court judges entitled "Capacity-building for judges of the Kyrgyz Republic on the prevention of violence against women".

The Training Centre for Prosecutors of the Prosecutor-General's Office of the Kyrgyz Republic provides ongoing training and skills development for Kyrgyz prosecutors. A project entitled "Training and skills development for prosecutors at the Training Centre for Prosecutors of the Prosecutor-General's Office" is being conducted within the framework of the cooperation agreement signed on 10 April 2008 between the Organization for Security and Cooperation in Europe (OSCE) and the Prosecutor-General's Office. In accordance with this agreement, training workshops are being held on various aspects of procuratorial supervision, including international standards on human rights and freedoms and the protection of women against violence.

**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 of the President of the State party on Matters of Gender Development 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.**

Decree No. 158 of the President of the Kyrgyz Republic dated 7 May 2008 on the incorporation of amendments and additions to certain decisions of the President of the Kyrgyz Republic transferred the functions of the working body of the National Council on Women, Family and Gender Development reporting to the President of the Kyrgyz Republic to the Social Development Division of the Office of the Government in order to strengthen the role and responsibility of the Government with respect to implementing gender policy, improving the coordination of State administrative and local self-government bodies, and consolidating the efforts of civil society and international organizations in the field of gender equality.

The Government is actively exploring arrangements for the establishment of a State agency responsible for gender policy.

The position of Special Representative of the President of the Kyrgyz Republic on Matters of Gender Development, appointed in 2005, was not abolished. The title of this position, Deputy Plenipotentiary Representative of the President in the Zhogorku Kenesh of the Kyrgyz Republic, was entered in the Register of Public Offices.

**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.**

A Presidential Decree of 5 February 2007 approved regulations on procedures for conducting a gender analysis of draft regulatory and legal instruments. Paragraph 48 of the Rules of the Government of the Kyrgyz Republic provides for a gender analysis to be conducted by the drafter of a bill.

Within the framework of the democratic governance programme of the United Nations Development Programme (UNDP), an expert group conducted a gender analysis of the following Kyrgyz Republic laws: on local self-government and local government administration; on the Social Fund; on the Ombudsman (*Akyikatchy*) of the Kyrgyz Republic; on the Central Elections and Referendums Commission of the Kyrgyz Republic; on the Chamber of Accounts of the Kyrgyz Republic; on public service; on municipal service; on diplomatic service in the Kyrgyz Republic; on the National Bank of the Kyrgyz Republic; and on the Prosecutor's Office of the Kyrgyz Republic.

Following a gender analysis of this legislation, the law on the Chamber of Accounts of the Kyrgyz Republic was amended to ensure that one sex does not account for more than 70 per cent of the members of the Chamber of Accounts. The phased introduction of amendments and additions to other legislation is envisaged pursuant to a review and in consultation with State bodies.

**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.**

The main results of the implementation of the National Plan of Action for achieving gender equality in the Kyrgyz Republic for the period 2002-2006 were discussed at the National Conference, where achievements and positive developments were noted in the following key areas.

*7.1 Development of an institutional mechanism for achieving gender equality*

The State mechanism for achieving gender equality in the Kyrgyz Republic underwent positive changes during the implementation of the National Plan of Action. The National Council on Women, Family and Gender Development reporting to the President of the Kyrgyz Republic implemented State gender policy under the chairmanship of the State Secretary of the Kyrgyz Republic. Its mandate and composition were expanded through the incorporation of members of the Government and through an increased percentage of representatives from civil society.

The strengthening of institutional mechanisms for gender development in the Kyrgyz Republic, for the period 2002 to 2006, was based on the establishment of a legal framework which ensures equality between men and women. Work has been done for the further ratification of international instruments, inter alia: the adoption of the law of the Kyrgyz Republic of 15 April 2003 on the ratification of the United Nations Convention against Transnational Organized Crime dated 15 November 2000; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children dated 15 December 2000; the Protocol against the Smuggling of Migrants by Land, Sea and Air dated 15 December 2000; and the law on acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families dated 18 December 2000.

Pursuant to international obligations, changes were made to bring the Kyrgyz Republic law on citizenship into line with the Convention on the Nationality of Married Women; to bring the Family Code into line with the Convention on Consent to Marriage; and to bring the Labour Code into line with International Labour

Organization conventions. An important step for the improvement of legislation was taken with the adoption of law No. 60 on the bases of State guarantees to safeguard gender equality dated 12 March 2003, and law No. 62 on social and legal protection against violence in the family dated 25 March 2003.

During the implementation of the National Plan of Action, sections on gender, gender activities and gender indicators were included in the texts and matrices of such State programmes as the national development strategy for the period 2007-2010; the National Programme “Human Rights” for the period 2002-2010, approved by Government decision No. 513 of 2 August 2002; the National Employment Policy of the Kyrgyz Republic up to the year 2010, approved by Government resolution No. 591 of 17 August 2006; the National Plan of Action for “education for all” for the period 2002-2015, approved by Government resolution No. 504 of 30 June 2002; and the State programme of action for social partners to eliminate the worst forms of child labour in the Kyrgyz Republic for the period 2007-2011, approved by Government resolution No. 20 of 22 January 2008.

The Presidential Decree of 5 February 2007 approved regulations on procedures for conducting a gender analysis of draft regulatory and legal instruments.

Increased use was made of statistical data disaggregated by sex. An official form for reporting on gender analysis with respect to the staff composition of State institutions was introduced by the competent officials and partners responsible for the implementation of the National Plan of Action for departmental reporting by all State bodies. The National Council on Women, Family and Gender Development reporting to the President of the Kyrgyz Republic and the Ministry of Finance of the Kyrgyz Republic, supported by the United Nations Development Programme (UNDP), commissioned representatives of a non-governmental organization to develop a computer programme for the automatic gender analysis of staff composition.

There are officials within ministries and departments responsible for the implementation of gender policy. Their training was carried out with the support of several international organizations. National networks and coalitions of women’s organizations have been established. A number of expert civic organizations enjoy authority within international networks and coalitions.

Almost all projects were implemented jointly by State bodies and civic organizations with the support of international agencies. During the implementation of the National Plan of Action, the national television and radio broadcasting corporation and other central and regional State and non-State print and electronic media produced ongoing broadcasts and articles providing standing invitations to gender experts from State bodies and civil society.

## *7.2 Observance of gender balance at all levels of decision-making*

Among the normative legal instruments which have been developed and adopted in the context of efforts to devise and implement mechanisms to secure balanced representation of the sexes at all levels of decision-making are the Law of the Kyrgyz Republic on State guarantees of equal rights and opportunities for men and women of 4 August 2008; Presidential Decrees on further improvements to the policy for recruiting women leaders to Government positions in the Kyrgyz

Republic of 27 August 2002 and on measures to improve gender policy of 20 March 2006; and decision No. 325 of 6 May 2006 of the Government of the Republic on implementing the Presidential Decree on measures to improve gender policy.

With a view to adopting sound decisions on encouraging the participation of women in decision-making processes at all levels, the appropriate Government bodies and their implementing partners — representatives of non-governmental organizations and experts, with the support of international agencies — have carried out, year by year, analytical reviews and appraisals of the existing state of representation of women and men at all levels of government, and have published and disseminated their findings widely.

Women have been trained for participation in government through schools of leadership and other modes of instruction. As partners in the implementation of the National Plan of Action, women's civic organizations, with the help of international agencies, have devised and approved programmes for short training courses to increase gender awareness among local community representatives, and to motivate women in the Kyrgyz Republic and increase their leadership potential. They have organized a number of initiatives (conferences, seminars, round tables) to debunk gender stereotypes about men's and women's participation in politics and electoral processes, to advance the political rights of women, to deal with issues of participation and to devise an action strategy for promoting women candidates for election.

The problems of achieving equal representation of women in government and public administration, and the question of women's equal participation in all walks of life, have been discussed in political and socio-economic programmes on national television and in other national and regional news media, through broadcasts about women celebrated for their political and social engagement. These programmes have raised issues about the role of women in politics and the achievements and setbacks for women on the road to public life. These issues have also been raised in an item on the support of the mass media and the introduction of gender monitoring in the media, an outcome of joint projects between Government bodies and non-governmental and international agencies, which are planning to publish special editions of print media (newspapers, magazines and newsletters).

Overall numbers of women employed in government service have increased from 35.3 per cent in 2002 to 43.2 per cent in 2006. There is a perceptible increase in the numbers of women judges, who now represent a significant proportion of judicial personnel. Women account for 57.2 per cent of the core staff of the Supreme Court of the Republic, 36.5 per cent of the staff of judicial bodies, and 38 per cent of the personnel of organs of justice. The proportion of women in local government has increased from 35.2 per cent in 2002 to 36.8 per cent in 2006, and among members of local keneshes at all levels, women's share has risen from 14 per cent in 2002 to 19.1 per cent in 2005.

### *7.3 The gender component of economic development in labour and employment*

There have been significant positive changes as regards the framing of rules and institutional frameworks for bringing about equal opportunities on the labour market. The new Employment Code of the Kyrgyz Republic, brought into effect by the Law of the Kyrgyz Republic of 4 August 2004, singles out issues of employment protection, especially for women working in the informal sector to support their



families. In the context of implementing measures to integrate the informal sector into the economy of the Republic, and to support and protect both women and men working in that sector, the Government of the Republic adopted on 12 December 2006 decision No. 844 on the future development of the garment industry in the Republic, for the purpose of stimulating development and legalizing an industry in which women predominate. At the principal markets in the capital, trade union organizations have been set up to protect and support women and men engaged in the garment trade.

By providing certain benefits for women, the legislation of the Kyrgyz Republic allows for the gender differences associated with the performance by women of their social function of giving birth to and rearing children. A new Family Code was adopted on 30 August 2003, regulating the personal relationships, in property and other matters, between family members — spouses, parents and children — and between other relatives and individuals. The basic concepts underlying the new Code are marital contract, a contractual property regime, and gender equality in household tasks.

The procedure for gaining access to credit has been simplified for low-income women and men, and a legal basis has been established for the development of microcredit institutions. The principles of social mobilization continue to gain ground. Loans granted to women through various lines of microcredit are increasing in number and size.

The network of preschool establishments for children and attendance at them by children below the age of six have expanded, enabling more women to engage in productive work and social functions. There are now 448 preschool educational establishments in the Republic (in 2001 there were 407) educating 54,400 children, or 11 per cent of the relevant age group (in 2001 the figure was 9 per cent).

The findings of sample household surveys conducted by the National Statistics Committee of the Kyrgyz Republic show a decline in levels of poverty and extreme poverty from 56.2 per cent and 23.3 per cent in 2002 to 43.1 per cent and 11.1 per cent in 2005. The number of businesses set up and headed by women has increased (from 24.1 per cent in 2002 to 28.5 per cent in 2006).

#### 7.4 *Gender aspects in health care*

As a result of measures implemented under the National Plan of Action and “Manas”, the National Programme of Reform of Health Care in the Kyrgyz Republic for the period 1996-2000, which was approved by a Government decision on 24 June 1996, significant results have been achieved for the country, and this shows that certain tasks of vital importance for the health system have been accomplished, including incorporation of the gender aspect.

The total share of the budget allocated to health care has increased over the reporting period (from 1.9 per cent of GDP in 2001 to 2.2 per cent in 2005).

The international obligations assumed by the Kyrgyz Republic for reducing maternal and infant mortality and morbidity have been enshrined in various laws, programmes and strategies, such as the “Manas Taalimi” National Programme of Reform of Health Care for the period 2006-2010, approved by a Government decision on 16 February 2006, and the National Strategy for Protecting Reproductive Health up to 2015, approved by a Presidential Decree of 15 July 2006.

The principles incorporated in the national reproductive health strategy to 2015 include respect for human rights and gender equality.

A State programme to prevent an HIV/AIDS epidemic and its socio-economic consequences over the period 2006-2010 was approved by a Government decision on 6 July 2006, and has been in regular operation since 2006.

Under the programme of State guarantees, approved by a Government decision on 30 January 2006, women receive benefits during pregnancy and childbirth and are exempt from social insurance contributions, including during periods of outpatient treatment for complications of pregnancy and when in receipt of the package of services for pregnant women in the first trimester. Iron supplements have been included in the list of essential medicines and in the additional programme of compulsory medical insurance for benefit purposes. Since 2002, the sum reimbursed for medicines to treat iron deficiency anaemia has increased steadily, to 7.8 million soms in 2005. The proportion of funds expended on medicines for women between the ages of 15 and 49 has also increased, reaching 66 per cent (5.1 million soms) in 2005.

In 2006 a Mammology Centre was set up, specializing in improved early diagnosis of mammary gland disease, reconstructive surgery, innovative procedures and the training of doctors in primary care.

In the family health centres in every rayon there are now family planning clinics which also provide home visits. A national medico-genetic service is made available through the Department for Medico-genetic Research (OMGI) and six medico-genetic clinics in the oblast centres of the Republic. Approximately 500 rural health committees and initiative groups were formed in 2006, some of which focus on problems relating to anaemia and iodine deficiency.

According to official figures for 2006, there are three State-run milk kitchens for children, three private enterprises processing milk products for children, and a scientific nutritional products department within the Centre for Paediatrics and Children's Surgery. There are State-run milk kitchens for children in the cities of Osh and Bishkek (funded by the mayor's office and by rayon administrations in the capital) and in Karakol (at the nutrition centre for mothers and children). There are private children's milk kitchens in the cities of Tash-Kumyr, Kara-Balta and Jalal-Abad.

Treatment and consultations for patients suffering from sexually transmitted infections are offered at State health facilities and private clinics. There are centres where testing is done anonymously, and clinics at all AIDS centres offering psychosocial consultations.

By comparison with 2001, the availability of youth-friendly venereal disease services for vulnerable young people has increased 3.5 times. The Republic has 40 diagnostic laboratories for AIDS, and 162,000 HIV tests were carried out in 2005. The national AIDS association and non-governmental organizations, with the support of international organizations, conduct training seminars on psychosocial counselling, preventing vertical transmission of AIDS and antiretroviral therapy. For sex workers, there is awareness-raising on a regular basis in the form of peer-to-peer sessions; they receive informational materials, and condoms are distributed free of charge. To prevent the spread of AIDS among intravenous drug users, there are 15 needle-exchange centres and a programme of methadone replacement therapy.

International agencies provide support for the purchase of medicines and for antiretroviral therapy and consultations, and for purchasing infant foods for children born of AIDS-infected mothers.

Between 2002 and 2006, with the support of donors, a number of programmes and projects were implemented and are still being implemented aimed at reducing maternal and child mortality, in particular on safe motherhood, family planning, breast feeding and anaemia prevention among pregnant women.

Extrabudgetary resources are being used for free distribution of contraceptives through groups of family doctors and medical and social home visitors. With the support of UNFPA, an information system for managing the logistics of contraceptives has been introduced. Contraceptives are used by 38 per cent of women of child-bearing age in the Kyrgyz Republic. With the technical support of international organizations, specialists of the Ministry of Health hold training seminars on reproductive health care for obstetricians and gynaecologists, urologists, primary-care doctors and other specialists, and clinical protocols on safe abortion and post-abortion prophylaxis are being developed and introduced. According to the data of the National Statistics Committee of the Kyrgyz Republic, as a consequence of the measures taken, between 2001 and 2005, the incidence of iron deficiency anaemia (first diagnosis) among adults and adolescents was reduced by 14.6 per cent (from 1,479.8 to 1,263.8 cases per 100,000 inhabitants in the corresponding age group).

The overall incidence of malignant neoplasm is falling. During the period 2001-2004 the incidence of active tuberculosis fell among men (from 228.9 to 161 cases per 100,000 inhabitants) and women (from 108.1 to 98.0 cases). Overall mortality from tuberculosis during the same period fell from 20.7 per 100,000 inhabitants in 2001 to 15.9 in 2004 (a reduction of 23.2 per cent).

#### *7.5 Gender parity in education and culture*

The National Plan of Action for Education for All for 2002-2015 was adopted on 30 July 2002, by a resolution of the Government of the Kyrgyz Republic. The Plan places great emphasis on basic education as a factor promoting socio-economic and political development both of women and men. The second and fifth goals of that document are geared to the attainment of gender equality and the elimination of gender discrimination at the level of basic education and also to ensuring equal opportunities for both sexes in access to high-quality education at all levels. The attainment of the above-mentioned goals is one of the main priorities for the development of education in the medium term and is mentioned in many strategic documents regulating educational development up to the year 2010, in particular in the Concept for the Development of the Education System of the Kyrgyz Republic up to the year 2010. A National Forum on Education has been established; one of its thematic groups, the education of girls, is geared to addressing gender problems in education.

A more vigorous approach to resolving gender problems in education, and better understanding of the global and national dynamic of the gender-based aspects of education, have been promoted through Kyrgyzstan's association with other republics of Central Asia in the Forum on Education. In the structural subdivisions of the Ministry and of the entire education system, gender-disaggregated statistical data are being collected, thus facilitating analysis of the existing situation and

identifying ways of resolving gender problems that prevent universal access to basic education and eliminating the disparity between boys and girls in the availability of high-quality education.

Higher education teachers of the Republic and individual research workers, with the support of international organizations, have devised a unified model and methodology for the teaching of an academic course on gender: model gender-based curricula in various disciplines; over 20 academic courses on the subject of gender; libraries in the central and regional universities and a gender collection in the National Library of the Kyrgyz Republic.

A system of education and further training in gender issues has been established for civil servants on the basis of the Academy of Administration under the President of the Kyrgyz Republic and in a number of higher education establishments. More than 10 higher education establishments have included courses on gender (as both special and elective courses) in their curriculum.

The experimental introduction in schools of the programme, Empowered Education, conducted by non-governmental organizations and school education specialists, has had a positive result in the field of non-formal education. In the framework of the project, training has been given to over 65 trainers chosen from among schoolteachers and education specialists in higher education establishments.

In the framework of the project "Gender mainstreaming in family education" two resource centres have been established in the Naryn and Batken regions equipped with thematic literature and teaching modules on electronic media, and a number of seminars have been conducted for senior staff of regional educational management bodies on provisions of equal opportunities for girls and boys in access to high-quality education, and introduction of gender-based approaches to family education, and training parents to overcome gender stereotypes formed in the family.

With a view to eradicating gender stereotypes and gender-based violence, cultural and recreational institutions of the Republic have engaged in the specific task of explaining the illegality of bride snatching and betrothal of underage girls.

Assistance in explaining gender problems through the production of documentary films on gender-related themes, the training of gender studies specialists among journalists and the development of academic gender education is provided through the projects of international organizations.

#### *7.6 Reduction of all forms of violence against women*

The positive results of efforts to combat violence against women which have been achieved in the period under study include the adoption of the laws of the Kyrgyz Republic on socio-legal protection against violence in the family of 25 March 2005 and on the adoption of additions to the Code of the Kyrgyz Republic on Administrative Responsibility of 26 July 2004.

The law of the Kyrgyz Republic on the prevention and combating of human trafficking of 17 March 2005 was adopted. In accordance with this law, law No. 1 of 5 January 2006 of the Kyrgyz Republic on the introduction of changes and additions to the Penal Code of the Kyrgyz Republic provides for increased accountability for human trafficking and organizing illegal migration. The State Programme of

Measures to Combat the Illegal Transfer of and Trafficking in People in the Kyrgyz Republic for the period 2002-2005, ratified by Presidential Decree No. 94 of 21 April 2002, was adopted and has been implemented with the active involvement of the National Council reporting to the President on the suppression of the illegal transfer of and trafficking in people. Within the framework of that programme, work is being done to improve national legislation, to heighten awareness of the problem among government officials and the population at large through various seminars and training sessions, provision of information material and creation of shelters for the victims of human trafficking and hotlines.

In the framework of the project "On the Pathway to Non-Violence" implemented with the support of the United Nations Development Fund for Women (UNIFEM) in 2003-2004, and in accordance with the law of the Kyrgyz Republic on socio-legal protection against violence in the family, amendments to the legislation of the Republic have been drafted and introduced. A form for departmental statistical accounting has been developed providing for the compilation of data on instances of domestic violence and the measures taken in that connection, including socio-demographic indicators concerning both the perpetrator and the victim of domestic violence. Statistical report form VTS-1 "Status of criminality in the Kyrgyz Republic" has also been developed and includes gender-disaggregated indicators relating to victims and a photograph of the victim. An addition is made to the computerized record of an administrative lawbreaker reflecting data on the victim. Software has been developed for the Information Management Directorate of the Ministry of Internal Affairs of the Kyrgyz Republic for the purpose of bringing the above-mentioned new statistical forms into use. Forms for protection orders and instructions for their utilization were brought into practical effect by order No. 388 of the Minister of Internal Affairs of 7 October 2004. The single statistical accounting form for crisis centres in the Republic and data on the activities of the crisis centres are included in the compendium published annually of gender-disaggregated statistics entitled "Women and men of the Kyrgyz Republic".

Those responsible for implementing the National Plan of Action and the counterparts involved in the execution of the Plan have taken a series of measures that are designed both to increase knowledge among State officials and the public of the problem of violence against women, by holding seminars and training sessions and issuing information material, and also to enhance the level of public awareness of the inadmissibility of violent behaviour; practical assistance has been given to the victims of violence; the causes of the problem have been analysed and information material on combating violence has been published.

Measures have been taken to enhance gender sensitivity among law enforcement agents and judges on questions relating to violence against women. The teaching staff of the Academy of the Ministry of Internal Affairs, together with independent experts supported by international agencies, have developed and approved special training courses and have published teaching aids and conducted cycles of seminars and training sessions.

Teaching aids have been developed for schoolteachers and for a wide range of specialists involved in the education of children; educational programmes have been created for senior pupils and courses for students in teaching disciplines in the prevention of violence and on tolerant and safe behaviour.

The National Statistics Committee of the Kyrgyz Republic has developed a methodological framework for conducting investigations into acts of violence against women and children. In order to promote civic responsibility at the local level and to provide women with protection from violence on the basis of the principles of social mobilization in the villages of the Osh and Batken oblasts, the southern branch of the “Diamond” Association has set up 18 self-support groups in the framework of the project “Organization of a coordinated response to violence in the family”.

State institutions and non-governmental organizations, with the support of international agencies, have been working to promote the rehabilitation and reintegration in society of convicts, which were one of the major aspects of the Concept for the Reform of the Penitentiary System of the Kyrgyz Republic for the period up to 2010. A wide variety of measures have been taken with a view to informing the public of the problem of gender-related violence: these range from seminars, training sessions for various target groups, the opening of special sections in the printed and electronic mass information media and television broadcasts to the conduct of surveys, the organization of travelling theatrical productions and information campaigns.

**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.**

There are no funds in the draft national budget for 2009 to finance projects by non-governmental organizations. However, payments are made from local budgets to crisis centres to cover the cost of renting premises and to pay for electricity, hot and cold water and heating, as has been done for the “Sezim” crisis centre for the past three years.

By resolution No. 200 of the Government of the Kyrgyz Republic of 25 March 2004, a concept was approved for cooperation between public associations, social funds (non-governmental organizations) and State bodies in the Kyrgyz Republic. On 21 July 2008 the Law of the Kyrgyz Republic on the State social mandate was adopted, setting out the legal and organizational basis on which Government social expenditure is raised, distributed and used to implement social programmes.

In the process of implementing the State programme “New generation”, the Ministry of Labour and Social Welfare of the Kyrgyz Republic carried out 43 social projects in 2006-2007 under the social mandate. The aim of the projects was to provide assistance to poor families and lift them out of poverty.

#### **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.**

The law of the Kyrgyz Republic on social and legal protection against violence in the family, and order No. 388 of 7 October 2004 of the Minister of Internal Affairs on introducing the practice, internal affairs bodies, of issuing temporary protection orders, and on the keeping of statistical records, make family violence a criminal offence. The existing obstacles, both objective and subjective, in the way of a more effective response to incidents of domestic violence and violence against women are mainly to be found in the stereotypes which persist in society and which stem from the reluctance of the victims to “wash their dirty linen in public”, and insufficient awareness among women, children and elderly people (the most vulnerable strata of society as far as the problem of domestic violence is concerned) of their constitutional rights to protection from violence and cruelty and of the guarantees of equality in all areas of public and private life; and the lack of information among women and other potential victims of violence about the availability of legal redress.

Other factors also play a role, such as a lack of familiarity, among staff of the internal affairs bodies, with the legal aspects of responding in practice to domestic violence, and ignorance of how to work with victims of violence and crisis centres. It was for this reason that the Ministry of Internal Affairs issued a special directive on 20 May 2008, No. 325, setting out ways in which their work can be made more useful and effective. The directive requires divisional police inspectors and local duty officers to be tested on their knowledge of the legal rules governing their work in the area of prevention of family violence, and to improve their record-keeping and data collection and presentation of these in statistical reports. The services involved must equip themselves with the necessary documentation (forms for obtaining temporary protective orders).

For the purpose of reviewing existing laws and making it an offence to commit acts of violence against women, including sexual harassment and marital rape, the Republic's Ministry of Internal Affairs is conducting a gender analysis of the legislation in force.

The specific factors hindering proper implementation of the law on social and legal protection against violence in the family spring from social and domestic causes and from ignorance of the law among the public at large. Improving compliance with the law is a matter of observing gender equality everywhere and improving knowledge of the provisions of the Convention and the laws of the Republic on family violence among the public and those working in law enforcement and judicial bodies. This can be done by conducting thematic seminars, training courses and round table discussions, and by producing television programmes featuring representatives of Government agencies, law enforcement and judicial bodies, crisis centres and international organizations, and publishing suitable booklets and posters of all kinds warning against violence.

On examination, the statistics for crimes committed against women in the years 2006-2007 show a marked reduction in the incidence of sexual offences against women: under article 129 (rape) there were 514 cases in 2006 and 438 in 2007; under article 130 (forced sexual acts) there were 32 cases in 2006 and 30 in

2007; under article 132 (unlawful sexual congress and other unlawful acts of a sexual nature) there were 26 cases in 2006 and 22 in 2007; and under article 133 (acts of depravity) there were 8 cases in 2006 and 8 in 2007.

**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.**

The internal affairs bodies of the Republic take steps to investigate all incidents of violence against women, using criminal, administrative and special law spelling out the elements of the crimes in question, the various kinds of offences and the sanctions applicable to them. Statistical report forms have been developed on gender-specific lines for recording incidents of domestic violence and the issuance of temporary protective orders. Over the period from May 2003 to July 2008, more than 5,000 incidents of family violence were recorded, resulting in 1,306 prosecutions. In all other cases, no proceedings were initiated. There were 40 prosecutions for administrative offences.

Incident reports show that a total of 4,954 persons suffered from domestic violence, comprising 4,098 women, 302 men and 554 children. Over the reporting period the internal affairs bodies issued 296 temporary protective orders to protect victims of domestic violence.

**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?**

In 2007-2008, in partnership with independent experts and the support of OSCE, a handbook was prepared for staff of internal affairs bodies on the problem of preventing domestic violence. Some sections of the handbook are designed to improve the gender competence of the staff of internal affairs bodies, and it also deals with the practical aspects of their work in preventing domestic violence.

At the Academy attached to the Ministry of Internal Affairs, gender problems feature on the curricula of all continuing professional development courses at all levels, including internal and correspondence courses for operational staff, training courses for management recruits and in-service training courses.

In 2007-2008 a course was held for a group of 200 officials in Bishkek. Another course, launched in Issyk-Kul oblast, is to be extended to all the oblasts in the Republic.



In July 2008 trainers from the Academy of the Ministry of Internal Affairs, together with the Forum of Women's NGOs, conducted a training course on gender for representatives of local community bodies and women leaders.

Through the public prophylactic centres which were set up to implement the Republic's law on crime prevention, the police will be expected to cooperate with local government bodies, crisis centres and medical establishments in assisting victims of violence.

In 2007, as part of the campaign "16 days without violence", a meeting was organized at the Academy of the Ministry of Internal Affairs between instructors and course participants (1,200 people in all) and police officers from Austria. A presentation was given, followed by a discussion, on how Austria has tackled the problem of preventing family violence, and various information booklets and specialist materials were distributed.

**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 action as listed in the report?**

Almost 3 million soms were allocated for implementation of the National Plan of Action for Achieving Gender Equality in the Kyrgyz Republic for the Period 2002-2006. It is planned to allocate a similar amount for implementation of the National Plan of Action for Achieving Gender Equality in the Kyrgyz Republic for the Period 2007-2010.

The Ministry of Internal Affairs of the Kyrgyz Republic concluded an agreement with the Democratic Processes Research Centre, which with financial support from OSCE will help to train staff. An application has been prepared for UNFPA in connection with the planned programme of the inter-agency task force on violence against women.

**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.**

In order to prevent and suppress cases of illegal export of and trafficking in persons, presidential decree No. 94 of 21 April 2002 on measures to combat the illegal export of and trafficking in persons in the Kyrgyz Republic approved a Programme of Measures for 2002-2005 to combat the illegal export of and trafficking in persons in the Kyrgyz Republic and established the National Council for Combating the Illegal Export of and Trafficking in Persons under the President of the Kyrgyz Republic.

In order to improve Kyrgyz legislation on the prevention of trafficking in persons, a law was adopted on preventing and combating trafficking in persons. This

law established the organizational and legal foundations for preventing and combating trafficking in persons, arrangements for coordinating the activities of agencies combating trafficking in persons and a series of measures to protect and assist victims of human trafficking.

Criminal liability for trafficking in persons (article 124) and organizing illegal migration (article 204, para. 1) was strengthened. New offences were added to the Kyrgyz Republic's Code of Administrative Liability, such as illegal activities for the adoption of a child (article 66, para. 2), smuggling of persons or removal of nationals of the Kyrgyz Republic across the State border of the Kyrgyz Republic (article 391, para. 1).

The law of the Kyrgyz Republic on the protection of the rights of witnesses, injured parties and other participants in criminal proceedings provides for the introduction of a series of measures to provide official protection for witnesses, injured parties and other participants in criminal proceedings, including security and social protection measures for such persons, including victims of human trafficking.

The Kyrgyz Republic has ratified a number of international instruments to combat trafficking in persons, including the United Nations Convention against Transnational Organized Crime and its two additional protocols of 15 November 2000:

- Protocol against the Smuggling of Migrants by Land, Sea and Air;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

With a view to enhancing the effectiveness of cooperation between the States members of the Commonwealth of Independent States (CIS) to prevent trafficking in persons, a decision was taken by the CIS Council of Heads of State to create a Programme of Cooperation for 2007-2010 between CIS States members in combating trafficking in persons.

As part of the Programme of Measures for 2002-2005 to combat the illegal export of and trafficking in persons, informational publicity campaigns were conducted throughout the country in order to make the public more aware of the risks of illegal migration and to combat trafficking in persons. With the support of a mission of the International Organization for Migration (IOM) to the Kyrgyz Republic and of the international organization Winrock International, informational material was prepared and distributed to potential migrant workers, radio and television programmes and talk shows were organized in the media and articles were published. Telephone help lines were set up in the cities of Bishkek and Osh.

The Sezim (Feelings) Crisis Centre in Bishkek provides help to victims of trafficking in persons. In Osh, the Centre for the Adaptation and Rehabilitation of Minors has been established to provide social, legal and reintegration assistance to child victims of human trafficking. Over the 2002-2007 period, these centres provided assistance to some 650 victims of human trafficking, including victims of forced labour (72 per cent) and sexual exploitation (28 per cent). Women accounted for 66 per cent of the total number of victims and minors accounted for 13 per cent.

Implementation of the Programme of Measures for 2002-2005 to combat the illegal export of and trafficking in persons in the Kyrgyz Republic considerably

improved the effectiveness of the actions of government agencies to combat the modern slave trade.

Convictions for crimes covered by article 124 (Trafficking in persons) of the Criminal Code of the Kyrgyz Republic are as follows: six persons in 2002; zero persons in 2003; five persons in 2004; three persons in 2005; seven persons in 2006; 16 persons in 2007; eight persons in the first half of 2008.

**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 health care and if so what resources are being allocated for this purpose?**

The resolution of the Government of the Kyrgyz Republic of 13 September 2008 adopted the Plan of Action for 2008-2011 against Trafficking in Persons in the Kyrgyz Republic. This Plan of Action provides for a series of measures, including measures to heal and rehabilitate into society victims of commercial sexual exploitation, in the form of job training, legal assistance and confidential health care.

Much work is being done in the Kyrgyz Republic through programmes providing confidential medical, social and legal assistance to members of groups engaging in high-risk behaviour. The “Nauchmedlait” clinic, established at the initiative of WHO in 1998, provides health care without charge to members of risk groups. By 2008, the staff of the clinic had cared for about 5,000 sex workers and other members of risk groups, who received treatment. Members of risk groups were given access anonymously to the services of skilled dermatologists/venereal disease specialists, gynaecologists and urologists on a voluntary and “peer-to-peer” basis, and mini-sessions on various medical topics are held for members of groups at risk.

#### **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 replaced, they are replaced by individuals of the same sex? Please indicate whether any gender-based quota system is envisaged for the upcoming Village Council elections in 2008?**

The legislation of the Kyrgyz Republic does not specify a procedure for replacing elected female members who leave Parliament by women.

In accordance with article 79 of the Kyrgyz Election Code, nationals of the Kyrgyz Republic who are at least 20 years of age and live in the territory of the relevant administrative/territorial entities are eligible for election as deputies to the local kenesh.

### 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).**

According to article 12 of the Law on citizenship of the Kyrgyz Republic: (1) a child whose parents are at the time of his birth citizens of the Kyrgyz Republic is a citizen of the Kyrgyz Republic, regardless of his place of birth; (2) when the parents have different nationalities, if one of the parents is a citizen of the Kyrgyz Republic, the nationality of the child, regardless of his place of birth, is determined by written agreement of the parents; (3) when one of the child's parents is at the time of his birth a citizen of the Kyrgyz Republic and the other parent is stateless or of unknown nationality, the child is a citizen of the Kyrgyz Republic regardless of his place of birth; (4) a child born in the territory of the Kyrgyz Republic whose parents are stateless persons permanently residing in the Kyrgyz Republic is a citizen of the Kyrgyz Republic; and (5) a child present in the territory of the Kyrgyz Republic whose parents are both unknown is a citizen of the Kyrgyz Republic.

### 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.**

In order to change stereotypes affecting the role and place of women in society, politics and family life, the Ministry of Education and Science of the Kyrgyz Republic is taking action in the areas of formal and non-formal education. There are currently 12 adult education centres in all regions of the Kyrgyz Republic, offering vocational education and further training and academic courses for the completion of basic education. The courses cover the following topics: "Female leadership", "Women in social development", "School of democracy", "Life and politics" and "From conflict to cooperation". All courses consist of 30 academic hours.

"Ayalzat", a permanent radio programme for women in the Kyrgyz, Russian and Uzbek languages has been established. Television channels give information about the inclusion of women in political processes in Kyrgyzstan.

The Women's Leadership School has proved its value, as has the Women's Farming School offering a wide range of educational programmes on agriculture under free-market conditions. The Centre for the Study of Public Opinion and Forecasting, supported by the UNESCO Regional Bureau in Central Asia, has been training rural women in the fundamentals of microcredit and microfinance.

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

In the general education establishments of the Kyrgyz Republic, a planned campaign of sensitization on human rights has been conducted in the context of such subjects as “Man and society” and “Adep sabagy” (ethics). The compulsory subject “Adep sabagy” includes teaching children about standards of human behaviour and explains the expectations of society in terms of the spiritual and moral qualities of the individual. The course is an integral part of the syllabus and is studied from first grade to eleventh grade. Certain sections of the subject deal with questions of the family and family relations and cover all levels of school education; in ninth grade an independent course entitled “Uybule” (the family) is studied. The syllabus of “Man and society” (tenth and eleventh grades) includes a gender component.

The appraisal of published textbooks and of instructional literature and manuals must include a gender component.

**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 childcare facilities and to encourage those young mothers who are responsible for the care of their children to complete their schooling.**

The Constitution of the Kyrgyz Republic, and the law on education as well as the regulations covering the activities of educational establishments and national programmes in the field of education provide that citizens of the Kyrgyz Republic have equal rights to education irrespective of sex and this is respected at all stages and levels of the education process.

In accordance with article 32 of the Children’s Code, every child is entitled to free school education in State general education establishments. Under article 3 of the law of the Kyrgyz Republic on education, citizens of the Republic are entitled to education irrespective of sex, nationality, language, social status, the type and nature of their employment, their faith and their political and religious convictions. In addition, article 14 of the law provides for educational syllabuses to be implemented in a manner that takes into account the requirements and capacities of the students and that education may take the following forms: internal courses, internal courses plus correspondence or evening courses, correspondence courses, distance learning or external study, as well as family and individual education at the preschool, school and extramural levels.

### **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.**

Article 9 of the Labour Code of the Kyrgyz Republic (Prevention of discrimination in the workplace) is consistent with international instruments on gender equality. Chapter 24 of the Labour Code sets out the special features

regulating the employment of women and of other persons with family responsibilities, who have additional safeguards in their relations with employers. In response to the larger number of women in low-paid economic sectors and professions, the remuneration of social workers was increased with effect from 2006 by between 45 per cent and 80 per cent.

On 19 April 2008, the law of the Kyrgyz Republic on the introduction of amendments to the Labour Code of the Kyrgyz Republic providing for parental leave until the child reaches three years of age and also — by agreement between the parties — for reduction of parental leave until the child reaches one and a half years of age. Parental leave is granted on the basis of job security during the period of absence.

In accordance with the Regulations on sickness benefit and maternity benefit adopted by Presidential Decree No. 576 of 14 August 2006, maternity benefit is payable for 126 calendar days, and for 140 calendar days in cases involving complications of childbirth or multiple births. Maternity benefit is payable to women working in high mountain areas at the rate of 100 per cent of salary for 140 calendar days, for 156 calendar days in cases involving complications of childbirth and for 180 calendar days in cases of multiple births. A uniform established scale and method is used to calculate benefits for workers in all establishments, irrespective of the form of ownership. For the first 10 working days, payments at the rate of 100 per cent of earnings are charged to the wage fund, and from the eleventh day they are charged to the budget of the Republic and are increased from 7 to 10 times the specified rate. The average maternity benefit at the present time is 32 per cent of the minimum consumer budget. Under the above-mentioned Regulation, sickness benefits are calculated on the basis of uniform standards for men and women.

For biological, physiological, socio-cultural and economic reasons causing women to be more exposed to the consequences of injuries and physical strain, the Labour Code of the Kyrgyz Republic (article 303) and the law on labour protection (article 8) restrict the employment of women in heavy work and work in unhealthy or dangerous working conditions.

The entities of the State Labour Inspectorate monitor and supervise compliance with labour rights and with standards and rules for the protection of women at work and ensure that they are not subjected to illegal actions by employers, officials and other staff of the enterprise in positions of responsibility.

In the area of pension coverage in Kyrgyzstan, women enjoy certain privileges. Currently law No. 57 on State Pension Social Insurance of 31 July 1997 has been amended several times. Women retire with a pension five years earlier than men and the qualifying period for entitlement to a pension is five years shorter. Women who have given birth to three or more children and raised them up to 8 years of age require 12 years of service and may retire with a pension 10 years earlier than the general pensionable age (45 years with effect from 1 January 2008). In addition, the qualifying period in the case of employment in high mountain areas is calculated at the rate of one and a half times. Mothers who have given birth to five or more children and have raised them up to the age of 8 require 15 years of service and may retire with a pension five years earlier than the general age. For mothers of disabled children, the pensionable age is reduced by five years and the qualifying period is 20 years.

**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?**

The law on the promotion of employment among the population is gender-blind in that it extends equal rights in the field of employment to men and women. Women make up 50 per cent of the overall number of unemployed people. Women are increasingly active in the labour market. Over 50 per cent of the total number of employed persons (3,212) are women; women make up 70 per cent of the total number of people who have received further training (401) and one third of those assigned by the Government employment service to publicly funded projects (temporary employment — 3,159 people). Since the beginning of 2008, about 900 unemployed citizens received loans to set up their own business, 60 per cent of whom were women.

**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 programmes. 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 the 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 the 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 policymakers 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.**

In the Kyrgyz Republic, some people work in the informal sector. Data on the employment of women in the informal economy are not available. There are no data in this connection concerning the real contribution of women to the GDP of the country. The Labour Code of the Republic is being reviewed as regards ensuring the rights of workers in the informal sector.

### **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.**

The Manas Taalimi National Programme for the Reform of Health Care for the Period 2006-2010 is currently being implemented. The Manas Taalimi Programme has defined four basic priority programmes designed to fulfil the State's obligations for achieving the Millennium Development Goals: maternal and child welfare, controlling tuberculosis and preventing respiratory diseases, preventing cardiovascular diseases and their complications, limiting the spread of HIV/AIDS, and integrating them into public health care and health-care organizations that provide individual medical services.

Since 2006, free medical services have been considerably expanded under the Programme of State Guarantees for children up to the age of five and for women during pregnancy and childbirth in order to improve the health of mothers and children. An additional 136.2 million soms were allocated for these purposes. Mechanisms for introducing prenatal services have begun to be developed in order to encourage pregnant women to avail themselves of the full package of such services. To date, 31 of 56 maternity clinics have been certified as child-friendly hospitals, and 47.3 per cent of all births in Kyrgyzstan take place in such certified institutions.

The National Centre for Maternal and Child Welfare has been established as a leading tertiary-level organization for mothers and children.

The campaign to lower morbidity and mortality linked to tuberculosis and respiratory diseases in the Republic was conducted under the Tuberculosis III National Programme for 2006-2010 and the Republic Lung Health Programme for the Prevention of Respiratory Organ Diseases for 2007-2010, which were approved in 2006. A three-level tuberculosis-monitoring system was set up. Pilot projects for microscopic research quality control have been introduced since December 2006.

Diseases of the cardiovascular system not only determine mortality but also cause premature loss of people's ability to work. Goal-oriented integrated programmes providing primary and secondary preventive care for hypertension, arteriosclerosis, sudden death and life-threatening cardiac dysrhythmia have been developed in order to introduce effective technology for preventing the most widespread and socially significant cardiovascular diseases based on the principles of evidentiary medicine.

Educational programmes promoting a healthy lifestyle have been introduced in pre-school institutions, schools and secondary and higher educational institutions. Syllabuses and curricula have been drawn up for teachers of family medicine. Practical manuals have been developed and published to enable family doctors, medical assistants and nurses to acquire the skills to instruct patients and their family members in the basic principles of primary and secondary preventive care for cardiovascular diseases. Training courses have been conducted, and 700 persons have received instruction.

There are 1,479 HIV-infected persons in the Republic, of whom 75 per cent are intravenous drug users, 5 per cent are pregnant women and 20 per cent have infections of unknown origin.

In order to enhance the effective implementation of the policy for preventing HIV/AIDS, sexually transmitted infections and drug addiction in the Kyrgyz Republic, a State programme for preventing an HIV/AIDS epidemic and its socio-economic consequences for 2006-2010 was approved.



The National Television and Radio Broadcasting Corporation channel has allocated 15 minutes of free on-air time for programmes dealing with HIV/AIDS problems; and contracts have been concluded with the mass media (Radio Almaz) for transmitting weekly radio broadcasts on such problems. Print publications have also been involved in collaboration on a contractual basis. A total of 350,000 brochures and booklets had been published on the problems of HIV/AIDS for various population groups in the Kyrgyz and Russian languages.

The Centre for Medical and Psychological Assistance for Minors was opened at the Republic Centre for Narcology on 17 October 2006 in order to restrict the spread of HIV infection among intravenous drug users and tuberculosis victims. A social office with a twenty-four hour telephone helpline was set up for drug addicts at the non-governmental organization Socium. The monitoring of HIV-infected pregnant women is reflected in clinical reports on HIV infection.

The training of HIV-positive parents in artificial feeding is conducted individually in each specific case. GFATM funds are used in order to obtain artificial formulas for feeding newborn infants and eliminating breast feeding. The Republic association AIDS provides psychological support through psychological consultation offices in order to ensure ongoing consultative assistance.

Kyrgyzstan is implementing the National Strategy for Protecting Reproductive Health up to 2015. The Intersectoral Coordination Council for the Protection of Reproductive Health was established under the Strategy to ensure the coordination and cooperation of State bodies, civil society and international organizations in improving the state of reproductive health among the population of the Kyrgyz Republic.

The maternal mortality indicator is on the increase in the Republic (46.4 per thousand in 2004 and 63.2 per thousand in 2007). There is no system for the centralized treatment of high-risk pregnant women and newborn infants in hospitals with more highly qualified medical personnel. Furthermore, the outflow of qualified medical specialists and their uneven distribution remain a problem.

The introduction of the strategy to regionalize perinatal assistance can be viewed as one of the decisions aimed at lowering maternal and perinatal mortality. Today, it has become acutely necessary to integrate the provision of medical and preventive HIV treatment to infected persons at all levels of health care, incorporating the prevention of the vertical transmission of mother-to-child HIV infection into effective perinatal care and assistance at the level of general medical services.

The factors causing the high perinatal mortality level in the Republic include problems linked to the health of women prior to pregnancy, unsound birthing procedures, inadequate neonatal resuscitation and shortcomings in neonatal care. In improving the results of birthing methods and preventing neonatal mortality, basic attention must focus on the quality of services provided in the area of maternal and child health protection by health-care organizations and on the qualifications and competence of medical personnel.

**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 post-partum 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.**

Under the Programme of State Guarantees, children under five years of age, women registered as pregnant during labour and in the post-partum period for eight weeks, and retirees of 75 years or older are exempt from co-payments. Certain types of medical services dispensed free of charge on an outpatient basis have also been considerably expanded for these population groups.

The provision of quality services in rural areas requires the engagement and retraining of medical workers and improved access to medication and emergency services. The facilities of medical organizations providing reproductive health services in rural areas must be upgraded.

**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)?**

The following steps have been taken to lower maternal and child mortality:

- A multi-level perinatal programme providing medical assistance with a specific range of services and a coordinated referral system was set up;
- A maternal audit was carried out to determine the actual causes of maternal mortality, develop measures to eliminate them, and abolish the administrative penalties imposed on medical workers for it;
- A national centre for the protection of mothers and children was established.

The effective assistance provided to women through World Health Organization (WHO) technology during pregnancy, labour and the post-partum period covers 54.7 per cent of women in the country; this technology is also an effective tool for lowering maternal and child mortality.

The “Zhan-Enye” programme for the period 2002-2006 was declared no longer in operation.

**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.**

No disaggregation by sex of the malnourished children (6.7 per cent) between one and six was carried out. In order to improve the anaemic condition of women, flour is fortified with iron preparations, which can reduce the number of women suffering from anaemia. The package of prenatal services provided to pregnant women includes the prescription of folic acid and iron preparations, which are taken by women after childbirth until the child reaches the age of one year.

**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.**

A plan has been developed to set up a fund of contraceptive preparations in order to provide them to 20 per cent of the women from vulnerable sectors of the population who have limited access to regular use of contraceptives. Kyrgyzstan has not conducted research regarding registered marriages among adolescents resorting to abortions. Owing to this circumstance, it is impossible to trace a link between early and unwanted pregnancies and abortions and early marriage.

In order to ensure access to medical services and social protection for students, the Programme of State Guarantees for 2008 includes pupils of basic occupational training institutions and students of secondary and higher occupational training institutions engaged in full-time study among the categories of the population entitled to partial reductions in paying for medical services in hospitals until they reach 21 years of age. On an outpatient basis, they make a co-payment amounting to 50 per cent of the cost of the medical services according to the medical fee schedule. More than 25,000 students and adolescents have undergone free preventive examinations in the Republic. Approximately 400 children from among adolescents not attending school have had professional examinations. There were 272 girls registered for pregnancy, and 384 girl students were enrolled for examination, of whom 263 were found to have illnesses. All of them were examined and restored to health free of charge.

#### **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 girl 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.**

The Criminal Code of the Kyrgyz Republic provides penalties for offences in accordance with article 154 on entry into actual marital relations with a person who has not reached marriageable age and article 155 on coercion of a woman to enter into marriage or obstruction of entry into marriage (including abduction). However, the number of criminal cases initiated for these types of offences is small. This is due, in particular, to the fact that women victims and their relatives very rarely report incidents to the law enforcement authorities, since there are strong stereotypes in society about bride theft.

State institutions have been actively involved in holding events within the framework of the information campaign entitled “16 days without violence”. Educational institutions of the Kyrgyz Republic are also actively involved in this annual campaign through the holding of seminars, round tables and extracurricular lessons.

**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.**

In the period between 2002 and the first half of 2008, the courts of the Kyrgyz Republic considered six criminal cases under article 153 of the Criminal Code (on bigamy and polygamy). Of these, five resulted in convictions and in 2007 one case was dismissed.

The criminal law of the Kyrgyz Republic provides for penalties under article 153 on bigamy and polygamy. However, law enforcement measures and judicial practice with respect to both remain extremely limited. On this subject, the Ministry of Internal Affairs is currently one of the major implementers of an anticipated programme for the prevention of family violence and violence against women, which is aimed at improving efficiency in this area.

**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.**

Pursuant to the law of the Kyrgyz Republic on State guarantees of equal rights and equal opportunities for women and men, the State guarantees equal enjoyment of property rights to men and women. Article 14 of this law establishes that the State must ensure that persons of the opposite sex have an equal right to the use of a plot of land which is given or transferred for indefinite (no time limit) or limited (temporary) use. The land rights of men and women are equally protected.

In accordance with the equal rights of men and women enshrined in the Constitution, both have equal personal and property rights in family relations, as well as equal opportunities to exercise these rights. Gender equality in family relations is protected by society and the State. Relations between family members and persons living with them are based on principles of gender equality, and on respect for the honour and dignity of the individual. Gender discrimination in family relations is prohibited.

Pursuant to article 37 of the Land Code of the Kyrgyz Republic, the right to a land plot may be freely transferred from one individual or legal entity to another in accordance with the procedure of universal succession (inheritance or reorganization), in compliance with the civil legislation of the Kyrgyz Republic. In accordance with articles 28 and 29 of the Kyrgyz Republic law on the management of farm lands, portions and plots of farm land owned by a citizen of the Kyrgyz

Republic may be inherited. Upon transfer of ownership rights over portions and plots of land, legatees are entitled to use and dispose of this land as they see fit, provided they satisfy the requirements established for purchasers of farm land.

In the event of the separation of persons living in a de facto union, this matter will be dealt with only following the court ruling on the dissolution of the union. Furthermore, in accordance with the legislation of the Kyrgyz Republic, land plots (portions) may be divided (whereas formerly they were indivisible). In addition, documents for the division of land plots are not drawn up without the consent of both partners. Women have equal legal rights.

N. Tashpaeva

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