



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

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

**Consideration of reports submitted by States
parties under article 18 of the Convention on the
Elimination of All Forms of Discrimination
against Women**

Combined third and fourth periodic reports

Kazakhstan^{*,}**

[6 October 2011]

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** Annexes can be consulted in the files of the secretariat.

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I. Introduction

1. The combined third and fourth periodic reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women provide data on the socioeconomic changes that took place in the Republic of Kazakhstan between 2004 and 2010, as well as progress made in the implementation of the Convention over that period.

2. The report was prepared on the basis of analytical material submitted by all ministries, departments and commissions on women's affairs and family and demographic policy under the authority of the *akims* (administrative heads) of the provinces and the cities of Astana and Almaty, due consideration having been given to the concluding comments and recommendations of the Committee on the Elimination of Discrimination against Women received following the presentation of Kazakhstan's second periodic report in January 2007. Non-governmental and international organizations took part in the preparation of the report.

3. The draft report was discussed at a meeting of the National Commission on Women's Affairs and Family and Demographic Policy attached to the Office of the President, with the participation of international organizations and NGOs, and also in the Majilis. Their comments and suggestions were taken into account during the finalization of the report.

4. Part II of the report contains general information on land and people, the political structure, the system of legislative bodies responsible for the protection of human rights and steps taken to disseminate information on human rights.

5. Part III provides information, article by article, on changes which have occurred during the reporting period in legislative, administrative and other measures taken by Kazakhstan to fulfil its obligations under the Convention and on the progress made, obstacles encountered and measures planned for the further implementation of the Convention.

6. In 2010 the World Economic Forum published its Global Gender Gap Report 2010, in which Kazakhstan ranked 41st among 134 countries in the report's assessment of the situation, based on four indicators: economic participation and opportunity, educational attainment, political empowerment, and health and survival. Thus, Kazakhstan preceded 14 countries of the European Union, including France, Italy and Hungary.

7. The Government of Kazakhstan expresses appreciation to the United Nations Development Programme (UNDP) for its technical assistance in preparing the report.

II. General information

A. Land and people between 2004 and 2010 (basic gender characteristics)

8. Kazakhstan covers an area of 2.7 million square kilometres and is one of the world's 10 largest countries.

9. As of January 2011, the country's population stood at 16,400,000 persons, including 8,500,000 women (52 per cent) and 7,900,000 men (48 per cent).

10. There were 4,800,000 children under 18 years of age, including 2,300,000 girls (48 per cent) and 2,500,000 boys (52 per cent).

11. As of 1 January 2011, there were 1,695,000 pensioners, or 10.2 per cent of the overall population, of whom 487,000 (28.8 per cent) were women and 1,208,000 (71.2 per cent) were men. Thus, there is a clear gender imbalance, male pensioners outnumbering female pensioners by a factor of 2.5.

12. As of 1 January 2011, elderly persons (65 years of age and older) accounted for 6.7 per cent of the population. Thus, Kazakhstan is close to the 7 per cent threshold applied for defining countries with an ageing population.

13. According to census data, Kazakhstan has more than 140 nations and peoples, including Kazakhs (10 million persons, or 63 per cent of the total), Russians (3.8 million, or 24 per cent), Ukrainians (333,000, or 2.1 per cent), Uzbeks (457,000, or 2.9 per cent), Uighurs (225,000, or 1.4 per cent), Tatars (204,000, or 1.3 per cent) and Germans (178,000, or 1.1 per cent).

14. According to the 2009 population census, the average family consists of 3.5 persons. Two-person families were most common (30 per cent), followed by three-person families (27 per cent), four-person families (22 per cent) and five-person and larger families (21 per cent).

15. Seventy-two per cent of children up to the age of 18 live with both parents, 15 per cent with their mother, 6 per cent with their father and 6 per cent without either parent.

16. Some 1,209,000 households (29 per cent) include persons 60 years of age or older. A total of 395,000 households (9.5 per cent) consist solely of persons 60 years of age or older; these households total more than 545,000 persons, including 191,000 men (35 per cent) and 354,000 women (65 per cent).

17. The 2009 population census revealed noticeable demographic changes. Since the previous census (1999), the birth rate increased, mortality declined, life expectancy grew and the migration balance was positive. As a result, the population of Kazakhstan increased by more than 1 million.

Labour and employment

18. In 2010, the economically active population totalled 8.6 million persons; 8.1 million persons were employed in various sectors of the economy, 13 per cent more than in 2004.

19. In the working population, 67 per cent were wage earners and 33 per cent were self-employed. During the reporting period, the number of unemployed persons declined by 25 per cent, to 496,500. The unemployment rate in 2010 was 5.8 per cent, as against 8.4 per cent in 2004.

20. In 2010, there were 3.9 million working women, or 49 per cent of the total. Of the overall total of working women, 2.5 million, or 65 per cent, were wage earners and 1.4 million, or 35 per cent, were self-employed.

21. Women work primarily in the areas of health care and social services (75 per cent of persons employed in those sectors), education (73 per cent), hotels and restaurants (66 per cent), finance and insurance (65 per cent), commerce (60 per cent), agriculture (47 per cent) and the civil service (40 per cent).

22. Men traditionally work in the areas of construction (77 per cent of persons employed in that sector), transport and storage (77 per cent) and industry (66 per cent).

23. In 2010, 3.9 million persons were employed in rural areas, including 1.8 million women (47 per cent of the total). More than half of rural women (55 per cent) work in the agricultural, forestry or fishing sectors. Employment on smallholdings (private plots) in rural areas (1.2 million persons, or 32 per cent) is also common.

24. In 2010, the average monthly nominal wage stood at 77,600 tenge, or 2.7 times higher than in 2004. Annual wage increases have been noted in the various areas of economic activity and throughout the regions.

Women at the decision-making level

25. The country's highest legislative body, the Parliament, now has 21 women deputies, or 14 per cent of the total. Compared to the previous Parliament (2004), their numbers increased nearly twofold. The Nur Otan People's Democratic Party, which has put women on its party list, has played a decisive role in that regard.

26. Seventeen per cent of the members of the local representative bodies (*maslikhats*) are women. In one province (Kostanay), they attained the 30 per cent threshold. Currently, there are 89 women deputies in *maslikhats* at all levels.

27. Of the Government's 19 ministers, 3 (15 per cent) are women. They are at the head of three key ministries: the Ministry of Labour and Social Protection, the Ministry of Health and the Ministry of Economic Integration. In addition, four women have important posts as secretaries in ministries (by presidential appointment), and there are four women deputy ministries.

28. Four women are deputies of provincial *akims* and two are heads of districts. Fifteen per cent of deputies of district *akims* and 9 per cent of deputies of rural and village *akims* are women. In all, 46,000 women are employed in the civil service, 53 per cent of the total.

29. Of Kazakhstan's 2,146 active judges, 958, or 45 per cent of the total, are women, including 10 judges on the Supreme Court (27 per cent). In 2010, five women, 21 per cent of the total, were on the roster for the post of president of provincial or similar courts.

30. The objective of the Gender Equality Strategy 2006–2016 is to achieve a 30 per cent representation of women at all decision-making levels. On the instructions of the President, the 2011 Women's Congress recently elaborated a plan of action for the period up to the year 2016 for the advancement of women at the decision-making level.

Education

31. As noted in the previous report, secondary education is the basic level of the educational system, and it is compulsory for everyone.

32. At the beginning of the 2010/11 school year, there were 7,755 general education schools, of which 7,638, or 98.5 per cent, were State schools. There are more than 2.5 million pupils. A network of specialized schools (33 in number) has been created for gifted children, with classes in three languages: the State language, Russian and English. There are six manager training schools. Girls account for 53 per cent of secondary school graduates.

33. The system of technical and vocational training is composed of 894 educational establishments, including 309 vocational schools and 494 colleges, at which 604,200 students are trained in 185 disciplines.

34. A particularity of the secondary education system is the prevalence of women in the teaching profession (81 per cent of the total). Women account for 80 per cent of staff in senior positions at secondary schools and 33 per cent at vocational and technical schools.

35. There are 149 institutions of higher education (9 national, 2 international, 32 State, 13 non-civilian and 92 private, of which 16 were corporatized), at which more than 620,000 persons are enrolled. Nazarbaev University, a world-class institute of higher education, has been opened in the city of Astana.

36. Kazakhstan has signed the Bologna Declaration on the European Higher Education Area. Three-level training of specialists (bachelor, master, PhD) has been introduced. At institutes of higher education, women account for 60 per cent of the professional teaching staff, 28 per cent of professors, 51 per cent of lecturers and 25 per cent of staff in senior positions. They make up 60 per cent of university graduates.

37. More than 30,000 Kazakh students are studying abroad in 27 countries, including about 3,000 students in the framework of the President's Bolashak scholarship programme. More than 12,000 foreign students are studying at institutions of higher education in the country.

38. According to a 2009 UNDP report, Kazakhstan has the world's 14th highest literacy rate (99.6 per cent).

39. The 2010 UNDP report "The Real Wealth of Nations: Pathways to Human Development" concluded that Kazakhstan was in the category of countries with high human development, ranking 66th out of 169 countries.

40. According to data from the United Nations Educational, Scientific and Cultural Organization (UNESCO) (2011), Kazakhstan ranks fourth out of 129 countries worldwide on the Education for All Development Index.

41. In 2010, Kazakhstan hosted the 51st International Mathematical Olympiad; its team came in fifth out of 98 countries.

42. The high rating of Kazakhstan's educational system stems from the fact that the country's preschool preparation and its 11-year secondary education are compulsory and free.

43. A new State programme for the promotion of education in Kazakhstan 2011–2020 is being launched, and the 2010–2014 Balapan programme for preschool education and instruction is being implemented.

44. The aim of the programme is to meet the needs of the population for quality services through preschool education and instruction.

45. By 2015, 70 per cent of all children will be enrolled in preschools, and 100 per cent by 2020, both in urban and in rural areas. In 2010, enrolment stood at 42 per cent, or 2.5 times higher than in 2004.

46. In 2015, a programme of more specialized courses ("Beñdik mektep") will be launched in the liberal arts and in science and mathematics for classes 11 and 12. Between 2015 and 2020, all secondary schools will switch to the 12-year educational model.

47. By 2015 it is planned that half of all educational establishments will offer e-learning at all levels, and 90 per cent by 2020. Preschools will have educational computer games, secondary schools will have electronic textbooks, vocational schools and colleges will be equipped with virtual training aids, and institutions of higher education will have computerized research laboratories.

48. State support and incentives for the teaching profession will be increased considerably. By 2015, teachers' salaries will be nearly as high as wages in the private sector; currently they amount to about 60 per cent of average wages.

Health care

49. In 2010, the State programme for the reform and promotion of health care 2005–2010 was completed, in the framework of which a single national health-care system was introduced.

50. The implementation of the State programme led to an increase in the birth rate by 25 per cent and a decline in mortality by 11 per cent. Health indicators for mothers and children improved. Maternal mortality was nearly halved, falling from 36.9 per 100,000 live births in 2004 to 22.7 in 2010. In 2004, infant mortality stood at 14.5 per 1,000 live births, as against 20.4 in 2008 following the introduction of the criteria for live births and stillbirths recommended by the World Health Organization. Systematic measures having been taken, this indicator fell by 15 per cent, and in 2010 it stood at 16.5 per 1,000 live births.

51. There has been a steady decline in a number of socially significant diseases. The incidence of tuberculosis decreased by one third, and mortality was halved. Mortality from circulatory diseases fell by 20 per cent, cancer by 11 per cent and injuries by 26 per cent. Thus, in 2010 life expectancy rose by 2.2 years since 2004, to 68.4 years. It rose 1.3 years, to 73.3 years, for women and 2.9 years, to 63.5 years, for men.

52. With regard to primary health care, women receive annual preventive check-ups with subsequent follow-up and treatment, and screenings for precancerous illnesses of the cervix and the breast. Mobile mammography units fitted with digital equipment operate in remote rural areas throughout the country. In 2010 alone, more than 400,000 women were examined for breast cancer, and 698 were diagnosed with the illness. They all received appropriate medical treatment.

53. The material and technical basis for the organization of health care has improved considerably. More than 400 facilities have been built, including seven blood centres, and some 5,000 health-care establishments have been rehabilitated. Medical equipment for more than 75 billion tenge was purchased solely with funding from the national budget. All necessary conditions have been created to provide medical assistance consistent with international standards.

54. Fourteen mobile intensive care units were purchased in 2010, and 15 are to be acquired in 2011, to provide rapid medical assistance to victims of traffic accidents on the country's main roads. In 2011 it is planned to open six traffic rescue stations and another six in 2012 at a total cost of 757 million tenge.

55. The single national health-care system ensures that persons who avail themselves of medical services can choose their physician and hospital. Access to highly specialized care at regional level is ensured. A key aspect of State health-care policy is to guarantee a number of free medical services, including first aid and outpatient polyclinic (primary, consultative and diagnostic), hospital and inpatient treatment. Medicine is free for pregnant women and children under 5 years of age.

56. The Salamatty Kazakhstan State programme for the promotion of health care 2011–2015 puts emphasis on primary medical care, the elaboration and introduction of modern medical technologies and the further expansion of mobile services, telemedicine and aero-medical units. Efforts are continuing with a view to improving the organization, administration and funding of medical care, including through the introduction of new mechanisms for a results-oriented remuneration of medical staff.

Crimes and violence against women

57. According to data from the Office of the General-Procurator, in 2010 132,000 crimes were registered in Kazakhstan, of which 42,500 targeted women (32 per cent), including 1,400 cases of rape. The total number of crimes declined compared to 2004 (143,500), but crimes targeting women rose slightly to 36,000. This is attributed to the fact that, as of 2007, not only the complaints of victims, but also submissions from private persons and legal entities are registered and investigated.

58. The most frequent offences are property crimes (66 per cent): theft, fraud and robbery. There has been a decrease in crimes against public health, which stood at 7.5 per cent. In this group, the number of offences, which by and large are drug-related, has also declined. Crimes against public security and public order stood at 6.7 per cent, and violent crimes at 5.6 per cent.

59. Special divisions for the protection of women against violence, 126 in all, are in operation under the Ministry of Internal Affairs right down to the district level. Their responsibilities include detecting acts of violence against women and examining complaints and submissions from private individuals and legal entities concerning violations of women's constitutional rights and freedoms.

60. In 2010 more than 23,000 women contacted the internal affairs authorities. As noted in the previous report, legislation (articles 96, 98, 99, 101–107, 115–117 and 120–130 of the Criminal Code and article 79 of the Code of Administrative Offences) establishes liability for all forms of violence committed against women. The maximum criminal penalty is deprivation of liberty for 7 to 20 years with confiscation of property, and the maximum administrative penalty is a fine or administrative arrest for up to 15 days (beatings, moderate harm to health through inadvertence, or unlawful acts in the context of family and domestic relations).

61. Articles 120–122 and 124 of the Criminal Code define liability for the commission of crimes of a sexual nature. For example, article 121 (Violent acts of a sexual nature) establishes a punishment of deprivation of liberty for 8 to 15 years. In criminal cases involving rape, victims are entitled to protection in accordance with article 100 of the Code of Criminal Procedure (Measures for the protection of victims, witnesses, suspects, accused and other parties to criminal proceedings).

62. In 2007, the Code of Administrative Offences was supplemented by article 79-5 (Unlawful acts in family and domestic relations). It calls for fines and administrative arrest for up to 15 days. Sanctions are imposed by the courts in nearly 50 per cent of cases. The article has had a major impact on domestic crime. Over a period of three years, 75,000 offences were brought to light. The number of offences detected rose from 16,000 in 2008 to 37,000 in 2010. The courts examined 509 cases involving 516 persons; in 379 cases, a guilty verdict was handed down against 391 persons.

63. Work on the prevention of violence is carried out in close contact with non-governmental organizations.

64. Twenty-eight crisis centres, including seven with shelters, offer women real assistance in protecting their right to a life without violence. Twenty are funded by the State budget in the framework of social service initiatives and other important programmes in the social sphere, and the others are paid for with grants from international organizations. The main focus of the activities of six crisis centres is on helping victims of trafficking in persons, 12 others provide assistance to victims of domestic violence, and 10 offer counselling on all questions relating to violence. All crisis centres have telephone hotlines, through which legal and psychological counsellors help as many as 20,000 callers. Today local executive authorities are considering the creation of crisis centres in four provinces in which such services are not available. In 2010, more than 22,000 persons, including 18,500 women, applied to crisis centres for help, and more than 1,000 persons used the services of a shelter.

65. In 2010 alone, more than 60 initiatives were conducted on the prevention of violence against women. The Administrative Police Committee of the Ministry of Internal Affairs and the Association of Crisis Centres have signed a memorandum on cooperation and elaborated a plan of action on the prevention of domestic violence.

66. At the end of 2009, the Domestic Violence Act was adopted, thus following up on paragraph 15 of the Committee's concluding comments. The Act empowers the internal affairs authorities to issue restraining orders to protect victims from offenders. The Code of Administrative Offences has been supplemented by a provision that establishes liability for the violation of a restraining order (2010). In addition, at the request of the internal affairs authorities, the courts set special requirements regarding the conduct of offenders for periods of three months to one year. Since the adoption of the Act, 26,000 restraining orders have been issued. More than 20,000 persons have been placed in detention, pending a court ruling, for between 3 and 48 hours for violation of a restraining order, and administrative action has been taken against 500 persons.

67. As a result of the measures taken, in the past six years crimes in the context of family and domestic relations have been declining steadily.

68. At the same time, in 2010 no criminal proceedings were instituted in respect of nearly 22,000 complaints and reports of domestic violence. The main reason was a reconciliation between the two sides and a withdrawal of the initial complaint. It may also be decided not to institute criminal proceedings if a person refuses to undergo a medical examination, if the act incurs administrative liability, or if the case is considered under a private or semi-public prosecution procedure.

69. Sometimes women conceal that they have been victims of domestic violence at the hands of their spouses or children. The police occasionally have difficulty establishing the facts. Thus, in reality there are many more cases of domestic violence than those that become known to the law enforcement authorities and the public.

70. In 2010, the Ministry of Internal Affairs conducted a survey among women in various parts of the country to find out why domestic violence occurs. More than 32,000 persons replied, including women who have sought help or advice from the internal affairs authorities or crisis centres, persons registered as violent family offenders and children whose parents have been deprived of their parental rights. According to the findings of the survey, the violence was related to property disputes (34 per cent of respondents), jealousy (26 per cent), alcoholism (25 per cent), interference by outsiders in the family life (12 per cent) and disagreements (7 per cent).

71. In August 2010, a one-week national initiative "Family without Violence" was conducted in order to promote the work of the internal affairs agencies aimed at preventing offences in the context of family and domestic relations. More than 12,000 police officers and more than 4,000 representatives of educational, health-care, labour and social-protection bodies, commissions on women's affairs and family and demographic policy, and NGOs participated. More than 11,000 problem families were checked, and more than 3,000 cases of violence committed against adults and some 300 against children came to light, following which more than 800 restraining orders were issued and administrative action was taken against more than 1,500 offenders. The local executive authorities have received more than 1,500 requests for assistance to problem families.

72. A national initiative entitled "Our Right to Protection" was conducted in October 2010. Its aim was to use the media to explain recently adopted legal norms. During the week-long effort, more than 500,000 pamphlets were distributed, more than 120,000 posters were put up at parks and vacation sites, and more than 10,000 meetings were held at enterprises, organizations and establishments.

73. On the basis of the survey, recommendations were drafted for the internal affairs authorities for improving ways and means of preventing and combating domestic violence.

74. Every year, from 25 November to 10 December, an initiative entitled "Sixteen days without violence against women" is conducted in the context of the International Day for

the Elimination of Violence against Women. In 2010 more than 25,000 persons participated, of whom some 17,000 were police officers and more than 8,000 were representatives of interested State bodies and NGOs. More than 240,000 booklets, pamphlets and posters were distributed, and more than 6,000 signs and billboards were put up with information on legislation on the prevention of domestic violence. Some 112,000 pamphlets and booklets on the subject were distributed at more than 41,000 apartments and houses. The labour and social protection authorities have received more than 3,000 requests to find employment for women in difficulty.

75. As part of the activity of the “Friends” and “Concern” crisis centres, a march in support of the fight against gender violence was held on Zhibek Zholy, Abylai Khan and Furmanov avenues in the city of Almaty; university students took part. Umbrellas and balloons at the march bore the inscription “We are for life without violence”. Similar events were held in other parts of the country.

76. Following this initiative, the Ministry of Internal Affairs together with the Association of Crisis Centres, in cooperation with the embassy of the United States of America and UNESCO, conducted a theoretical and practical conference in Almaty on ways of counteracting domestic violence and protecting the rights of children: elaborating strategic approaches and strengthening cooperation.

B. General political structure

77. Kazakhstan holds itself to be a democratic, secular, social State based on the rule of law, whose supreme values are the person and the life, rights and freedoms of the person. It is a unitary State with a presidential form of government.

78. The Parliament is the country’s highest representative body. It exercises legislative authority, including in the area of human rights. The Parliament consists of two chambers (the Senate, with 47 members, and the Majilis, with 107 members, or 154 in all), which are in permanent session. Senators are elected for a term of six years, and members of the Majilis for five.

79. In 2007 amendments were introduced which strengthened the role of Parliament and the political parties. Many presidential powers were transferred to Parliament, and the role of the local government bodies (*maslikhats*) was enlarged.

80. The executive power is exercised by the Government, which heads the system of executive bodies and directs their activities. The Government is formed by the President; it is responsible to the President and subordinate to Parliament. The Prime Minister is appointed by the President with the approval of the Majilis.

81. The Constitutional Council reviews the legislation enacted by Parliament before signature by the President and international treaties before ratification to ensure that they are compatible with the Constitution; it issues official interpretations of the provisions of the Constitution; in the event of a dispute it rules on the correctness of the conduct of the election of the President and the members of Parliament and the conduct of national referendums; and it exercises the other powers specified in the Constitution.

82. The Supreme Court is Kazakhstan’s highest judicial organ. The President and judges of the Supreme Court are elected by the Senate on the proposal of the President of the Republic. The courts consist of permanent judges whose independence is protected by the Constitution and the law.

83. The Office of the Procurator-General is responsible for the overall supervision of the accurate and uniform application of laws, presidential decrees and other legislation; it

represents the interests of the State in the courts and conducts criminal investigations within the limits prescribed by law.

84. Kazakhstan also has a Commission on Human Rights attached to the Office of the President and a Human Rights Ombudsman; a National Centre for Human Rights has been set up which is concerned with the informational, analytical, organizational, legal and other aspects of the work of the Human Rights Ombudsman, to whom it reports.

85. The National Commission on Women's Affairs and Family and Demographic Policy within the Office of the President coordinates the activities of State bodies relating to the advancement of gender-equality issues. Its secretariat was transferred from the Chancellery of the Prime Minister to the Administration of the President in order to strengthen the national gender-equality mechanism.

86. State government at the local level is in the hands of local representative and executive bodies, which are responsible for the situation in their respective areas.

87. The local representative bodies (*maslikhats*) are elected by the people by universal, equal and direct suffrage for a term of five years. The *maslikhats* are responsible for the following matters: approval of plans, economic and social programmes for local development, and local budgets and budget performance reports; decisions on questions of local administration and development; examination of the reports of the heads of local executive bodies on matters falling within the jurisdiction of the *maslikhat*; and the exercise of other powers to protect the rights and legitimate interests of citizens.

88. The local executive bodies are part of a unitary national system of executive bodies; they are responsible for carrying out the State-wide policies of the central executive in their respective areas.

89. As of 1 April 2011, there were 10 political parties registered in Kazakhstan. The leading party, which won the 2007 parliamentary elections, is the Nur Otan People's Democratic Party. It has more than 836,000 members, including 491,000 women, nearly 59 per cent of the total.

C. Human rights legislation and institutions

90. As noted in the previous report, the Constitution guarantees all citizens fundamental rights and freedoms (Section II). It is the highest legal authority. All adopted laws and regulations must be consistent with its provisions; otherwise they are declared unconstitutional and are repealed.

91. Human rights and freedoms are protected by the legislature, the executive and the judiciary.

92. In recent years, the protection of civil rights in the judicial system and the independence of the judicial branch have been strengthened considerably. Trial by jury and a juvenile justice system were introduced on 1 January 2007. In accordance with an act adopted in 2008, the Supreme Judicial Council, which is composed of parliamentary deputies and senior judges and politicians, recommends candidatures for judges, who are appointed by the President.

93. In addition to legal defence, everyone has the right to appeal to the Human Rights Ombudsman, the Commission on Human Rights attached to the Office of the President, the National Commission on Women's Affairs and Family and Demographic Policy attached to the Office of the President and the National Committee for the Defence and Protection of the Rights of Children within the Ministry of Education and Science. The personal Internet sites of the Prime Minister and leading ministries and departments ensure a swift

examination of complaints by citizens of violations of their rights, freedoms and interests as well as their protection.

D. Protection of human rights on the basis of international norms

94. Kazakhstan ratified the International Covenant on Civil and Political Rights in 2005 and its Optional Protocol in 2009, which allows citizens to submit individual complaints to the Human Rights Committee. Kazakhstan acceded to the Optional Protocol to the Convention against Torture in 2008. It acceded to the Convention itself, as noted in previous reports, in 1998.

95. International treaties ratified by Kazakhstan take precedence over domestic law and are directly applicable, except in cases when the application of an international treaty requires the enactment of a law.

96. All laws and international agreements to which Kazakhstan is a party are made public in the official media. This is a prerequisite for their application.

97. Thus, immediately after its ratification, the Convention on the Elimination of All Forms of Discrimination against Women was published in the official gazette "*Kazakh Law*" (No. 126, 1998) and in the Parliamentary Bulletin (No. 11-12, 1998).

98. In compliance with paragraph 8 of the Committee's recommendations, its concluding comments on the second periodic report were sent to all central and local authorities and to Parliament. A special plan of action elaborated to address the comments was approved by the Inter-Departmental Commission for humanitarian law and international human rights treaties (report No. 5 of 7 November 2007). The implementation process has been monitored annually, and the results have been reviewed at meetings of the Inter-Departmental Commission.

99. The Convention, its Optional Protocol, the periodic country reports on the implementation of the Convention and the Committee's concluding comments have been placed on the National Commission's website (www.ncgp.kz).

100. The full text of the Convention, the act of accession to it and the texts of the Government's reports to the Committee on the Elimination of Discrimination against Women have been placed in the Law Database, which is under the jurisdiction of the National Legal Information Centre. The Law Database can be accessed at public service centres (to which citizens can apply for State services relating to documentation, registration of real estate and real estate transactions), libraries and educational establishments throughout the country, as well as the website of the Ministry of Justice. Access is free and available to all citizens. All citizens may request a printout at a public service centre of the text of any legislation or regulation.

101. The Supreme Court is undertaking a number of additional measures to contribute to a better understanding of the provisions of the Convention. In 2007, a compendium of United Nations legal documents on questions of equality of men and women was published and distributed to local courts and was placed on the Supreme Court's website. The compendium includes the concluding comments of the Committee from 2007, domestic laws and regulations on gender equality and other documents. Seminars have been conducted with judges on the study and application of the provisions of the Convention.

102. The absence of references in court decisions to the provisions of the Convention should not be taken to mean that the latter is insufficiently disseminated. Given that domestic legislation is consistent with the provisions of the Convention, the courts, in protecting women's rights, generally refer to domestic legislation.

103. This is due to some extent to long-standing traditional approaches for explaining court decisions. Courts prefer to apply the norms of special laws, which does not constitute a violation of procedural requirements. For example, court decisions do not often refer to the Constitution, which, pursuant to article 4, paragraph 2, is the highest legal authority and is directly applicable throughout the country. This should not be interpreted to mean that the Constitution is not sufficiently known or disseminated.

104. However, in view of the Committee's recommendation, the Supreme Court has taken organizational measures to promote the direct application by the courts of the provisions of international conventions in their rulings.

105. In 2008, a regulatory decision on the application of the provisions of international treaties was adopted. In 2010, a database of court decisions was created which contains court decisions that make direct reference to the provisions of international treaties, including the Convention.

106. To a certain degree, the measures taken have helped change traditional approaches for explaining court decisions, as can be seen in recent rulings. The Supreme Court's database currently contains 14 court decisions which make direct reference to the provisions of international treaties.

107. The Academy of State Administration attached to the Office of the President regularly conducts courses and seminars on the provisions of the Convention, the gender balance in the civil service, and gender policy and current problems of social relations in order to improve the professional skills of civil servants in the area of gender policy.

108. A blueprint for legal policy for 2010–2020 and a national human rights plan of action for 2009–2012 are currently being implemented. They constitute a systematic and concrete programme for improving human rights protection in Kazakhstan.

109. From among the international institutional mechanisms for the protection of human rights, Kazakhstan has recognized the competence of the Human Rights Committee, the Committee against Torture, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women to receive individual complaints.

110. Accordingly, it can be said that Kazakhstan is taking concrete steps to address the comment by the Committee (paras. 9 and 10) that the provisions of the Convention are not sufficiently disseminated in the public, that civil servants, judicial officials and the public are not sufficiently aware of the concept of de facto equality set out in the Convention and that there is an absence of any court decisions that refer to that instrument.

E. Human rights information and publicity

111. Government Decision No. 1116 of 29 November 2008 on the programme for legal advocacy and the improvement of legal literacy, training and education for 2009–2011 was approved and is being implemented.

112. The programme calls for the drafting of proposals for the introduction of amendments and additions to laws regulating the advocacy work of government bodies and officials, the elaboration and implementation of rules on enhancing legal literacy in the population, the establishment of a required minimum of legal literacy in various population categories and other measures to promote respect for human rights.

113. Two video seminars and courses to improve the qualifications of teachers in legal disciplines in Astana, Almaty and Aktobe were held in the framework of the programme. Four columns were started in the press, and five videos and two documentary films were

produced for television on the activities of the call centre of the Ministry of Justice, mobile public service centres, biometric passports and rights concerning the registration of real estate. Media plans have been approved in which 50 events are to be carried out with a view to providing informational support for the activities of the Ministry of Justice.

114. The Digital Library of the Commission on Human Rights attached to the Office of the President has been in operation in Astana since 2006. It was set up through the joint efforts of the Commission on Human Rights, UNDP in Kazakhstan and the UNESCO Cluster Office in Almaty. The Digital Library is supported by the National Academic Library.

115. The public has free access to legal information. Documents are accessible in Kazakh and Russian at the following address: <http://hrc.nabrk.kz>. The library's interface is in Kazakh, Russian, English and French. The primary target audiences are rural communities and the most vulnerable segments of society, including persons with disabilities, pensioners, women, children and the poor. For these target groups, the Digital Library's user's guide section includes more than 70 categories understandable to lay persons in which information relating to the field of human rights is systematically organized. Answers to frequently asked questions are provided for most categories. The Digital Library is an effective educational tool that helps to enhance public knowledge about human rights.

F. Socioeconomic development between 2004 and 2010

116. Between 2004 and 2006, the economy expanded at quite a fast pace, on average more than 10 per cent annually. Starting in the second half of 2007, the international economic crisis had a negative impact on Kazakhstan's economy. GDP growth declined somewhat, but thanks to a number of anti-cyclical measures, it stood at 8.9 per cent. The worsening of external conditions was one of the main reasons for the continuing slowdown, and GDP declined by 3.3 per cent in 2008 and by 1.2 per cent in 2009.

117. Despite the difficult economic situation, social stability was maintained. All the Government's social commitments were met in full.

118. In 2010, GDP rose by 7 per cent, owing to the successful realization of a programme of anti-cyclical measures.

119. All told, between 2005 and 2010 GDP rose by 47.9 per cent in real terms, i.e. an average annual rate of 6.7 per cent.

120. In 2010 GDP stood at US\$ 9,000 per capita, or three times the 2004 level. Kazakhstan is recognized as a country with a higher than average per capita income (\$3,200).

Gross domestic product (GDP) 2004–2010

	2004	2005	2006	2007	2008	2009	2010
GDP tenge (billions)	5 870	7 591	10 214	12 850	16 053	17 008	21 648
US dollars (billions)	43.2	57.1	81.0	104.9	133.4	115.3	146.9
GDP volume index compared to previous year, in %	109.6	109.7	110.7	108.9	103.3	101.2	107.0
GDP volume index, 2004 = 100%	100.0	109.7	121.4	132.2	136.6	138.2	147.9

	2004	2005	2006	2007	2008	2009	2010
GDP volume index, 2005 = 100%	91.2	100.0	110.7	120.6	124.6	126.1	134.9
	Average GDP growth rate 2004–2010: 107.1%						
	Average GDP growth rate 2005–2010: 106.7%						
GDP per capita tenge (thousands)	391	501	667	830	1 024	1 068	1 327
US dollars	2 874	3 771	5 292	6 772	8 514	7 241	9 004

121. Unemployment declined from 8.4 per cent in 2004 to 5.8 per cent in 2010, and from 9.8 per cent to 6.6 per cent for women.

122. According to data for 2010, Kazakhstan ranked fiftieth in the international rating for national wealth, ahead of all CIS countries.

Programmes in place and under development that are geared to improving the well-being of the population, including women

123. In 2010, the Strategic Development Plan for the period up to the year 2020 was enacted by presidential decree. It has the following goals: to raise GDP in real terms by at least one third compared to 2009; to reduce the proportion of the population with income below the existence minimum to 8 per cent and unemployment to no more than 5 per cent; to reduce mortality by 30 per cent; and to raise life expectancy from 68 to 72 years.

124. The State programme for accelerated industrial and innovative development 2010–2014 has been adopted and is being implemented in order to give effect to the Strategic Development Plan. The national industrialization scheme includes 469 projects at a cost of more than 8.3 billion tenge. More than 160,000 Kazakhs will take part in its realization over the construction period. New production units will create 140,000 permanent jobs.

125. The goals of the Strategic Development Plan will be attained in the framework of the State programme for the promotion of education 2011–2020, the Salamatty Kazakhstan State programme for the promotion of health care 2011–2015, the Employment Programme for the period up to the year 2020 and a number of other programmes.

126. The Salamatty Kazakhstan programme aims to lower the incidence of iron-deficiency anaemia to 2,221 cases per 100,000 by 2013 and to 2,082 cases per 100,000 by 2015 (as against 2,314 cases in 2009); and to lower maternal mortality to 28.1 per 100,000 live births by 2013 and to 24.5 per 100,000 live births by 2015 (as against 36.9 per 100,000 live births in 2009).

127. The objective of the Employment Programme for the period up to the year 2020 is to increase the income of the population by promoting regular, productive jobs. Under the programme, it is planned to conduct measures to offer productive jobs to self-employed, unemployed and poor persons, to enhance management potential for the implementation of the programme of accelerated industrial and innovative development and to improve the system of targeted social assistance.

128. The programme focuses primarily on education, employment, assistance for the opening of local businesses and, where these possibilities are not available, the promotion of a voluntary transfer to places with economic growth.

129. A contract will be signed with each participant in the programme, in the context of which he/she has the possibility of receiving training or retraining, employment and rental housing with deferred payment, if possible for two years with subsequent privatization.

Considerable resources are being allocated to industrial provinces, such as Karaganda, East Kazakhstan and Pavlodar, where new jobs are being created. Credits are available for persons who want to start their own business.

130. Regular, productive employment is the basis of income growth. The proportion of the population with an average income lower than the subsistence level will fall from 8.2 per cent in 2010 to 6 per cent in 2020.

131. The implementation of all these programmes will help increase the wealth of the population, including for women.

III. Information on implementation of the Convention

Article 1

132. As noted in previous reports, the Constitution states that no one may be subjected to discrimination of any kind on grounds of origin, social, official or material status, sex, race, nationality, language, attitude to religion, opinions, place of residence or any other circumstances.

133. Kazakhstan acceded to the Convention in 1998, and the term “discrimination” as defined in article 1 has been applied in judicial practice since that time. The term “discrimination” itself is widely used in the texts of the Constitution, laws and regulations.

134. In 2009, the Act on State guarantees of equal rights and opportunities for men and women was adopted, in which the term “gender discrimination” is defined as any limitation or violation of human rights and freedoms or humiliation on the basis of sex (art. 1, para. 3). This definition of gender discrimination is all-encompassing and is not contrary to the Constitution.

135. With regard to the Committee’s concern about the “limited understanding in the State party of the concepts of formal and substantive equality and of the prohibition of direct and indirect discrimination against women contained in the Convention” (paragraph 11 of the Committee’s concluding comments).

136. The concept does not restrict a State party to conducting a policy to eliminate gender discrimination through the adoption of a sole act. Moreover, pursuant to article 2 of the Convention, Kazakhstan is adopting the appropriate special legislative and other measures, including sanctions where necessary. Kazakhstan has chosen the path of establishing legal mechanisms for the elimination of direct and indirect discrimination in view of its special nature in a number of areas.

137. Thus, the Code of Criminal Procedure consolidates the prohibition in criminal proceedings of discrimination of any kind on grounds of origin, social, official or marital status, sex, race, nationality, language, attitude to religion, opinions, place of residence or any other circumstances. Article 141 of the Criminal Code establishes criminal liability for direct or indirect limitation of rights and liberties on the above grounds, including the use of one’s official status or position in a social association.

138. Relevant articles are contained in the Constitutional Act on Elections, the Marriage and Family Act, the Education Act and elsewhere. This makes it possible to react effectively and appropriately to manifestations of discrimination in any area of social relations. Moreover, in the Act on State guarantees of equal rights and opportunities for men and women, lawmakers did not confine themselves to a definition of discrimination against women, but defined gender discrimination as a whole, on the basis of the protection of equal rights and opportunities for both men and women.

139. Accordingly, Kazakhstan considers that it has complied with the Committee's recommendation in paragraph 12 that it ensure that the Act on State guarantees of equal rights and opportunities for men and women contains a definition of gender discrimination that is in line with article 1 of the Convention.

Article 2 (a)

140. The principle of equality of men and women is embodied in the Constitution and in all legislation in force in Kazakhstan.

141. For example, the Act on State guarantees of equal rights and opportunities for men and women specifies that one of the aims of State policy is to ensure equal rights and opportunities for men and women in all matters concerning State and society (art. 3, para. 1).

142. In accordance with article 87, paragraph 3, of the Code on public health and the health-care system, women and men have equal access to medical care, and pursuant to article 87, paragraph 8, they have freedom of reproductive choice, enjoy protection of reproductive health and are guaranteed respect for reproductive rights.

143. The Marriage and Family Act provides for equality of spouses in the family (art. 29) and equality of rights and obligations for parents (art. 60).

144. The Government has elaborated and approved guidelines for conducting a gender analysis of domestic legislation.

145. A gender analysis is currently under way of all draft legislation.

146. The question of conducting gender analyses came up for discussion in the Legal Policy Council attached to the Office of the President and in the Supreme Judicial Council. The Ministry of Justice was entrusted with assessing the analysis of draft legislation conducted in 2009–2010 to determine whether it was in keeping with the requirements posed. A plan for conducting a gender analysis of existing legislation in 2011–2013 has now been approved (Instruction No. 7 of the Director of the Institute of Law of 14 February 2011).

147. Pursuant to the Act on State guarantees of equal rights and opportunities for men and women, the Government and the central and local authorities, acting within the limits of their competence, take action to ensure equal rights and opportunities for men and women. Thus, in accordance with existing law, each State body is responsible for conducting gender policy in its sphere of activity.

148. The Ministry of Labour and Social Protection is the central coordinating State body.

149. Consequently, the Committee's recommendation concerning *de jure* (formal) equality between women and men is being followed, and its recommendation concerning *de facto* (substantive) equality between women and men is in the active implementation stage (para. 12).

Article 2 (b)

150. In previous reports it was noted that discrimination, including against women, is a criminally punishable act under the following articles of the Criminal Code: article 141 (Violation of the equal rights of citizens); article 160 (Genocide); and article 164 (Incitement of social, national, ethnic, racial or religious hatred). These crimes are on the decline: 26 cases were recorded in 2010, as against 42 in 2006.

151. According to data from the judicial system's central database, women filed nearly 154,000 actions and complaints in court (55 per cent of the total) in 2008, 174,000 (56 per cent of the total) in 2009 and 168,000 (53 per cent of the total) in 2010. Women most commonly apply to the courts for protection of their labour and housing rights. None of the actions filed involved any allegation of gender discrimination.

152. The strategic plans of the sectoral ministries and regional development programmes currently include benchmarks for attaining a 30-per-cent representation of women by 2015 in power at the decision-making level and average wages no less than 70 per cent those of men.

153. Thus, the Committee's recommendations in paragraphs 21 and 22 concerning the implementation of the principles of the Convention in legislation, political life and programmes, with the establishment of benchmarks, numerical goals and timetables, are being implemented.

Article 2 (c)

154. The Constitution guarantees all citizens the equal right to recognition as persons before the law and the right to defend their rights and freedoms by all means in keeping with the law, including self-defence. Everyone has the right to the legal protection of their rights and freedoms. Everyone has the right to qualified legal assistance. Legal aid is provided free of charge in cases specified by law. Everyone is equal before the law and the courts.

155. Article 8 of the Code of Civil Procedure provides that everyone is entitled to apply to the courts in defence of violated or disputed constitutional rights and freedoms and legally protected interests. Men and women have the same rights and obligations when applying to the courts; they must pay the same State fees.

156. Practice has shown that women are not disadvantaged in the realization of their procedural rights when applying to the courts in defence of violated civil, family, labour or other rights.

157. Neither the Supreme Court nor the provincial courts have received any complaint from either a man or a woman of a denial of access to justice for reasons of gender discrimination. Nor has anyone instituted court proceedings on grounds that her rights have been violated because she is a woman.

Article 2 (d)

158. The Constitution stipulates that State bodies, civil associations, officials and the media must ensure that all citizens have the possibility of familiarizing themselves with documents, decisions and other sources of information concerning their rights and interests.

Article 2 (e)

159. As noted in previous reports, the Constitution specifies that the exercise of a person's human rights and freedoms and rights as a citizen must not impinge on the rights and freedoms of other persons (art. 12, para. 5). A number of articles under the Criminal Code establish criminal liability for the violation of constitutional and other human and civil rights and freedoms.

160. Examples include article 142 (Infringement of the inviolability of private life), article 146 (Obstruction of the exercise of electoral rights or the work of electoral commissions), article 148 (Violation of labour law), article 149 (Obstruction of the exercise of the right to freedom of conscience and religion) and article 154 (Refusal to provide a citizen with information).

161. In 2010 alone, 159 criminal cases involving human rights offences were brought to court (articles 141–151 and 153–155 of the Criminal Code); there were 62 convictions.

162. For example, in a verdict handed down by Pavlodar Court No. 2, Mr. A.L. Davydov, director of the Zapsibelektromontazh Limited Liability Company, was convicted under article 148, paragraph 3, and sentenced to pay a fine of 700 monthly notional units, or 907,000 tenge, for deliberate failure to pay the salaries of the enterprise's employees on time. Monetary resources were spent for other purposes, in violation of labour law and the rights and legitimate interests of citizens.

163. The Civil Code regulates the protection of individual non-property and property rights. It guarantees the right to protection of privacy (art. 144) and the inviolability of the home (art. 146). In 2010, no offences were recorded under article 144, and 566 offences were committed under article 146, including 351 against women.

Article 2 (f)

164. At legislative level, there is no discrimination against women, since it would be contrary to the Constitution and the Act on State guarantees of equal rights and opportunities for men and women.

165. Discrimination on various grounds is punishable under criminal and administrative law.

166. The Code of Administrative Offences establishes administrative liability for violations of human rights with regard to health care, public health and disease control, protection of the environment, public morals and property, and preservation of public order and safety. In particular, article 89 addresses violations of labour legislation by an employer or public official, while article 221 deals with violation of the rules on safety at work, article 241 with failure to clean up after incidents of environmental pollution, and article 323 with breaches of hygiene and health rules and standards.

Article 2 (g)

167. Gender equality in court is ensured through the implementation of the basic principles of justice: strict observance of the law by the courts for both women and men; inadmissibility of decisions and actions that are humiliating or degrading for parties to legal proceedings; equality before the law and the courts; adversarial proceedings and equality of the parties; transparent, open and public examination of cases; and protection of the security of parties to the trial.

168. As noted in the previous report, administrative and criminal law contain provisions which improve the status of women.

169. For example, article 55 of the Code of Administrative Offences stipulates that administrative arrest may not be imposed on pregnant women or women with children under 14 years of age. In accordance with article 61 of the Code, the fact that an administrative offence is committed by a pregnant woman or a woman with a child under 3 years of age is deemed to be a mitigating circumstance.

170. Pursuant to articles 48 and 49 of the Criminal Code, women may not be sentenced to extreme forms of punishment, such as life imprisonment or the death penalty. In 2003, the President announced an indefinite moratorium on the application of the death penalty pending a decision on whether it is to be abolished completely. The Criminal Code provides for the death penalty solely for acts of terrorism with loss of life and for grave war crimes. In 2006, at the 61st session of the United Nations General Assembly, Kazakhstan associated itself with the declaration of the European Union on the abolition of the death penalty.

171. Norms that improve the situation of women vis-à-vis men in legal proceedings are binding, which thus ensures that they are applied. The law provides for the possibility of filing an appeal with a higher court to contest a ruling, thereby guaranteeing women's fundamental rights and freedoms in legal proceedings.

Article 3

172. The Gender Equality Strategy 2006–2016, which was approved by presidential decree, defines the main areas of Kazakhstan's gender policy: the political and economic advancement of women, the protection of the reproductive health of women and men, the fight against violence against women, and gender equality in family relations.

173. Every three years the Government adopts a plan of action for the implementation of the Strategy. Initiatives under the plan are conducted with resources from the State and local budgets and with the involvement of NGOs and international organizations. The sum of 38.4 million tenge was earmarked in the State budget to carry out the plan of action in 2009–2011.

174. A compendium of statistics on women and men in Kazakhstan is published annually. A special department has been set up within the Office of Statistics: the office of gender statistics and United Nations Millennium Development Goals indicators.

175. Thus, the Committee's recommendation (para. 12) concerning a regular evaluation of progress achieved towards the realization of gender equality and the results of work carried out in that regard is being implemented in full.

176. The Strategy sets the goal of attaining a 30-per-cent representation of women at the decision-making level of executive and representative bodies and administrative structures in all areas of activity in society.

177. A national network of schools for women leaders, composed of 65 NGOs from all parts of the country, has been established and provides education and training for women politicians. There are clubs for women politicians in Astana, Almaty and provincial centres.

178. In cooperation with political parties and advocacy groups, steps are being taken to ensure respect for a gender balance when party lists are established for nominating candidates to leadership positions and elected bodies.

179. The National Commission on Women's Affairs and Family and Demographic Policy attached to the Office of the President has concluded a memorandum with Nur Otan, the political party in power, on the promotion of gender mainstreaming in the country. One of the results has been the compilation of a national roster for nominating the most highly qualified women specialists for leadership positions.

180. In 2009, at the initiative of the Nur Otan Party, the Alliance of Women's Organizations of Kazakhstan was created, which is composed of 18 major NGOs, including the Association of Businesswomen of Kazakhstan, the Association of Crisis Centres of Kazakhstan and the Council of White-Collar Women Employees. One of the main tasks of

the Alliance is to produce a roster for nominating women to positions in politics and the civil service.

181. The regional commissions on women's affairs and family and demographic policy, together with NGOs, have been carrying out important work on the political advancement of women. Between 2005 and 2009, they held 2,000 conferences, training courses and seminars, which were attended by more than 72,000 persons.

182. The Strategy calls for gender education and the introduction of a gender approach at all levels of the elaboration of budgets and State programmes for socioeconomic development.

183. In 2006 a project for a national council on gender-sensitive budgets was carried out with support from the United Nations Development Fund for Women (UNIFEM), in the framework of which educational seminars were held, gender analyses of regional social programmes were produced, and initial approaches to gender budgeting were elaborated in five cities.

184. In 2009, a project was conducted in cooperation with UNDP to support efforts by the National Commission on Women's Affairs and Family and Demographic Policy to improve measures aimed at ensuring gender equality in Kazakhstan.

185. For the thirtieth anniversary of accession to the Convention, a cycle of initiatives was carried out to heighten public awareness of progress in the area of gender equality. Educational and awareness-raising groups were set up at regional level to explain the provisions of the Convention as well as the positive aspects of Kazakhstan's Chairmanship of the Organization for Security and Cooperation in Europe (OSCE) for the further advancement of gender policy. A total of 86 conferences and round-table discussions, 178 training seminars, 415 lectures and debates, 15 competitions and 4 exhibits were held. In 2010, a national fair (Qanatty Äiel-3) was organized to highlight women's ideas and products. Thirty-eight seminars, round-table discussions, training courses and workshops were conducted in the framework of the fair, which attracted more than 4,000 visitors.

186. Thus, the Committee's recommendations on undertaking campaigns to raise awareness about the importance of women's participation in public and political life are being successfully implemented.

187. For the third year, projects are being carried out together with the United Nations Population Fund (UNFPA). Sociological studies on the situation of the elderly and training courses on the ageing of the population have been conducted with the involvement of UNFPA experts.

188. At the end of 2010, memorandums of cooperation were signed with the United States Agency for International Development (USAID) on the promotion of gender equality and with the international foundation Eurasian Dialogue on gender, family and demographic policy.

Article 4, paragraph 1

189. All legislation is directed at establishing de facto equality between men and women. Special measures are aimed at the protection of maternity, children and parenthood; the protection of women with regard to pregnancy and childbirth; improvement in the life expectancy of men; and protection of women in criminal, criminal procedural and criminal enforcement legislation.

Article 4, paragraph 2

190. Article 4 of the Act on State guarantees of equal rights and opportunities for men and women stipulates that special measures aimed at protecting maternity are not considered to be gender discrimination.

191. Distinctions, exceptions, preferences and restrictions which are deemed to be inherent requirements of a given job or stem from the State's special concern for persons requiring enhanced social and legal protection do not constitute discrimination.

Article 5 (a)

192. In order to develop social and cultural patterns of conduct of men and women based on the idea of gender equality, between 2004 and 2010 more than 600 awareness-raising campaigns were conducted as part of a social services initiative which included legal counselling, lectures, seminars, exhibitions, competitions, festivals, fairs, campaigns, conferences and sociological surveys, with the participation of more than 700,000 women throughout the country.

193. Some 200 publications and articles were published on current gender policy issues.

194. The Media Act prohibits the transmission of radio, television, cinematographic or video material of an erotic or pornographic nature.

195. Under domestic law, the manufacture, possession, import, transport or dissemination of media or other products depicting violence or pornography is an administrative and criminal offence.

196. Article 6 of the Advertisement Act prohibits advertisements for pornography. Article 339 of the Code of Administrative Offences prohibits the sale, dissemination or advertisement of products with an erotic content at places not designated for that purpose. Pursuant to article 273 of the Criminal Code, the unlawful production of pornographic material or objects and the unlawful sale of printed material, cinematographic products or videos, depictions or other objects of a pornographic nature for the purpose of dissemination or advertisement is a criminal offence.

197. In 2010, 41 criminal cases were instituted under article 273; there were 23 convictions, and more than 3,000 pirated videos were seized.

198. For example, on 21 September 2010, Kostanay City Court No. 2 sentenced Mr. D.M. Dyusenov to a criminal punishment of deprivation of liberty for 6 months, suspended, for the sale of pornographic videos to four customers.

199. There are no cultural or traditional practices or ways of life which impede the advancement of women in society, and there are no traditional or religious customs which obstruct improvements in the situation of women.

200. In 2008, the Centre for Public Opinion Research (Almaty) conducted a sociological survey on gender equality in Kazakhstan with a grant from the Ministry of Culture. Respondents reported that women encounter gender discrimination more often than men, especially in hiring and career advancement. However, career ambitions are typical of men and women alike. Two thirds of all men and nearly half of all women aspire to leadership positions, and a majority want to advance in their careers and improve their qualifications. In all, a majority of respondents consider a sustained State policy aimed at achieving de facto gender equality in the country to be essential.

Article 5 (b)

201. As noted in the previous report, the Constitution proclaims that the care of children and their upbringing are the natural right and responsibility of the parents.

202. Chapter IX of the Marriage and Family Act, on the rights of the child, concerns the upbringing of children in the family. Article 52, paragraph 2, provides that children have the right to be brought up by their parents and to have their interests protected, as well as the right to harmonious development and respect for their human dignity. Article 62, paragraph 2, specifies that parents who raise a child have the primary responsibility to secure, within the limits of their abilities and financial capacities, the living conditions necessary for the child's physical, psychological, moral and spiritual development. Article 62, paragraph 3, states that parents are required to ensure that their children receive secondary-level education. Article 62, paragraph 4, stipulates that parents resolve all issues relating to the upbringing and education of their children by mutual consent on the basis of respect for the children's rights and interests and consideration of their opinions.

203. The rights of children in the family are also set out in the Act on the Rights of Children, which states that every child has the right to the living conditions necessary for full physical, psychological, moral and spiritual development (art. 12, para. 1).

204. The provisions of the Act are in keeping with the Convention on the Rights of the Child, which was one of the first international treaties to which Kazakhstan acceded after becoming independent.

205. The State guarantees the personal inviolability of children and protects them from physical and psychological violence, cruel, brutal and degrading treatment, acts of a sexual nature, recruitment for criminal activities, and antisocial and other acts that violate the human and civil rights and freedoms enshrined in the Constitution. Thus, the State ensures the inviolability of children and protects them from violence.

206. Children who have suffered physical or emotional trauma as the result of an offence, violence or another unlawful act receive assistance for the restoration of their health and their social rehabilitation.

207. The Marriage and Family Act provides that, in the event of cruel treatment of children, including physical or psychological violence or violations of their sexual integrity, the parents may be deprived of their parental rights.

208. The educational system is of great assistance to families in raising their children. Universal human values, including the institution of the family, are inculcated at all levels of schooling, starting in preschool establishments.

209. Approximately 40 per cent of the content of subjects at primary school level ("Spelling", "Children's stories", "Ana tīl" etc.) inculcate family and universal values.

210. The subject "Knowledge of the world" includes the following themes: "Family"; "I and we"; and "Mine and ours". In these classes young pupils learn that nothing is more trusted and precious than the family and that family solidarity is the foundation of happiness.

211. The schoolbooks "Kazak tīl" and "Ādebiet" that are used in classes 5 to 9 explain the unique nature of Kazakh families and the importance of family upbringing. The subject "Man, society and law" includes themes on "Family", "Marriage", "Principles of the creation of the family", "Parents", "Children" and "Responsibilities". More than a quarter of all teaching materials and curricula in secondary school education is devoted to family morals and values.

212. In the 2010/11 school year, a new programme of moral and spiritual instruction was introduced, called “Self-knowledge”. Based on universal spiritual values, the programme is designed to activate the role of the family in children’s upbringing. The subject matter of the programme is of a comprehensive nature and includes material from sociological and humanistic disciplines (ethics, psychology, philosophy, sociology and law).

213. Themes in the classes 1 to 4 in the section “Let’s learn about society” include “The individual as a member of the family”, “Family and group interrelationships”, “The home”, “The family of man”, “The foundation of family interrelationships”, “Responsibilities of members of the family”, “The values of a strong family”, “Traditions of the family”, “Family traditions”, “Family respect”, “Mutual understanding as a condition for family happiness”, “Family celebrations”, “Family work” and “Family happiness”.

214. In classes 5 to 9, the “Self-understanding” programme includes a section on “Being a person” and the theme “The world of the family”, in which the family is regarded as a prerequisite for personal happiness.

215. In classes 10 and 11 in the section “Man and society”, special attention is given to questions of creating a family and explaining its importance as the foundation of society. The family status of the individual and the role of the father, mother, son, daughter, and husband and wife are examined in depth.

216. Establishments working to protect the rights of children have hotlines in order to provide on-site legal and psychological counselling for parents, pupils and students in difficulty. The Association of Crisis Centres also has a hotline for children (telephone number: 150).

217. Article 64 of the Marriage and Family Act provides that the exercise of parental rights must not be detrimental to the interests of the child and that the interests of the child must be a primary parental concern.

218. In the exercise of their rights, parents must not cause harm to a child’s physical or psychological health or moral development. During their upbringing, children must not be subjected to neglectful, cruel, brutal or degrading treatment or abuse, humiliation or exploitation.

219. Parents who exercise their parental rights to the detriment of their children’s rights and interests are legally liable. According to data from the judicial system’s central database, in 2010 alone the judicial authorities approved 1,439 applications filed in court for a limitation or revocation of parental rights.

Article 6

220. Considerable efforts are being made to combat all forms of trafficking in women and the exploitation of female prostitution. Prostitution is illegal in Kazakhstan.

221. As noted in previous reports, the Criminal Code makes trafficking in persons and related crimes a criminal offence punishable by up to 15 years’ deprivation of liberty and confiscation of property.

222. The Act on the introduction of amendments and additions to certain legislation on the prevention of trafficking in persons, adopted in 2006, broadened the scope of the Act and toughened sanctions for such offences. Both the recruitment, transport abroad and transit of persons for the purpose of exploitation and the commission of other acts to that end have been made punishable offences.

223. In 2007, an addition was made to the Tourism Act to include a prohibition of tourism for the purpose of organizing the unlawful departure of Kazakh citizens for

permanent residence or employment abroad or bringing foreign workers into Kazakhstan who are not covered under the corresponding quotas.

224. In 2008, Kazakhstan ratified the United Nations Convention against Transnational Organized Crime and its supplementary protocols: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air and the Protocol against the Illicit Manufacturing and Trafficking in Firearms, Their Parts and Components and Ammunition.

225. Pursuant to amendments made to the Presidential Order on the legal status of foreign nationals in Kazakhstan with regard to foreign nationals recognized as victims of trafficking, such persons are guaranteed temporary residence in Kazakhstan and are exempted from liability for the violation of regulations concerning entry into and residence in the country.

226. In 2010, two new articles were added to the Criminal Code: article 132-1 (Recruitment of minors for prostitution) and article 273-1 (Preparation and sale of material or objects with pornographic depictions of minors, or their recruitment to participate in entertainment of a pornographic nature).

227. Action by State authorities to prevent trafficking in women and girls is coordinated in accordance with the Government's 2009–2011 plan of action to combat and prevent trafficking offences.

228. Today there are two shelters (in Almaty and in Kokshetau) and one centre for the rehabilitation of victims of trafficking in persons (in Astana), which provide legal, medical, psychological and other support and assistance to such persons.

229. Reports received on the telephone hotline are immediately transferred to the criminal police department, which investigates each complaint.

230. The website of the Ministry of Internal Affairs indicates the telephone numbers of the departments responsible for trafficking in persons in each of the provinces, which can also be called to report incidents.

231. In 2001, the Parties to Criminal Proceedings (State Protection) Act came into force, pursuant to which the protection of trafficking victims is ensured during investigations and criminal proceedings.

232. Under amendments introduced in 2009, protection is also guaranteed prior to the institution of criminal proceedings.

233. In 2011, more than 28,280,000 tenge were allocated from the State budget for protective measures, of which 3,857,000 tenge were used to organize the protection of trafficking victims.

234. In 2009, 45 parties to criminal proceedings benefited from protective measures in the context of trials involving trafficking in persons and related offences.

235. In 2010, 24,510,000 tenge were allocated, of which 1,281,000 tenge were used to organize the protection of trafficking victims.

236. In 2010, 20 victims of trafficking-related offences, including five foreign nationals, received assistance in the course of criminal proceedings.

237. Victims were provided with safe rental housing and physical protection by special purpose units; special means of protection were also made available.

238. The Ministry of Internal Affairs is assisting the R&D Media limited liability company in producing documentaries on the fight against trafficking in persons, the aim being to make the public less vulnerable to sexual and labour servitude.

239. Announcements in the media (press, television and radio) are regularly analysed to see whether they contain a veiled recruitment of girls for prostitution in other countries. Advertisements published in the press concerning sexual services are monitored.

240. In 2007 the Supreme Court adopted the Regulatory Decision on certain questions concerning the definition of rape-related offences and other violent acts of a sexual nature, in accordance with which background, social status, behaviour of the victim or previous relations between the guilty party and the victim do not play a role in a determination of rape or other violent acts of a sexual nature. Thus, article 120 of the Criminal Code makes rape a criminal offence, including when committed in the marriage.

241. Rape victims have the right to protection in accordance with the provisions of article 100 of the Code of Criminal Procedure (Means of protection for victims, witnesses, suspects, accused persons and other parties to criminal proceedings). They are provided with safe rental housing and physical protection. Eight female rape victims benefited from this measure in 2009, and four in 2010.

242. Four "Stop trafficking" initiatives are conducted every year to prevent offences of this kind. Information on the results of visits to apartments, entertainment establishments, hotels and bathing facilities carried out to investigate cases of procurement, the operation of brothels and recruitment for prostitution is published in the print and electronic media. In 2010 alone the internal affairs authorities published 129 documents, and 46 videos were broadcast on television.

243. The legal basis for the determination of punishment is the Criminal Code, which establishes criminal liability for trafficking in persons (art. 128) and trafficking in minors (art. 133). Offences unrelated to exploitation are also criminally punishable: forcible removal of human organs or skin for transplants (art. 113; up to 10 years' deprivation of liberty), kidnapping (art. 125, para. 3; 10 to 15 years' deprivation of liberty); unlawful confinement (art. 126, para. 3; 5 to 10 years' deprivation of liberty); deliberate unlawful crossing of a guarded State border (art. 330); and the forgery, manufacture or sale of counterfeit documents (art. 325).

244. Corrections have been made to the Code of Administrative Offences to exempt persons who have violated migration regulations from deportation for the duration of the investigation if they have been recognized as trafficking victims.

245. Offences involving trafficking in persons are not as widespread as other violent crimes or violations of human rights and freedoms. Most offences are committed against Kazakh citizens, primarily for the purpose of labour or sexual exploitation.

246. On the basis of the evidence submitted, the court decides whether to institute criminal proceedings against accused persons.

247. In 2006, 16 offences were registered in Kazakhstan, or 77.8 per cent more than in 2005 (9).

248. In 2007, the prosecution authorities received 18 cases involving trafficking in persons (Criminal Code, art. 128) and 6 cases involving trafficking in minors (Criminal Code, art. 133).

249. In 2008, the number of cases of trafficking in persons rose to 44.

250. In 2009, 229 criminal proceedings were instituted for trafficking in persons.

251. In 2010, local courts considered 193 criminal cases.

252. A governmental interdepartmental commission for combating the transfer abroad, entry and trafficking in persons has been in operation for eight years. Similar commissions at regional level are attached to the provincial authorities (*akims*) and the cities of Almaty

and Astana. Every four years an interdepartmental plan of action is adopted and implemented on the basis of the recommendations of a governmental commission. These plans make provision for the continuous training of law enforcement and court officials.

253. In 2011, in the framework of the Commonwealth of Independent States (CIS), a coordinated council of procurator-generals adopted a plan of joint action to combat trafficking in persons.

254. Steps are being taken to train the staff of the internal affairs authorities, the migration service and procurator's office in methods for the detection, investigation, prevention and suppression of offences involving trafficking in persons. The Ministry of Internal Affairs together with the office of the International Organization for Migration in Kazakhstan has adopted methodological recommendations for the investigation of offences involving trafficking in persons in order to have a unified approach to the organization of training courses.

255. International experts have been brought in to share training experience. For example, in conjunction with the Embassy of the United States of America and the Association for combating trafficking in persons in Central Asia, a training project was conducted between September 2009 and March 2010 for 900 neighbourhood police officers in nine provinces in order to heighten their awareness of trafficking in persons and help prevent such practices. Seminars for procurators and judges are organized by the office of the procurator-general and the Supreme Court.

256. With the support of the B. Beisenov Karaganda Institute of Law of the Ministry of Internal Affairs, a centre for training specialists in combating illegal migration and trafficking in persons has been operating successfully since 2008.

257. The International Organization for Migration, the Charter for Human Rights Foundation and other Kazakh NGOs provide a great deal of assistance with such training courses. Seminars are held on practical problems and issues in the area of extradition and deportation encountered by the countries of origin with regard to trafficking and the illegal entry, transit and destination of migrants, and ways of resolving them. A training centre holds courses annually to improve the qualifications of more than 70 staff members of the internal affairs authorities (personnel of the migration police and departments involved in combating trafficking in persons), including officials investigating cases of trafficking in persons, neighbourhood police officers and officers on duty.

258. The CIS Member States adopted a programme of cooperation for 2011–2013 to combat trafficking in persons.

259. A No. 1-M statistical reporting form has been elaborated to record the various types of crimes set out in the chapters of the special part of the Criminal Code, namely violent crimes, domestic crimes and crimes against minors, and crimes against public health and morals.

260. Offences involving violations of article 113 of the Criminal Code (Forcible or unlawful removal of human organs or skin), article 125 (Kidnapping), article 126 (Unlawful confinement), article 128 (Trafficking in persons), article 133 (Trafficking in minors), article 270 (Recruitment for prostitution) and article 271 (Organization or maintaining of brothels, and procurement) are registered in this reporting form.

261. Seven reports and complaints concerning trafficking in persons were registered in 2005 (Criminal Code, art. 133), 11 in 2006, 6 in 2007, 14 in 2008, 31 in 2009, 31 in 2010 and 12 in the first quarter of 2012.

262. Between 2005 and 2011, no cases were reported of involvement of law enforcement officials in trafficking in persons.

263. The statistical data provided below concern the number of persons involved in trafficking in persons (Criminal Code, art. 128: Trafficking in persons, and art. 133: Trafficking in minors).

264. The following acts are criminally punishable: forcible or unlawful removal of human organs or skin (Criminal Code, art. 113), kidnapping (art. 125), unlawful confinement (art. 126), trafficking in persons (art. 128), trafficking in minors (art. 133), recruitment for prostitution (art. 270), organization or maintaining of brothels, and procurement (art. 271) and unlawful removal of organs or skin from a human corpse (art. 275, para. 1).

265. In 2005, five persons, including one woman, were convicted under article 128.

- In 2009, seven persons, including three women, were convicted under article 128. Four convicted offenders were in the age group 21–29, two were in the age group 30–39, and one was in the age group 40–49. Of these, two received a suspended sentence, one received a deferred sentence (Criminal Code, art. 72), three were sentenced to 5 years' deprivation of liberty, and one was sentenced to 3 years' deprivation of liberty. Nine persons, including five women, were convicted under article 133. Four convicted offenders were in the age group 40–49, one was in the age group 50–59, three were in the age group 21–29 and one was in the age group 18–20. Two were sentenced to 5 years' deprivation of liberty, 3 to 7 years' deprivation of liberty, 3 to 8 years' deprivation of liberty and one received a suspended sentence.
- In 2010, five persons, including two women, were convicted under article 128. One convicted person was in the age group 18–20, one was in the age group 21–29, two were in the age group 30–39 and one was in the age group 40–49. One person received a suspended sentence, two were sentenced to 5 years' deprivation of liberty, one was sentenced to 6 years' deprivation of liberty and one was sentenced to 7 years' deprivation of liberty. Five persons, including two women, were convicted under article 133. Four were in the age group 21–29 and one was in the age group 30–39. One convicted offender received a suspended sentence, one received a deferred sentence (Criminal Code, art. 72), two were sentenced to 7 years' deprivation of liberty, and one was sentenced to 8 years' deprivation of liberty.
- In the first quarter of 2011, one person was convicted under article 133. He was in the age group 21–29 and was sentenced to 7 years' deprivation of liberty.

Article 7 (a)

266. As noted in the previous report, article 33 of the Constitution provides that citizens of Kazakhstan have the right to elect and to be elected to State bodies and local governing bodies and to participate in national referendums. Only citizens who have been recognized by the court as incompetent or who are in post-conviction detention facilities do not enjoy this right.

267. Participation of citizens in elections is voluntary. No one has the right to compel participation or non-participation of citizens in elections or to limit the expression of their will.

268. Elections of senators are considered valid if more than 50 per cent of electors participate in the election.

269. Ninety-eight out of the 107 deputies to the Majilis of the Parliament are elected from party lists presented by political parties based on a single national constituency in general,

equal and direct voting by secret ballot. The remaining nine deputies of the Majilis are elected by the Peoples' Assembly of Kazakhstan.

270. To implement the Committee's recommendation in paragraph 21 that the number of women in representative bodies of authority be increased, the National Commission on Women's Affairs and Family and Demographic Policy attached to the Office of the President, together with NGOs and with the support of international organizations, is conducting seminars and training courses to improve women's leadership skills. As a result, the number of women candidates for deputy to both Parliament and the *maslikhats* has risen. In the 2007 parliamentary elections, the number of women registered on party lists grew by 70 per cent, for single-candidate districts by 50 per cent and for the *maslikhats* by 20 per cent.

Article 7 (b)

271. See the section entitled "Women at the decision-making level".

Article 7 (c)

272. A programme of State support for NGOs for 2003–2005 was carried out in order to create conditions for a continuous development of non-governmental organizations and to strengthen their role in addressing important social issues.

273. In 2005 the State Social Initiatives Act was adopted, pursuant to which NGOs are invited to participate in the implementation of large-scale social initiatives on a grant basis. The plan for the development of civil society in Kazakhstan 2006–2011, approved by presidential decree, is the basis for promoting public interests and interaction between the State and the non-commercial sector.

274. All told, approximately 25,000 NGOs are active in Kazakhstan, including those which deal with problems associated with improving the status of women and achieving gender equality.

275. Non-governmental organizations implement State initiatives for public projects of social importance which are funded from the budget. In 2010, 1.4 billion tenge were allocated for this purpose (163 times more than in 2004), including 34 million tenge for the implementation of projects in the area of equal rights and opportunities for men and women (26 times more than in 2004).

Resources allocated from the national budget for contracting non-governmental organizations to carry out socially important projects

(in millions of tenge)

2004	2005	2006	2007	2008	2009	2010	2011	Total
9.4	59.7	316.9	424.1	926.4	1 202.9	1 474.4	1 041.2	5 455.0

Resources allocated from the national budget for important social projects involving questions of equal rights and opportunities for men and women

(in millions of tenge)

2004	2005	2006	2007	2008	2009	2010	2011	Total
1.35	4.07	10.21	13.31	14.11	25.31	34.6	22.6	125.56

Article 8

276. Article 7, paragraph 1, of the Labour Code, on the prohibition of labour discrimination, provides that women have the right and opportunity to represent their Government at the international level and to participate in the work of international organizations on equal terms with men.

277. Today about 33 per cent of the diplomatic staff of the Ministry of Foreign Affairs are women, compared to 26 per cent in 2004. There are five women representatives abroad, including the Permanent Representative of Kazakhstan to the United Nations, Byrganym Aitimova, the Ambassador of Kazakhstan to the Netherlands, Mainura Murzamadiyeva, the Consul General of Kazakhstan in New York (USA), Raushan Esbulatova, the Consul of Kazakhstan in Bonn (Germany), Gaukhar Beiseeva, and the Consul of Kazakhstan in Slovakia, Aigul Kenzhebaeva.

278. Article 15, paragraphs 1 and 2, of the Diplomatic Service Act provides that staff is rotated in accordance with qualification requirements for administrative civil servants, regardless of gender.

279. Women are members or heads of Government delegations and represent the country at international level on a regular basis. There have not been any cases in which women have not been allowed to represent the country or to participate in the work of international forums on account of their gender.

280. In March 2010 a delegation headed by Madina Dzharbusynova, Ambassador at Large, attended the fifty-fourth session, in New York, of the United Nations Commission on the Status of Women, which celebrated the fifteenth anniversary of the Beijing Platform for Action for the improvement of the status of women.

Article 9, paragraph 1

281. As was noted in the previous report, the Citizenship Act provides that neither the marriage of a citizen of Kazakhstan to a foreign national nor the dissolution of such a marriage entails any change in nationality.

282. Pursuant to the United Nations Convention on the Nationality of Married Women, which Kazakhstan ratified, women married to citizens of Kazakhstan enjoy preferential conditions for acquiring nationality and for being granted permanent residence. In all other cases, women and men are considered to have equal rights.

283. Thus, women in Kazakhstan, irrespective of their family situation (married or not married), have equal rights with men to acquire, change or retain their nationality.

Article 9, paragraph 2

284. In accordance with the law, the determination of the nationality of a child under 14 years of age takes into account the nationality of both parents (father and mother) on an equal basis. Where the parents are of different nationalities and one of the parents had Kazakh citizenship at the time of the child's birth, the child is deemed to be a Kazakh citizen if he or she (1) was born in Kazakhstan or (2) was born outside Kazakhstan but either or both of the parents were permanent residents in Kazakhstan at the time. Until the age of 16, the child's nationality is confirmed by his or her birth certificate and the passport of either of the parents.

285. The parents (mother or father) have an equal right to travel with their minor children. The departure abroad of a child, regardless of the circumstance, requires the consent of both parents.

286. In accordance with paragraph 2 of the Instructions for the application by the judicial authorities of regulations governing the documentation and registration of the population, ratified by an order of the Minister of Justice (2005), passports are issued to citizens upon request, regardless of their age. Thus, children are entitled to have a passport.

Article 10 (a)

287. As established in article 3, paragraph 1, of the Education Act, adopted in 2007, the main principles of State education policy are equality of rights for all citizens to quality education, universal access to education at all levels on the basis of a person's intellectual development and psychological, physiological and individual aspects, and respect for human rights and freedoms.

288. It follows from the foregoing that equal access for men and women to education is ensured by law and is implemented in full in practice.

289. Pursuant to article 47, paragraph 3, of the Education Act, all general education schools for boys and girls provide equal opportunities for receiving quality education in accordance with mandatory State general education standards.

290. In the 2010/11 school year, 1.2 million girls were enrolled in general education schools, or 49 per cent of the total number of pupils, and 275,000 girls were enrolled in technical and vocational schools, or 46 per cent of the total. This has to do with the fact that, up to the age of 18, there are more boys than girls. Women account for 58 per cent of students at institutions of higher education. Some 49,000 women, or 36 per cent of the total, are enrolled in a specialized field of technical science and technology.

291. An order of the Minister of Education and Science on the classification of types and organizational forms of education for persons who have not completed basic or secondary school makes provision for evening school and part-time classes. In 2010, there were 78 general education evening schools; 20,644 pupils were enrolled. The courses in evening schools follow the curricula and standards for general secondary education. There are no special additional programmes for girls and women who drop out of school.

Article 10 (b)

292. Boys and girls at all general education schools are taught with the same textbooks and curricula and by the same teachers.

293. Pupils, regardless of gender, may use school information resources, sport facilities, reading rooms, auditoriums and libraries free of charge.

Article 10 (c)

294. By and large, boys and girls in general education schools have classes together.

295. In 2007, the following schoolbooks were included in the list of textbooks, teaching materials and aids, and children's books recommended by the Ministry of Education and Science for use in preschools and general education schools by pupils, teachers and psychologists: "I am a girl, I am a boy" (for preschools); "The ABCs of gender" (for

primary school); “The grammar of gender” (teaching material for classes 5 to 8); and “Foundations of gender education” (for pupils in classes 9 to 11).

296. The gender perspective is taken into account in the State guidelines for 12-year secondary-level education. It is planned to update more than 40 per cent of all school curricula by 2014 to include the gender perspective.

297. Gender courses are offered at institutions of higher education as electives.

298. For example, the following courses are offered as part of studies in psychology: gender psychology, family counselling and child assistance, and family counselling and psychotherapy. The following courses are offered as part of studies in social work: gender psychology, family law, social work to prevent domestic violence, and the sociology of the family (at the Al-Farabi National University, the L.N. Gumilev Eurasian National University, the Abai National Teacher Training University and elsewhere).

299. The gender perspective in laws and regulations is examined in the following disciplines: law, international law, international relations, political science and sociology.

300. As from the academic year 2006/07, the State Women’s Teacher Training University has offered a special course on gender in all first-year classes which earns one credit (45 hours) and, in second-year classes, on “Qazaq aruy” which earns two credits (90 hours).

301. Questions concerning gender issues are included in the curricula of the national institute for advanced training of school administrative and teaching staff.

302. The Institute for Social and Gender Studies at the State Women’s Teacher Training University and the Gender Education Centre of the Al-Farabi National University are elaborating scientific approaches for the realization of gender policy.

303. The Institute is working on the design of social and educational programmes with the use of gender indicators, gender studies and the inclusion of continuing gender education in the educational system. Teaching materials on gender have been produced which include the following topics: “The ABCs of gender” (for primary schoolteachers); “The grammar of gender” (for teachers of classes 5 to 8); and “Foundations of gender education” (for teachers of classes 9 to 11). The following study guides have been prepared in the State language: “Genderlik bilim: teoriiasy men tazhibesi”. Monographs were published entitled “Qazaq til bilimining genderlik tughyry”, “Gender policy in Kazakhstan: international experience and the national model” and “Gender linguistics”, curricula for students in master’s programmes.

304. One of the most important tasks of the Gender Education Centre is to inculcate a gender culture among teachers and students and to produce research papers, teaching materials, distance-learning curricula, a specialized website, and audiovisual and photographic material on gender issues.

305. A working group has been set up to activate and coordinate a gender analysis of textbooks and teaching materials at all educational levels. Rules for the preparation, analysis and publication of schoolbooks, study guides and manuals will be amended and supplemented.

306. Thus, the recommendations in paragraphs 13 and 14 of the Committee’s concluding comments on revising educational textbooks to eliminate gender stereotypes, encouraging diversification of the educational choices of boys and girls, training teaching staff about gender equality issues and introducing courses on gender-related subjects in institutions of higher education are being successfully implemented.

Article 10 (d)

307. Scholarships to study at institutions of higher education are awarded annually. School directors, national companies and *akims* also award scholarships.

308. Scholarships are awarded to secondary school graduates who achieve the highest scores in a national competitive examination.

309. Today 14,000 students, including 8,500 women (61 per cent of the total) have a scholarship to study at institutions of higher education.

310. State scholarships are awarded to all students whose studies are progressing satisfactorily (who have passed their end-of-semester exams and have satisfactory mid-term grades), as well as to orphans and children deprived of parental care who are students, candidates for master's degrees, interns at institutions of higher education and persons studying at primary and secondary vocational schools.

Article 10 (e)

311. In accordance with current legislation, all citizens, regardless of gender, have the same rights and access to education.

312. The coefficient of access to education for women (0.980) is higher than for men (0.952); the overall average stands at 0.967. The coefficient is calculated as the percentage of literacy of the population aged 15 and older and is also an indicator of the extent of public education.

313. A considerable increase in the computer literacy of the population has been noted: 34 per cent of the population aged 15 or older have computer skills, 20 per cent use the Internet, and 12 per cent have a command of English.

Article 10 (f)

314. Practice shows that the rare dropout cases to a large extent have socioeconomic causes and are not gender-related.

Article 10 (g)

315. The Physical Culture and Sport Act provides that State policy is directed at ensuring healthy lifestyles and promoting physical culture and sport and is conducted on the basis of the principles of voluntary participation, equality and accessibility for all citizens.

316. There are no norms or regulations restricting the participation of girls and women in sports or physical education. Nor are there any clothing restrictions which prevent women from fully engaging in sports. Women and men have equal access to sports facilities and equipment.

Article 10 (h)

317. The National Centre for the promotion of healthy lifestyles within the Ministry of Health is responsible for disseminating special educational information to help ensure family health and well-being. It has 14 provincial, 15 urban and 69 district offices, 196 health centres and 557 clinics.

318. Work is conducted in the following areas: physical activity, healthy diet, prevention of smoking and of alcohol and drug abuse, prevention of tuberculosis, infectious illnesses, sexually transmitted diseases and HIV/AIDS, and reproductive health, including family planning.

319. The Centre produces and prints informational and educational material on various aspects of a healthy lifestyle. A catalogue contains more than 120 titles of printed materials.

320. A practical scientific quarterly is published on current issues relating to healthy lifestyles, disease prevention and the promotion of health.

321. A comprehensive programme on health and life skills has been elaborated and is being introduced. It uses interactive methods for teaching the participants.

322. The National Centre has a library, a printing office and a resource centre, and Internet resources have been created and are in operation (<http://www.hls.kz> and <http://www.zhas.kz>).

323. Activities have been planned to heighten public awareness of reproductive health and family planning (overall cost: 9 million tenge) and to produce audiovisual material (overall cost: 21.4 million tenge) as part of initiatives to promote a healthy lifestyle during the period 2011–2013.

324. It is planned to contract NGOs to help protect reproductive health as part of a family health project (cost: 10 million tenge) and to develop youth centres (cost: 3 million tenge).

325. In 2010 alone some 11,000 articles were published in the media, 1,000 brochures were produced, videos were released and a specialized journal, “Otbasym”, which promotes gender policy, was launched. A billboard competition was conducted on the promotion of family values and gender equality in the family, and the National Commission on Women’s Affairs and Family and Demographic Policy created a website (www.ncgp.kz) and an electronic library.

326. The first Demeu Youth Health-care Centre was established in Astana with support from UNICEF. Today there are also centres in Almaty, Semipalatinsk, Taldykorgan, Taraz, Shymkent and Uralsk, where adolescents and young adults receive expert counselling on reproductive health, family planning, prevention of sexually transmitted diseases, mental health, HIV/AIDS, prevention of alcoholism, drug addiction and smoking, proper diet, prevention of stress and depression, accidents and injuries, and problems of abuse and violence. Legal counselling is also offered.

327. Over the past six years, specialists at the Demeu Centre have held more than 10,000 individual counselling sessions for adolescents and young adults and organized 500 training courses and seminars, which 7,000 secondary school pupils and university students attended. The main problems which lead adolescents and young adults to seek help from a psychiatrist are suicidal thoughts, parental divorce and child-adult relations. With the help of cutting-edge technologies, the Centre aims to protect the health and reduce risky behaviour among adolescents, provide them with social support and protect their rights on the basis of the principles of goodwill, accessibility, voluntary participation, trust and confidentiality.

328. Seven young volunteers work at the Centre alongside staff members and participate in the organization of training courses for their peers. There is also an art therapy circle open to all.

Article 11, paragraph 1 (a)

329. Article 6 of the 2007 Labour Code states that everyone has the right freely to choose his or her work and freely to negotiate labour agreements, without any kind of discrimination or compulsion, as well as the right to decide how to utilize his or her aptitudes and to choose a profession or type of activity.

330. Article 7, paragraph 1, provides that all persons enjoy equal opportunities in the exercise of their labour rights and freedoms. Article 7, paragraph 2, stipulates that no one may be subjected to any form of discrimination in the exercise of labour rights on grounds of sex, age, physical disability, race, nationality, language, material, social or official status, place of residence, attitude to religion, political opinions, ethnicity or class, or membership in a voluntary association.

331. Persons who consider that they have been subjected to discrimination at work are entitled to submit complaints to the courts or to other bodies in accordance with the procedure established by law (arts. 5–7).

Article 11, paragraph 1 (b)

332. Article 25, paragraph 1, of the Labour Code prohibits labour contracts which violate equality of rights and opportunities.

333. Between 2004 and 2010, the economically active population grew from 7.8 million to 8.6 million persons, and from 3.8 million to 4.2 million women. The employed population also rose, from 7.2 million to 8.1 million persons, and from 3.5 million to nearly 4 million women.

334. Over this period, the employment rate increased from 91.6 per cent to 94.2 per cent, and from 90.2 per cent to 93.4 per cent for women.

335. According to data from the Office of Statistics, the majority of women work as employees; their numbers have been increasing from year to year. In 2004, 2.1 million women worked as employees, or 60 per cent of all working women, compared to 2.6 million (65 per cent) at the end of 2010. The number of women employed in rural areas has also grown, from 604,000 in 2004 to 862,000 in 2010.

336. In accordance with the Civil Service Act, recruitment to the civil service is on the basis of a competitive examination. Article 13, paragraph 1 (3), of the Act provides that candidates for the civil service must have the necessary education and level of professional preparation and must meet the required qualifications.

337. Pursuant to article 12, paragraph 4, no direct or indirect restrictions of any kind may be established for recruitment to the civil service on the basis of sex, race, nationality, language, social origin, material status, place of residence, attitude to religion, beliefs, membership in a voluntary association or any other circumstances.

338. The disciplinary councils of the Civil Service Office monitor compliance with civil service legislation.

339. Women as well as men perform military service on a voluntary enlistment basis. In 2010, women officers amounted to 4.2 per cent, and women non-commissioned officers and rank-and-file soldiers to 30 per cent, of total enlisted military personnel.

Article 11, paragraph 1 (c)

340. As noted in the previous report, the Constitution stipulates that (1) everyone enjoys freedom of labour and free choice of type of occupation or profession. Forced labour is permitted only in execution of the sentence of a court or under conditions of a state of emergency or military mobilization; (2) everyone has the right to working conditions that meet safety and hygiene requirements, to remuneration for labour without any discrimination, and to social protection against unemployment; (3) everyone has the right to rest. Persons working under a labour contract are guaranteed the legally established length of working day, as well as rest days, public holidays and paid annual leave.

341. Article 28, paragraph 1 (6), of the Labour Code states that a normal working week may not exceed 40 hours.

342. Working hours are shorter for persons employed for heavy physical labour or in harmful, extremely harmful or hazardous working conditions.

343. Upon the agreement of the parties to the labour contract, part-time work may be established for an employee, including a partial working day, a partial working week, a one-time reduction in the rules for the length of the working week or work shift and a reduction in the number of working days in the working week.

344. Work under part-time conditions does not entail for the employee any restrictions on the length of paid annual leave established under the Labour Code, the employment contract and collective agreements and arrangements.

345. Pursuant to article 85 of the Labour Code, flexible working arrangements may be agreed with a view to balancing the daily personal needs of the employee and production requirements. Employment contracts and collective agreements establish statutory working hours, flexible (staggered) working hours and core periods under flexible working arrangements. The Labour Code is currently being amended to make provision for off-site employment.

346. Pursuant to article 143, paragraph 1, of the Labour Code, employees have the right to vocational training, retraining and the improvement of qualifications, including training for new occupations and specialties.

347. In 2010 alone, the employment service referred 20,000 women for vocational training, of whom 7,400 took advanced training courses and 12,500 took initial training courses, learned related occupations or improved their skills. Women have been trained for jobs for which there is demand on the labour market, such as seamstresses, dressmakers, accountants, cooks and painters.

Article 11, paragraph 1 (d)

348. The Constitution makes provision for the right of citizens to be remunerated for work without any discrimination on the basis of sex. This norm is also embodied in article 22 of the Labour Code, pursuant to which employees have the right to equal pay for equal work, without discrimination of any kind.

349. Wages and incentives are set under the terms of the collective agreement, the employment contract and/or the employer's regulations. The employer may offer bonuses and other forms of incentives to strengthen the commitment of employees to improving efficiency and the quality of work (Labour Code, art. 126).

350. In accordance with article 121, paragraph 1, of the Labour Code, the monthly salary is set as a function of the employee's qualification, the complexity, quantity and quality of

work performed and working conditions. Thus, quantity, quality, difficulty of the work and working conditions are the criteria for determining wages.

351. Ensuring the right to fair remuneration that is no less than the minimum wage is the most important principle of labour legislation.

352. Given the existence of a legislative framework for regulating questions concerning the establishment and payment of monthly wages and monitoring compliance, Kazakhstan was able to ratify ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value.

353. On average, women's wages in Kazakhstan are 66 per cent those of men. This is attributed to the fact that women are mainly employed in the areas of education, health care and social services, which basically are in the public sector. In his Message to the people of Kazakhstan in 2011, the President announced the goal of doubling wages in the public sector by 2012 compared to 2008.

354. One of the tasks of the State programme for the promotion of education 2011–2020 is to enhance the prestige of the teaching profession by raising the average salaries of teaching staff to the level of those paid in the private sector by 2015.

355. On 31 July 2007, the Ministry of Labour and Social Protection elaborated and ratified Order No. 186 on the approval of a list of occupations for which the employment of women is prohibited, and limits on manual lifting and moving of loads by women, so as to ensure compliance with article 16, paragraph 20, of the Labour Code.

356. The Order establishes a list of occupations for which the employment of women is prohibited and sets limits on manual lifting and moving of loads by women, in keeping with the principles and provisions of the ILO Convention.

Article 11, paragraph 1 (e)

357. The Pensions Act sets retirement age at 63 years for men and at 58 years for women. Thus, women have the right to retire five years earlier than men.

358. Two categories of persons may retire earlier: (1) persons suffering from the effects of testing at the Semipalatinsk nuclear test site (men who have reached the age of 50 and have worked at least 25 years, and women who have reached the age of 45 years and have worked at least 20 years); and (2) women who have reached the age of 53, have had five or more children and have raised them to the age of 8.

359. Pension benefits have been growing steadily. In 2011, the average pension stood at 36,200 tenge, or four times higher than in 2004. In accordance with Kazakhstan's Strategic Development Plan for the period up to the year 2020, basic pensions in 2015 will amount to 60 per cent, and in 2020 75 per cent, of the subsistence level.

360. Compulsory contributions to the accumulative pension funds are set at 10 per cent of monthly salary for all employees, regardless of sex.

361. Article 11 of the Pensions Act specifies that, in addition to employment, studies and other forms of activity, the calculation of the length of service takes into account: (a) time spent by a non-working mother caring for children until they reach the age of 3 (12 years at most); (b) the period during which the wife or husband of employees of former Soviet, Kazakh or international institutions lived abroad (10 years at most); (c) the period in which a wife lived with an officer, a non-commissioned officer, a non-commissioned naval officer or an enlisted soldier on extended service, where it was not possible for her to find employment in her profession (10 years at most).

362. The calculation of pensions also takes into account: (a) the time spent caring for a person with a group 1 disability, a person with a group 2 disability living alone or a retiree of an age requiring outside assistance, as well as persons who have reached 80 years of age; (b) the time spent caring for a person with a disability who is under 16 years of age, a person suffering from the effects of nuclear testing or an environmental accident or a person who has contracted an immunodeficiency virus or AIDS.

363. Article 159 of the Labour Code stipulates that employers are required to pay benefits when an employee has a temporary disability. This is based on temporary disability lists, which are issued in the manner prescribed by law. Benefits based on the employee's average wage are paid from the first day of the disability until restoration of the ability to work or until the employee is certified disabled.

364. As of 1 January 2005, payments are made from the State social insurance fund for loss of ability to work or loss of breadwinner or job. As of 1 January 2008, compulsory social insurance also provides coverage to working women in the event of loss of income associated with pregnancy and childbirth, the adoption of a newborn child or children or loss of income associated with caring for a child until the age of 1. In 2010, 467,000 persons received social benefits amounting to 55.8 billion tenge, many times more than in 2005 (1,800 persons and 10.2 million tenge).

365. Article 8 of the Act on State social benefits for disabilities, loss of breadwinner or old age states that disability benefits are awarded if a disability occurs, regardless of whether work ceases before the application for benefits is made or continues. Benefits are between 74 per cent and 209 per cent of the subsistence level.

366. Pursuant to article 100 of the Labour Code, employees are entitled to 24 calendar days of annual paid leave, unless a larger number of days is set by other domestic legislation, an employment contract, a collective labour agreement or the employer's regulations. Additional paid annual leave may be established under an employment contract or a collective labour agreement as a bonus for long and continuous service, the completion of important, difficult or urgent work or for work of another nature. Paid annual leave may be divided into parts upon agreement between the employee and the employer.

367. Employees who undergo training are granted leave to prepare and take tests and exams, to complete laboratory work and to prepare and defend a graduation paper or draft. The payment of training leave is specified in the employment contract, collective labour or training agreement.

Article 11, paragraph 1 (f)

368. Article 186 of the Labour Code prohibits the employment of women for heavy physical labour or in harmful, extremely harmful or hazardous working conditions.

369. The list of workplaces, shops, professions and positions as well as occupations involving heavy physical labour and harmful or extremely harmful or hazardous working conditions that entitle an employee to abbreviated working hours and additional paid annual leave, and the Instructions for its application, have been approved by an order of the Minister of Labour and Social Protection.

370. The list of occupations in which women's labour is prohibited and the maximum weights which may be lifted and moved by women (2007) was also approved by an order of the Minister of Labour and Social Protection. The list contains 299 occupations and specialties prohibited for women in metallurgy, assemblage and construction work, mining and capital mining, geological prospecting, topography and other areas.

371. Article 193 of the Labour Code accords women maternity leave for 70 calendar days prior to the birth of a child and 56 calendar days after delivery (70 calendar days after delivery in the event of complications or the birth of two or more children).

372. For women who live in areas affected by nuclear tests, incapacity for work for reasons of pregnancy and childbirth is granted as from the twenty-seventh week for 170 calendar days for a normal delivery and for 184 days in the event of complications or the birth of two or more children.

373. Persons guilty of violating labour legislation incur liability in accordance with the law.

374. It follows from the foregoing that, on the whole, Kazakhstan is implementing the Committee's recommendations in paragraph 23 and 24 to reduce occupational segregation, close the wage gap between men and women, ensure equal pay for work of equal value, review the structure of social benefits and protective legislation and take measures to realize equal opportunities for women on the labour market.

Article 11, paragraph 2 (a)

375. The Labour Code takes into account the special nature of the work of pregnant women. Article 185 stipulates that employers may not terminate the labour contract of pregnant women, women with children under 3 years of age, single women raising children under 14 years of age (or children with disabilities under 18 years of age) or other persons raising motherless children in these categories.

376. If, on the day of the termination of a labour contract a woman presents a medical certificate testifying that she is 12 or more weeks pregnant, the employer is required, upon her written application, to extend the labour contract until the end of her childcare leave, which lasts until the child reaches the age of 3.

377. Unjustified refusal to conclude a labour contract with a woman or unjustified termination of her labour contract on grounds that she is pregnant or has children under the age of 3, as well as unjustified refusal to conclude a labour contract or unjustified termination of a labour contract with a person with a disability on grounds of the disability, or with a minor on grounds that he or she is a minor, is punishable: (a) by a fine of between 200 and 500 monthly notional units or the equivalent of the average wage or other income of the convicted offender for a period of two to five months; (b) or deprivation of the right to hold a particular post for up to five years; or (c) punitive deduction of earnings for up to two years.

378. If a woman is unlawfully dismissed, the employer must reinstate her. In accordance with labour legislation, an employee who has been reinstated in a previous employment is to be paid the average wage for the entire period of forced leave (absence from work) or the difference in wages for the period of the performance of lesser paid work, but not more than six months.

379. The Labour Code contains an article specifically designed to protect this category of employee. According to article 148, paragraph 2, an unjustified refusal to conclude a labour contract with a woman or unjustified termination of her labour contract on grounds that she is pregnant or has children under the age of 3, as well as unjustified refusal to conclude a labour contract or unjustified termination of a labour contract with a person with a disability on grounds of the disability, or with a minor on grounds that he or she is a minor, is punishable: (a) by a fine of between 200 and 500 monthly notional units or the equivalent of the average wage or other income of the convicted offender for a period of two to five

months; (b) or deprivation of the right to hold a particular post for up to five years; or (c) punitive deduction of earnings for up to two years.

380. Unlawful dismissal may be challenged in court.

381. To cite one example, Ms. E.V. Nozdrina, an operator technician, filed a claim against the Semser Security limited liability company for terminating her labour contract in the context of a staff reduction. In a decision handed down by Aktobe City Court on 9 June 2010 and upheld on appeal by Aktobe Provincial Court on 13 August 2010, Ms. Nozdrina was reinstated at her job with recovery of wages from her employer for the period of forced leave and with compensation for moral harm and court expenses. During the consideration of the dispute it was ascertained that the complainant was six or seven weeks pregnant at the time of her dismissal. In accordance with article 185, paragraph 1, of the Labour Code, an employer may not terminate the labour contract of pregnant women.

Article 11, paragraph 2 (b)

382. Compulsory social insurance was introduced in 2008 for pregnancy, childbirth and maternity for working women. It is paid from the State social security fund; recipients are entitled to an amount based on the average monthly wage for all days of maternity leave and 40 per cent of the monthly wage for leave taken to care for a child up to 1 year of age (art. 23-2).

383. Compulsory pension contributions are withheld from the benefits paid for loss of income in connection with pregnancy and childbirth, adoption or leave taken to care for a child up to 1 year of age and are credited to the recipient's retirement account (art. 26).

384. Pursuant to article 192 of the Labour Code, a woman is entitled to paid annual leave either before she takes maternity leave, immediately thereafter or, at her request, at the end of childcare leave.

385. In accordance with article 195 of the Labour Code, employers are required to grant unpaid leave to the following employees to care for a child up to the age of 3 years: (a) either the mother or the father, at the choice of the parents; (b) a single parent raising a child; (c) a grandmother, grandfather or other relative or guardian actually raising a child; (d) an employee who has adopted a newborn child or children.

386. Unpaid leave taken to care for a child up to the age of 3 may be used in full or in part upon a written application from the employee, at her request.

387. Article 195 of the Labour Code provides that the jobs or posts of employees are kept for them during unpaid leave taken to care for a child up to the age of 3.

388. The period of unpaid leave taken to care for a child up to the age of 3 is included in the calculation of the total length of service and the period of employment in a particular specialty, unless legislation provides otherwise.

Article 11, paragraph 2 (c)

389. The Labour Code contains a specific chapter on particularities of the regulation of the work of women and other persons with family responsibilities. It enumerates occupations in which the employment of women is prohibited, sets rules governing work and rest for women and other persons with family responsibilities and establishes restrictions on the termination by an employer of a labour contract with a pregnant woman.

390. Article 187 of the Labour Code stipulates that: (a) an employer may not assign pregnant women to night work, work on weekends or holidays or overtime work, send them on business trips or cancel their paid annual leave; (b) an employer may not assign the following persons to night work, work on weekends or holidays or overtime work, send them on business trips or require them to work on a rotating basis without written permission: (1) women with children under 7 years of age or other persons raising children under 7 years of age; or (2) employees caring for sick members of their family or raising children with disabilities if a medical assessment confirms that children under 3 years of age, children with disabilities or sick members of the family are in need of continuous care.

391. Article 188 of the Labour Code stipulates that, besides breaks for rest, breaks for meals during shifts and special breaks, women with children aged up to 18 months and fathers and adoptive fathers bringing up motherless children aged up to 18 months are allowed additional breaks of the following duration to feed a child or children at least every three hours:

- (a) For one child – a break of at least 30 minutes;
- (b) For two or more children – a break of at least one hour.

These breaks are included in the hours worked. The women (and fathers and adoptive fathers) are paid their average wage during this period.

392. Article 76 of the Labour Code provides that working time may be of normal or abbreviated length and part-time (part-time working day, part-time working week, one-time reduction in the norm for the duration of a working day (work shift) and reduction in the number of working days in the working week).

393. In accordance with articles 188 to 190 of the Labour Code, persons with children under 3 years of age are entitled to a flexible work schedule, and women who have children under one and a half years of age are entitled to breaks to feed the child.

394. Article 189 of the Labour Code requires an employer to allow a pregnant woman, a woman with a child or children under 3 years of age, a father, an adoptive father or a person raising motherless children under the age of 3, upon their written application, as well as an employee caring for a sick member of the family, in accordance with a medical certificate, to work part-time.

395. An employee working part-time does not incur any restrictions on the duration of paid annual leave under the labour contract or collective agreement or arrangement.

396. However, article 123 of the Labour Code states that an hourly wage may be established under the terms of the labour contract, the collective agreement and/or the employer's regulations for actually completed work on a part-time working day or for a reduced workload, as well as for the payment of work of a temporary or one-time nature.

397. Pursuant to article 192 of the Labour Code, a woman is entitled to paid annual leave either before she takes maternity leave, immediately thereafter or, at her request, at the end of childcare leave.

398. It is not permitted to cancel the paid annual leave of an employee who is under 18 years of age, pregnant or employed for heavy physical labour or in harmful, extremely harmful or hazardous working conditions.

399. In accordance with article 195 of the Labour Code, employers are required to grant unpaid leave to the following employees to care for a child up to the age of 3 years: (a) either the mother or the father, at the choice of the parents; (b) a single parent raising a child; (c) a grandmother, grandfather or other relative or guardian actually raising a child; (d) an employee who has adopted a newborn child or children.

400. The jobs or posts of employees are kept for them during unpaid leave taken to care for a child up to the age of 3.

401. The period of unpaid leave taken to care for a child up to the age of 3 is included in the calculation of the total length of service and the period of employment in a particular specialty, unless domestic legislation provides otherwise.

402. In 2010, 446,000 children were enrolled in preschools, a coverage of 41.6 per cent and a 2.5-fold increase compared to 2004.

Article 11, paragraph 2 (d)

403. Article 191 of the Labour Code stipulates that an employer, on the basis of a medical assessment, is required to transfer a pregnant woman to a different job at which she is not exposed to harmful or hazardous working conditions; her average monthly wage is maintained.

Article 11, paragraph 3

404. The Labour Act, adopted in 2004, does not permit an administrative body to dismiss a pregnant woman or a woman with a child under the age of one and a half, except in cases of liquidation of a business, a gross violation by the employee of employment duties, loss of trust, reinstatement of an employee at his or her previous post following a court decision, and other objective circumstances.

405. In the Labour Code in force since 1 January 2008, this norm was significantly broadened to women's benefit. Article 185, paragraph 1, stipulates that the labour contract of a woman may not be terminated if she has children under the age of 3 (compared to one and a half previously). Dismissal of single mothers raising a child under the age of 14 or a disabled child under the age of 18, as well as persons raising motherless children in this category, is also prohibited. The 2004 Labour Act had not made provision for any of this.

406. Women's labour rights are effectively protected in civil proceedings.

407. To cite one example, in 2009 Ms. R.K. Kenzhina filed a lawsuit in Astana City District Court against JPA International Audit-Garant, a limited liability company, demanding her reinstatement at work. The employer stated that she had been dismissed because of absence from the workplace without a valid reason (unauthorized leave). It was found that her leave had been agreed with the management and that the authorization to take leave which the complainant asserted that she had received had been recorded in the company files. Ms. Kenzhina had needed to take leave for family reasons (her wedding), and she was also pregnant. The court decided in her favour, the termination of her labour contract was found to be illegal, and she was reinstated at her post as director of the Astana office of JPA International Audit-Garant. The court recovered her back pay from the employer for the period of enforced absence (five months) as well as compensation for moral harm and the services of a representative.

408. The State Labour Inspectorate is responsible for monitoring labour and employment legislation. There have not been any cases involving gender discrimination.

409. The Labour Code granted trade unions the necessary powers and guarantees and created the legal foundation for the exercise of their activities in defence of the rights and interests of working people.

410. According to data from the Federation of Trade Unions, as of 1 January 2011 there were 2.1 million members, including 950,000 women, or 45 per cent of the total.

411. To date, trade unions have concluded 22 branch agreements, 16 regional agreements and 52,800 collective agreements. Their task is to conclude agreements with all counterparts — employers, employees and the State — in the main areas of economic and social policy and to balance economic goals and social needs.

412. As of 1 January 2011, more than 7,900 memorandums had been concluded on the realization of social projects at a cost of more than 42.3 billion tenge, and 8,411 memorandums had been concluded on mutual cooperation on questions concerning the stabilization of production operations, social protection and the safeguard of labour rights and guarantees for more than 950,000 employees.

413. The Act on State guarantees of equal rights and opportunities for men and women adopted in 2009 also strengthened the protection of women's rights in labour relations. Pursuant to article 10, persons who consider that they have been victims of discrimination at work can apply to the bodies and organizations active in ensuring equal rights and opportunities for men and women. The employer is not permitted to create obstacles to an employee's filing a complaint of gender discrimination with the competent authorities.

Article 12, paragraph 1

414. State health-care policy is conducted on the basis of the principles of equal rights of citizens to safe, effective and quality health care; access to medical treatment; the social orientation of health care; and the importance of public health and safe, effective and quality medicines for national security. Prominence is given to the principle of the protection of motherhood and children (article 4 of the Code on public health and the health-care system).

415. Article 96 of the Code provides that citizens have the right to free reproductive choice; reproductive health and family planning services; reliable and complete information on their reproductive health; treatment of infertility, including modern assisted reproductive techniques and technologies permitted in Kazakhstan; the donation of gametes; the use and free choice of contraceptive methods; surgical sterilization; abortion; and the protection of their reproductive rights.

416. Kazakhstan is pursuing an integrated policy aimed at providing family planning services to both urban and rural women.

417. Article 88, paragraph 2, of the Code specifies that women have the right to decide the question of motherhood and a free choice of modern methods for the prevention of unwanted pregnancy for the purpose of family planning and the protection their health.

418. Article 96 of the Code contains regulations concerning the free choice of the number of children, the time of their birth in the marriage or outside the marriage and the interval needed between births to safeguard the health of the mother and the child.

419. Women have the right to choose contraceptive methods and techniques, including of a medical nature, and to refuse them. Pursuant to article 102 of the Code, women are provided medical assistance in choosing suitable contraceptive methods and techniques, account being taken of their state of health, age and individual factors.

420. Article 104 of the Code on public health and health care stipulates that:

(a) Women have the right to an abortion. In order to discourage abortions, physicians must conduct interviews to explain the ethical, psychological and adverse physiological consequences and potential complications;

(b) An abortion may be conducted until the twelfth week of pregnancy at a woman's request, until the twenty-second week for social reasons and at any time during

pregnancy if the life of the woman and/or the embryo is at risk (presence of a monogenic genetic disease, an irreparable birth defect or an unviable embryo);

(c) For a minor, an abortion must be carried out with the consent of her parents or other legal representatives;

(d) At the woman's request, medical and social counselling, including on the question of the choice of contraceptive methods and techniques, may be conducted at a health-care facility before and after the abortion.

421. The abortion is carried out free of charge at all obstetric and gynaecological facilities, irrespective of the form of ownership, upon request and with the informed written consent of the woman concerned or her legal representative.

422. Voluntary surgical sterilization is conducted solely with the written consent of the man or woman concerned by health-care centres or persons employed at a private medical practice who have a licence to perform such operations. The person concerned must be informed in advance of the irreversible nature of the operation. No laws or policies require a sterilization to be performed.

423. Family planning initiatives in the health-care system include:

- Providing contraceptives to women of reproductive age with extragenital illnesses and to adolescents
- Opening family planning offices at primary health-care facilities to inform and teach women about safe motherhood (examinations, preparation of pregnancy, contraception, choice of optimal intervals between children)
- Ensuring public access to family planning services and techniques
- Holding educational seminars on reproductive health for adolescent girls and boys
- Producing and distributing audio and video recordings for radio and television on safe motherhood and informing women about illnesses that are contraindications for pregnancy
- Regularly monitoring and adapting clinical protocols (standards) on family planning
- Receiving technical support from international organizations in work with adolescents and young adults

424. In 2010, fertility treatment, including in vitro fertilization, were included in the list of guaranteed free medical services.

425. These rights are ensured under the Salamatty Kazakhstan State programme for the promotion of health care 2011–2015, for which 216 billion tenge have been allocated from the national budget for 2011–2013.

426. The list of services for which free medical assistance and medicines are provided is to be expanded. Screenings will be conducted for early detection of cervical cancer. In 2012 it is planned to set aside more than 94 million tenge to provide intrauterine contraceptive devices to women of childbearing age with absolute or relative contraindications for pregnancy and 24 million tenge to provide them to women of childbearing age who have already had several children. In 2013 more than 105 million tenge will be earmarked to provide hormonal contraception for young women.

427. In recent years, abortions in Kazakhstan have been on the decline, but they continue to be one of the main regulators of the birth rate and one of the main causes of maternal mortality. The highest number of abortions registered in 2010 was in the age group 19 to 34 (79.9 per cent); for girls aged 15 to 18 it stood at 3.3 per cent. The number of childbirths

among adolescent girls has also declined, but not significantly, and in 2010 it stood at 3.4 per cent compared to the previous year. Childbirths among adolescent girls accounted for 1.2 per cent of the overall number of births.

428. In 2009 approximately 1.7 million women used contraceptives: 52 per cent intrauterine devices, 23 per cent hormonal contraceptives, 20.5 per cent barrier contraceptives and 4.6 spermicides. The local budgets make provision for the purchase of contraceptives.

429. Adolescents and young people can receive comprehensive psychological counselling, including on reproductive and sexual health and family planning, at any of the country's 17 youth health-care centres. By 2020, these centres will provide services to 25 per cent of all young people between 15 and 18 years of age and older.

Article 12, paragraph 2

430. The right to the protection of motherhood is ensured: (1) by conducting medical examinations as part of free medical service and by actively monitoring and improving the health of women of childbearing age; (2) by providing medical care, during in-hospital treatment of a sick child, for illnesses directly affecting the reproductive health of women and the health of children.

431. A screening programme for the target population is being launched for early detection of illnesses, in the framework of which it is planned to utilize modern technology to improve screening programmes for the diagnosis of congenital and hereditary diseases in the foetus and in newborn children.

432. For hospitals, efforts are being pursued with a view to introducing effective technologies recommended by the World Health Organization; the "Safe motherhood" programme for children and adolescents is also continuing. A pregnant women register has been created to keep records on every pregnancy from the time it is reported until termination of pregnancy.

433. Government Decree No. 2136 of 15 December 2009 on the approval of the list of guaranteed free medical services stipulates that medical care for women during pregnancy, delivery and the postnatal period is free of charge. Breastfeeding mothers of children up to the age of 1 year are entitled to free care and food throughout the in-hospital period. Starting in 2005, all pregnant women have received free iron and iodine medicines for the prevention and treatment of anaemia.

434. The question of special nourishment for pregnant and lactating women is under consideration together with the Kazakh Academy of Nutrition, a closed joint-stock company.

435. At obstetric and paediatric establishments, medical equipment needed in intensive care units for newborns, including for premature births, is determined in accordance with the relevant minimum norms and standards for medical technologies and devices in this area.

436. In keeping with requests from the regions, priority is given to the acquisition of modern medical equipment for providing rapid emergency care to women during pregnancy, confinement and the postnatal period and to women with gynaecological disorders, as well as to newborns and children.

437. In 2010, 3.1 billion tenge were earmarked for equipping obstetric and paediatric institutions, 20 per cent more than in 2005.

438. Concrete measures are being taken to implement the recommendations contained in paragraphs 25 and 26 of the Committee's concluding comments, on improving women's health and access to health-care services, including family planning.

Article 13 (a)

439. Economic stability and the high rate of economic growth in recent years have made it possible to develop a State system of social assistance for families with children.

440. Pursuant to the Act on State benefits for families with children, adopted in 2006, the following benefits are paid from the budget:

- A lump-sum payment on the birth of a child amounting of 30 monthly notional units (in 2011, one monthly notional unit was equal to 1,512 tenge)
- Variable monthly benefits for the care of a child until the age of 1 year
- Monthly allowances for low-income families with children under 18 years of age (one monthly notional unit for each child)

In 2010, the following increases in benefits were introduced:

- The lump-sum payment for the birth of a fourth or more children was increased from 30 to 50 monthly notional units
- The monthly benefits for the care of a child until the age of 1 year were increased from 5 to 5.5 monthly notional units for the first child, from 5.5 to 6.5 monthly notional units for the second child, from 6 to 7.5 monthly notional units for the third child, and from 6.5 to 8.5 monthly notional units for the fourth and following children

441. In 2010, benefits amounting to one minimum wage (in 2011: 15,999 tenge) were introduced for persons raising a child with a disability.

442. Large families with four or more simultaneously present minor children receive a special State benefit from the budget amounting to 3.9 monthly notional units, and mothers with a large number of children who have been awarded the "Altyn alka" gold or the "Kumis alka" silver pendant or who earlier had been awarded the title of Heroine Mother or Glorious Motherhood (Classes I or II) medals receive a benefit amounting to 6 monthly notional units.

443. In 2010, amendments were introduced to legislation pursuant to which the "Altyn alka" gold pendant is now awarded to mothers with 7 or more children (compared to 10 or more previously), and the "Kumis alka" silver pendant is awarded to women with six children (previously: 8 or 9).

444. In 2011, a monthly allowance amounting to 10 monthly notional units was introduced for the guardians of children deprived of parental care.

445. Under the Targeted Social Assistance Act, low-income families receive assistance amounting to the difference between the average per capita income and the poverty line. Following the improvement in the socioeconomic situation in the country, the number of recipients of this benefit has been declining steadily and stood at 194,500 persons as of 1 January 2011, 2.5 times lower than the figure for 2004.

446. Legislation in force does not discriminate on the basis of gender with regard to the right to apply for these benefits; this right extends to both men and women, regardless of whether the woman is married or not.

Article 13 (b)

447. All citizens have the right to receive bank loans, mortgages and other forms of financial credit, irrespective of gender.

448. Thus, banks grant loans for construction and the acquisition of land and housing; renovation and modernization; and the deposit of a down payment for obtaining a mortgage loan. Housing loans are awarded to persons who, in the course of 3 to 15 years, have saved the minimum amount required under the terms of the mortgage agreement.

Article 13 (c)

449. In accordance with the Physical Culture and Sport Act, State policy in this area aims to ensure healthy lifestyles and to promote physical culture and sport and is conducted on the basis of the principles of voluntary participation, equality and accessibility for all citizens.

450. No laws or regulations prohibit the participation of girls and women in sports or physical education. Nor are there any clothing restrictions which prevent women's full participation in sports. Women and men have equal access to sports equipment and facilities.

451. No legal, social, economic or cultural obstacles prevent women from participating in sports or engaging in a cultural event of any kind.

Article 14, paragraph 1

452. As of 1 January 2011, 7,450,000 persons, or 45 per cent of the population of Kazakhstan, lived in rural areas, including 3,740,000 women (50 per cent) and 3,710,000 men (50 per cent).

453. In 2010, 3,900,000 persons were employed in rural areas, including 1,800,000 women (47 per cent).

454. In 2010, the State rural development programme 2004–2010 was completed. The programme was carried out in the following areas: development of the social and engineering infrastructure in villages, measures for the planning of rural settlements and employee retention, and initiatives to raise the income of rural inhabitants and combat poverty.

455. In all, 976 billion tenge were allocated from all financial sources for programme implementation. Of that sum, 480 billion tenge were earmarked for the social sphere, and 493 billion tenge for the development of the engineering infrastructure.

456. As a result of the implementation of the State rural development programme, the income of the rural population increased by 3.5 times. Today 56 per cent of the population live in rural communities with a high development potential.

457. According to the global competitiveness assessment of international experts of the World Economic Forum, Kazakhstan ranked 62nd for the indicator of agricultural policy costs, improving its position compared to the previous report by 31 places.

458. In the non-commodity sphere, rural women are active primarily in the service sector. Hairdressing and cosmetic salons, garment makers, food services (cafes, restaurants and cafeterias), articles for trade and tourism, medical and dental offices, and pharmacies are

purely “women’s” businesses. Women in these sectors account for more than 90 per cent of personnel and managers at all levels.

Article 14, paragraph 2 (a)

459. Rural women participate actively in the elaboration and implementation of development planning for their villages, and they work in all branches of the economy. Currently there are 265 women *akims* (administrative heads) of rural districts, urban districts, villages and rural areas, or 11 per cent of the total.

460. Measures are being taken to train the specialists needed for the effective socioeconomic development of rural areas. Government Decree No. 296 of 28 March 2008 on the establishment of a quota for admission to schools with technical and vocational, post-secondary and higher education programmes set a quota of 30 per cent for rural youths for admission to educational institutions of all levels for agricultural, engineering and other studies.

461. Graduates of teaching and medical schools who have studied under the quota system are assigned an employment in rural areas on an individual basis.

462. The new Employment Programme includes measures to encourage workforce mobility by promoting voluntary resettlement from communities with low economic potential to centres of economic growth.

463. The following incentives are planned in this regard:

- (a) Transfer subsidies;
- (b) Allocation of standard rental housing with purchasing rights;
- (c) Retraining courses and employment assistance at the new place of residence;
- (d) Assistance for psychological adjustment.

464. Rural youths have priority for such support.

Article 14, paragraph 2 (b)

465. A set of measures are being implemented to ensure access to medical care for the rural population in remote and inaccessible areas. To that end, telemedicine has been introduced on a broad scale, and qualified specialists offer remote counselling for patients in remote communities. As of early 2011, there were some 150 telemedical centres, providing more than 10,000 consultations annually. A new social project was launched in 2010 in order to offer more types of medical assistance in rural areas. Twenty Densaulyk diagnostic and treatment trains fitted with cutting-edge medical equipment and staffed by teams of doctors travel continuously around the country; tens of thousands of persons in the most remote areas have been examined and treated.

466. In 2011 it is planned to acquire 13 stationary and ambulatory digitalized units for regional and urban polyclinics, 50 ambulatory medical units with equipment for functional diagnostics (portable ultrasound scanners, ECG monitors, mammography units, etc.), a clinical pathology unit, a pharmacy and specialized offices for obstetricians, gynaecologists, surgeons, ophthalmologists, otolaryngologists and dentists for the inhabitants of remote rural communities. The staff of specialists and the choice of medical equipment make it possible to conduct a full range of screening examinations and to provide treatment accordingly.

467. In 2009 the Government approved new State regulations governing the network of health-care establishments. Outpatient clinics have been opened in rural communities with 2,000 to 10,000 inhabitants.

468. An Act on amendments and additions to certain legislation on questions of social support and incentives for employees in the social sector in rural communities was adopted in 2008. It provides for the granting of a number of guaranteed measures of social support in the areas of health care, education, social services, culture and sport to specialists who work and live in villages. Measures include a lump-sum payment of an amount equal to 70 monthly notional units, or 105,000 tenge, and a preferential 15-year public loan of an amount equal to 630 monthly notional units (952,000 tenge) at an annual interest rate of .01 per cent for the acquisition of housing. Discussions are under way on a possible increase in the public budget to the equivalent of 1,500 monthly notional units and on legislation to enhance the right to use a public loan to build housing with another property as security.

469. These support measures are being carried out in the framework of the public project "With a diploma to a village". Since the project's launching, more than 12,700 specialists in the social sector, of whom 78 per cent were women, have moved to rural areas.

470. The salaries and wage scales of the above-mentioned experts working in State organizations are at least 25 per cent higher than those of their colleagues in urban areas. Pursuant to a decision by the representative local bodies (*maslikhats*), social assistance is also provided for the purchase of fuels.

471. Under the Salamatty Kazakhstan State programme for the promotion of health care 2011–2015, it is planned to purchase 16 helicopters and to set up medical rescue services in order to provide access to health-care services for persons living in remote and inaccessible areas.

472. Thus, Kazakhstan is taking measures to improve access to health-care services for women in rural areas (recommendations contained in paragraphs 25 and 26 of the Committee's concluding comments).

Article 14, paragraph 2 (c)

473. All current social security programmes in Kazakhstan cover the rural population, including women (see article 11 (e)).

Article 14, paragraph 2 (d)

474. A State-financed programme is being implemented to provide free information for agribusinesses. The staff of rural information and counselling centres have provided assistance to some 30,000 persons in the last two years alone; 13 per cent of those who sought advice were women. The services are offered on an equal footing to all persons active in the agro-industrial sector, regardless of gender.

475. An information bulletin, "The Farmer's Guide", is published monthly. It answers questions about State assistance, including subsidies, grants and preferential credits, as well as goods and materials whose prices have been reduced with resources from the State or local budget, the situation in various branches of the agro-industrial sector and future development trends, prices of agricultural products, foodstuffs, livestock, feed, fuels and lubricants, and other questions. The guide is available throughout the country, and it is delivered to as many as 45,000 agribusinesses on a monthly basis.

476. In 2010 agreements were signed with 5,000 agribusinesses for the provision of personal services in accordance with approved criteria.

Article 14, paragraph 2 (e)

477. Rural cooperatives of citizens and/or legal entities are being established in accordance with the Rural Consumer Cooperatives Act. Any citizen who is able to make the required material contribution, including any rural woman, may join, participate in the activity of and manage a rural consumer cooperative.

478. According to data from the 2010 agrarian census, there are more than 194,000 peasant (farm) holdings and 2.2 million individual farms, including 1.4 million in rural areas. They are engaged in crop growing, livestock raising, horticulture and gardening.

479. Farming has a significant impact on the country's food supply, generating more than 90 per cent of livestock production and up to 60 per cent of crop production. Ninety-five per cent of milk, potatoes and fruit and 45 per cent of eggs are produced in the private household sector.

480. On 31 March 2011 the Government adopted the new Employment Programme for the period up to the year 2020.

481. One aim of the programme is to promote entrepreneurship, encouraging people to open their own business with the help of microcredits.

482. In addition to microcredit organizations, credit associations created by potential participants in the programme will also play a role in microcredit initiatives.

483. Thus, the participants have the possibility not only of opening their own business, but also of creating loan associations with other participants in order to increase the volume of funding for business schemes.

Article 14, paragraph 2 (f)

484. Rural women have the right and the opportunity to participate in all forms of community activities. They work in plants that produce baked goods, canned vegetables and meats, and in repair shops and clothing stores, and they are employed in handicraft trades: sewing and embroidering national dress and fabrics, knitting fine wool kerchiefs, weaving rugs, producing national dishware, manufacturing jewellery, etc.

485. Article 101, paragraph 1, of the Land Code provides that all citizens, both men and women, who have specialized agricultural knowledge and qualifications as well as experience working in the agricultural sector have the right to acquire land for farming purposes.

486. Legislation provides for three categories: (a) farms in which the activity is a family business based on joint ownership; (b) farms based on private enterprise; and (c) farms organized in a simple association.

487. Today women head more than 11 per cent of all farms and processing businesses. They run more than 24,000 agricultural enterprises, more than 20 per cent of the total.

Article 14, paragraph 2 (g)

488. Programmes for financing agricultural consumer cooperatives and the development of non-agricultural businesses are being conducted through the Agrarian Credit

Corporation, a joint-stock company. Rural credit associations with more flexible terms than those of second-tier banks lend to their participants at no more than a 9 per cent annual interest rate for up to seven years. Non-agricultural rural businesses (tourist organizations, hotels, roadside services and the like) are granted loans at an annual interest rate of no more than 10 per cent, which is also significantly lower than the rate offered by second-tier banks.

489. In 2010, some 6,300 agricultural enterprises received loans totalling 98.5 billion tenge, including more than 2,000 headed by women (32 per cent), through subsidiaries of the KazAgro National Management Holding, a joint-stock company.

490. Microcredits are a key tool for promoting small businesses and reducing rural poverty. The joint-stock company Foundation for Financial Assistance for the Agricultural Sector grants small loans (less than 400,000 tenge; as of 2011, less than 1 million tenge) at a moderate interest rate (9.5 per cent). For many rural inhabitants these loans are the point of departure for generating start-up capital and opening a business.

491. Between 2005 and 2010, subsidiaries and microcredit organizations created with the Fund's participation granted 71,000 microcredits for a total of 16.2 billion tenge, including 24,000 to women for a total of 5 billion tenge, one third of the overall amount. Of the 51 microcredit organizations, 16, or 1 in 3, are headed by a woman.

492. Since 2005, 99,000 rural inhabitants, including 28,000 women (28 per cent), have received training in the basics of running a business and the effective use of microcredits. This area is monitored on an ongoing basis.

493. In keeping with the goals set by the President to promote livestock raising, in 2011 the Sybagha Programme was launched to provide loans to agribusinesses at an annual interest rate of 6 per cent for seven years so that they can acquire breeding stock and bulls for the production of beef cattle; loans for this purpose totalling 1.5 billion tenge were granted at an annual interest rate of 6 per cent for seven years with funds made available from the 2011 national budget.

494. Starting in 2011, microcredits for up to 3 million tenge will be granted for up to five years under the new Employment Programme for the period up to the year 2020. To this end, local executive bodies will grant a five-year public loan at a zero interest rate.

495. A State-financed programme on compensation for interest paid on loans in the agricultural sector is being carried out to assist businesses that process agricultural products.

496. Subsidies are granted to priority subsectors involved in the processing of agricultural commodities and food production, in which there is a high percentage of imports and a low level of processing. These subsectors include the processing of meat, hides and wool, milk, fruit, berries and vegetables, grains, cotton, fish, fat and oil products, bread, baked goods and pasta products, poultry and eggs, white sugar, confectionery, canned foods, baby food and compound animal feed.

497. Men and women participate on an equal footing in all these programmes.

498. In addition, a special programme of microcredits for businesswomen is being carried out for the period 2009–2015. As of 1 January 2011, banking partners financed business schemes for more than 1.4 billion tenge; the average loan was 3.8 million tenge. In 2011 and 2012, funding under the programme will amount to 2.2 billion tenge annually.

Article 14, paragraph 2 (h)

499. The State rural development programme 2004–2010 resulted in a perceptible improvement in the material and technical basis of the social and engineering infrastructure.

500. The proportion of rural communities with a central water supply, enabling rural inhabitants to have access to drinking water, rose from 29 per cent to 71 per cent. The number of rural inhabitants using imported water declined 4.5-fold and stood at 68,000 persons (1 per cent of the country's rural population).

501. A new programme, "Aq-būlaq", has been elaborated for the period up to the year 2020. It differs from the previous one in that it provides an all-encompassing solution to the problem of supplying drinking water. In 2010, the construction rules and regulations governing water supply and sewage treatment were amended with regard to the installation of water mains up to the boundaries of residential buildings, and thus the regulations for public water posts were discarded, thereby significantly improving rural living conditions, especially for women.

502. In 2009–2010 utility networks and structures were renovated in 565 rural communities and were built in 161 others as part of the Roadmap. More than 1,000 kilometres of waterlines, 320 kilometres of sewage lines, 79 kilometres of hot water networks, 371 kilometres of electrical lines and 550 kilometres of gas lines were renovated and rebuilt, and 106 projects were carried out to upgrade public amenities in 92 rural communities.

503. The number of villages not connected to the central power grid declined from 225 to 95. The rural population has electricity at a preferential tariff. Rural fuel needs are met in full in accordance with regulations. The number of villages supplied with gas has increased.

504. A sectoral programme for 2011–2020 is currently being conducted to modernize housing and municipal services. Its basic aims are to improve the heating, power, gas and water supply systems; introduce energy-efficient and resource-saving technologies; and set up mechanisms to provide public funding for communal-sector enterprises on a recurrent basis. It is expected that by 2020, damaged utility networks and structures will be fully repaired and rebuilt with the help of a system-wide approach.

505. Between 2004 and 2008, 850 educational facilities, 567 health-care institutions, 362 cultural, tourism and sports facilities and 1,053 local roads were built or renovated, and 3,745 educational facilities, 2,974 health-care institutions, 994 cultural, tourism and sports facilities and 1,661 local roads were overhauled. With the help of funding from State and local budgets, cutting-edge equipment has been acquired and installed in the rural administrations of the social sector so that the rural population can have quality services.

506. By 2013, all rural communities will have broadband Internet access.

Article 15, paragraph 1

507. As noted in the previous report, article 14 of the Constitution provides that everyone is equal before the law and the courts.

508. All legislation (the Criminal Code, the Code of Criminal Procedure, the Civil Code, the Code of Administrative Offences and other laws and regulations) is directed at implementing this constitutional provision.

Article 15, paragraph 2

509. Women and men have the same range of rights and obligations with regard to the management and ownership of property. There are no restrictions on grounds of gender. Article 26, paragraph 1, of the Constitution specifies that citizens may privately own any lawfully acquired property. Article 26, paragraph 3, states that no one may be deprived of their property except by court decision. Article 26, paragraph 4, stipulates that everyone has the right to make free use of their property for any lawful business activity.

510. Article 9 of the Civil Code provides that legal action may be taken to ensure the protection of these rights. The Civil Code does not contain any restrictions on grounds of gender, nor do such restrictions exist in court practice.

511. Pursuant to article 14, paragraph 2, of the Criminal Code, persons who have committed a crime are equal before the law, regardless of origin, social, official or material status, gender or other circumstances. Women receive the same sentences as men and the same compensation for damages in similar situations.

512. However, in accordance with articles 53 and 72 of the Criminal Code, the fact that a crime was committed by a minor and/or a pregnant woman is deemed to be a mitigating circumstance. The court may defer the serving of a sentence for pregnant women for 1 year or for women with a child under 14 years of age until the child reaches the age of 14, except in cases in which women are sentenced to more than 5 years' deprivation of liberty for serious or particularly serious crimes of violence.

513. Court practice has shown that women know and exercise their rights.

514. An Act on amendments and additions to certain legislation with regard to ensuring qualified legal assistance, adopted in 2009, specifies the category of persons who have a right to the free legal assistance of a lawyer. This includes persons seeking information on the collection of alimony, the award of pensions and benefits, rehabilitation, the granting of the status of refugee or repatriated Kazakh, and minors without parental care. Where necessary, lawyers may issue these persons written legal documents, which are paid for from budget resources. All citizens, men and women alike, enjoy these rights.

515. The Penal Enforcement Code guarantees convicted offenders the legal assistance of a lawyer or other persons entitled to provide such assistance.

516. Legal advisers at correctional institutions regularly conduct educational initiatives for detainees and convicted offenders to teach them about their rights; this includes lectures, seminars, training courses, debates and counselling. There is close cooperation with the judicial authorities, the bar and notarial offices.

517. In 2010, some 26,000 legal education initiatives were held for persons remanded in custody and convicted offenders, including more than 1,600 women. The large disparity in these figures is due to the much smaller number of detained and convicted women.

518. Article 1 of the Act on the judicial system and the status of the courts guarantees judicial protection from any unlawful decisions or actions by State bodies, organizations, officials and other persons which violate or restrict a person's rights, freedoms or legitimate interests.

519. Given that it is based on the fundamental principle of gender equality, domestic legislation prohibits disparities in or restrictions on the rights and legitimate interests of citizens on grounds of gender.

Article 15, paragraph 3

520. Women have equal status with men in questions of legal protection and legal capacity. This is guaranteed in article 13 of the Constitution, pursuant to which everyone has the right to recognition as a person before the law and has the right to defend their rights and freedoms by all means not in contradiction with the law, including self-defence.

521. This constitutional provision is reflected in domestic law.

522. In accordance with article 48 of the Code of Civil Procedure, complainants are citizens and legal entities who institute legal proceedings on their own behalf or on whose behalf proceedings have been instituted. The law does not contain any restrictions on grounds of gender on the right to file a claim. Thus, women have the same rights as men in this regard.

523. This Code of Civil Procedure as well as the Code of Criminal Procedure and the Code of Administrative Offences define norms regulating the legal status of parties to a trial. There are no provisions affecting the weight given to a person's testimony as a function of gender. Nor does procedural legislation or the Lawyers Act establish any restrictions on the right of a woman to serve as legal representative in defence of a client's interests.

524. Article 10, paragraph 2, of the Jurors Act, adopted in 2006, does not permit any restrictions on grounds of origin, social, official or material status, gender, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstances in the selection of jurors. An analysis of convictions handed down in trials by jury show that women as well as men take part in the proceedings.

Article 15, paragraph 4

525. Article 21, paragraph 1, of the Constitution states that everyone lawfully within the territory of Kazakhstan has the right to freedom of movement within that territory and free choice of place of residence, except in cases specified by law. Article 21, paragraph 2, provides that everyone has the right to leave Kazakhstan and that citizens have the right freely to return to Kazakhstan.

Article 16, paragraph 1 (a)

526. As noted in previous reports, the Marriage and Family Act stipulates that marriage requires the voluntary consent of the couple in question, who must be of marriageable age.

527. The minimum age for marriage is the same for men and women, namely 18. If there are legitimate reasons, the civil registry authorities may lower the minimum age for marriage by up to two years. Reduction of the minimum age for marriage is allowed only with the agreement of the marriage partners. Marriage between persons who have not reached marriageable age is allowed only with the agreement of the parents or guardians (art. 10).

528. Today the average age of marriage in Kazakhstan is 24 for women and 27 for men.

529. Thus, the recommendations contained in paragraphs 29 and 30 of the Committee's comments concerning the same age of marriage for men and women are being implemented at legislative level and in practice.

530. Polygamy is prohibited in Kazakhstan. Article 11 states that marriage may not be contracted between persons one of whom is already in another registered marriage.

Article 16, paragraph 1 (b)

531. Pursuant to article 1 of the Marriage and Family Act, marriage is a union between a man and a woman based on equal rights with the free and full consent of the parties, in accordance with the procedure prescribed by law, for the purpose of founding a family and which gives rise to property and personal non-property relations between the spouses.

532. Government bodies (fiscal, customs and social protection authorities) only recognize marriages contracted in a State registry office. The Marriage and Family Act does not prohibit religious or traditional marriages. This has to do with the fact that there are more than 140 nationalities and some 4,000 religious associations and groups in Kazakhstan.

533. Domestic legislation does not provide for liability for levirate marriage, but liability may be incurred in the context of a number of other offences under the Criminal Code, including article 107 (Torture), article 112 (Threat), article 120 (Rape), article 121 (Violent acts of a sexual nature), article 123 (Coercion to perform sexual intercourse, sodomy, a lesbian act or other acts of a sexual nature), article 125 (Kidnapping), article 126 (Illegal confinement) and article 130 (Abuse).

534. Forced marriage, forced continuation of marital cohabitation and obstructing the entry of a woman into a marriage of her choice are not punishable acts under the Criminal Code.

Article 16, paragraph 1 (c)

535. Pursuant to article 28 of the Marriage and Family Act, the rights and responsibilities of the spouses begin from the day of the registration of the marriage at the State civil registry office.

536. Spouses have equal rights and responsibilities. Both spouses are free to choose their occupation, profession and place of residence. Issues relating to motherhood, fatherhood, the upbringing and education of children and other aspects of family life must be resolved by the spouses together. The family relations of the spouses must be based on mutual respect and mutual assistance, promotion of the welfare and strengthening of the family, and concern for the health, development and welfare of their children (art. 29).

537. Parliament is currently examining a draft code on marriage and the family, which includes new provisions concerning the protection of the rights and interests of women and children, for example the circumstance that a marriage contracted in accordance with religious norms is not equivalent to a marriage registered with the State civil registry office and does not give rise to the same legal consequences.

538. A marriage may be dissolved by the judicial authorities by mutual consent of the spouses and in the absence of minor children. In the event of material disputes, or if the spouses have children under 18 years of age, the marriage is dissolved in court. Upon the application of one of the spouses, the marriage may be dissolved if the other spouse has been declared missing or incompetent by a court or has been sentenced for the commission of an offence to at least 3 years' deprivation of liberty (art. 16).

Article 16, paragraph 1 (d)

539. Article 10 of the Marriage and Family Act provides that parents have the same rights and responsibilities in matters relating to their children (parental rights). Pursuant to article 62, paragraph 2, the parents have the primary responsibility to secure, within the limits of

their abilities and financial capacities, the living conditions necessary for the child's physical, psychological, moral and spiritual development.

540. Parents must resolve all issues relating to the upbringing and education of their children by mutual consent on the basis of respect for the children's rights and interests and consideration of their opinions. When differences of opinion arise in this regard, either parent or both may request the child-welfare authorities or the courts to settle the dispute (art. 62, para. 4).

541. Article 124 of the Act stipulates that parents must support their minor children. Failure to do so will result in a court order to recover child support payments from them.

542. In addition, as noted in the previous report, the Marriage and Family Act establishes alimony obligations for spouses and former spouses, including the right of a wife or former wife (following dissolution of the marriage) to demand alimony payments during pregnancy and for three years following the birth of their child, provided the other spouse has the means to pay, as well as the right of a needy spouse who is caring for a joint child with a disability to demand alimony payments from the other spouse, provided the latter has the means to pay (art. 133).

543. Parents are the legal representatives of their children and protect their rights and interests in relations with any natural or legal person, including in the courts, without requiring special authorization.

Article 16, paragraph 1 (e)

544. The Code on public health and the health-care system states that women and men have the right to free reproductive choice. A woman has the right to decide on her own the question of motherhood and abortion (art. 96).

Article 16, paragraph 1 (f)

545. In accordance with article 65 of the Marriage and Family Act, when the parents live apart, the children's place of residence is determined upon agreement between the parents. If the parents are unable to agree, the matter must be settled in court, account being taken of the children's interests and views, with the participation of the child-welfare authorities if so requested by one or both parents.

546. The death of the husband does not result in a restriction of the parental rights of the children's mother. A woman's right to care for her children is not lost through marriage or divorce. Women have the same rights as men with regard to guardianship and adoption.

547. When a marriage is dissolved in court, the spouses may submit for consideration an agreement on who will have custody of their minor children, the arrangements for the payment of child support and/or support for a spouse who is unable to work and needy, the amount of such support or the division of jointly owned property. If the spouses are unable to agree or if it is determined that the agreement runs counter to the interests of the children or one of the spouses, the court takes a decision on all these questions.

548. In accordance with legislation in force, whether or not a woman is married does not affect her parental rights.

549. The right of single parents to child support from the other parent is made use of quite effectively in practice.

550. Pursuant to article 140 of the Code of Civil Procedure, matters concerning the recovery of alimony payments are generally examined by the courts in writ (summary) proceedings. Disputes are ruled on in ordinary proceedings.

Number of cases involving the recovery of alimony payments between 2004 and 2010

	2004	2005	2006	2007	2008	2009	2010
Cases examined	28 001	28 336	29 879	27 096	31 292	35 765	37 123
Court orders pronounced	22 114	21 831	23 145	20 707	23 900	27 357	28 377

551. Practice shows that most claims are filed by women against the fathers of the children, since, when a marriage is dissolved, minor children usually remain with the mother.

552. The child-welfare authorities also have the right to file a claim for the payment of child support by one or both parents. The procurator may also take legal action on behalf of minor children.

553. Article 128 of the Marriage and Family Code specifies that, for children without parental care, child support is recovered and paid to the children's guardian or foster parents.

554. Child support sums recovered from parents for children in educational, medical and other institutions are paid to the account of these establishments, where they are recorded separately for each child. These bodies are entitled to deposit the sums in a bank. Fifty per cent of the interest earned on the child support sums is used to care for the children in these institutions. When a child leaves the institution, the child support payments collected and 50 per cent of the interest earned are paid to the account opened in the child's name at the authorized bank (article 128 of the Marriage and Family Act).

555. In cases established by law, either parent may be required by the court to pay additional expenses arising from a serious illness, an injury to a minor child or to an incapacitated child who has reached the age of majority and requires assistance, the need to pay for outside help with childcare or other circumstances. The court may require the parents to participate in the payment not only of additional expenses already incurred but also of additional expenses needed to care for a child in the future.

556. Article 124 of the Marriage and Family Act stipulates that parents are also required to care for their incapacitated children who have reached the age of majority and are in need of assistance.

Article 16, paragraph 1 (g)

557. Article 30 of the Marriage and Family Act provides that, when they marry, the spouses may choose the surname of one of them, if they so wish, as the common surname, or each of the spouses may keep his or her premarital name, or the surname of one spouse may be added to the surname of the other. The surnames may not be joined if one of the spouses has a double surname.

558. A change in the surname of one of the spouses does not entail any change in the surname of the other.

559. If the marriage is dissolved, each spouse is entitled to retain the joint family surname or to restore his or her premarital surname.

560. In more than 50 per cent of marriages contracted, the wife takes the husband's surname. About 10 per cent of couples prefer to add the spouse's surname to their own.

561. Article 24 of the Constitution guarantees the right to a profession and to an employment for women. When women marry, they do not forfeit any rights or freedoms. Article 12, paragraph 2, provides that human rights and freedoms are possessed by all persons from birth and are held to be absolute and inalienable; they determine the content and application of laws and other regulatory acts.

Article 16, paragraph 1 (h)

562. In accordance with article 223 of the Civil Code, property acquired by spouses during their marriage is their common property unless provision is made, by agreement between them, for such property to be divided proportionally between them or to be owned wholly by one or allocated in parts to each of them on the basis of ownership rights.

563. Personal belongings (clothing, shoes and the like), apart from jewellery and other luxury items, although acquired during the marriage with the spouses' shared resources, are deemed to be the property of the spouse who uses them.

564. Transactions involving the management or sale of joint property require the consent of the other spouse. Article 33 of the Marriage and Family Act provides that failure to comply with this provision invalidates the transaction or gives a spouse the right to file a claim against the other spouse.

565. These provisions of the law are widely applied in practice. For example, in a ruling of 5 March 2010, Almaty Court No. 2 of Almalinsk District granted a petition filed by Ms. A.A. Dosymkhanovaya against her spouse, Mr. B.A. Kozhaniyazov, to invalidate an agreement for the purchase of a three-room flat.

566. The court found that on 8 January 2007, Mr. Kozhaniyazov had concluded a provisional contract with ZhSK Invest-1, a limited liability company, for the purchase of a three-room flat in the city of Almaty, for which he received a bank loan.

567. On 25 June 2008, an agreement was concluded between ZhSK Invest-1 and Mr. Kozhaniyazov and his mother, Ms. Z. Kozhaniyazova, on a change of buyer, pursuant to which all of Mr. Kozhaniyazov's rights, obligations, responsibilities and risks were transferred to his mother. On 18 July 2008, Ms. Kozhaniyazova concluded an agreement with ZhSK Invest-1 on the purchase of the flat. These transactions were concluded without the consent of Ms. Dosymkhanovaya.

568. Acting in accordance with articles 32 and 33 of the Marriage and Family Act, and also taking into consideration that the disputed property was acquired while Mr. Kozhaniyazov and Ms. Dosymkhanovaya were married, the court granted her petition to invalidate the transaction, deemed the property to have been purchased jointly and determined her share of ownership.

569. A division of the community property of the spouses may be undertaken either during the marriage or after its dissolution at the request of either of the spouses, and also in the event of a request by a creditor for the division of joint property in order to collect from the share of one of the spouses in the joint property. In the event of a dispute, the court divides the joint property and determines the share of each spouse.

570. Items purchased solely to meet the needs of minor children (clothing, shoes, school supplies and sports requisites, musical instruments, children's books and the like) are not

subject to division and are transferred without compensation to the spouse who has custody of the children.

571. Bank deposits made by the spouses from their joint property on behalf of their minor children are deemed to belong to those children and are not taken into account for the division of the joint property of the spouses.

572. In accordance with article 188 of the Civil Code, the owner has the right of possession, use and disposal of his or her property. The right of ownership is the legally recognized and guaranteed capacity to possess, use and dispose of property at one's discretion. This provision has equal force and equal practical application for men and women. Pursuant to marital and family law, a marriage contract may not restrict the competence or legal capacity of the spouses or their right to take legal action for the protection of their rights.

573. Questions concerning inheritance are regulated in the provisions of section 6 of the Civil Code, in accordance with which there are no restrictions on the basis of gender for the exercise of the right of citizens to inherit. Women have the same rights as men to inherit property of any kind.

Article 16, paragraph 2

574. There is no provision in domestic legislation for the betrothal of children, which is contrary to the Marriage and Family Act. No case involving the betrothal of a child has been recorded.

IV. Conclusion

575. Kazakhstan is taking concrete steps to implement the Convention on the Elimination of All Forms of Discrimination against Women.

576. A Gender Equality Strategy 2006–2011 and two new gender-related acts (the Act on State guarantees of equal rights and opportunities for men and women, and the Domestic Violence Act) have been adopted. Guidelines for conducting gender analyses of draft laws and regulations have been approved, and a compendium is published annually with statistics on women and men in Kazakhstan. In sum, all domestic legislation is directed at achieving de facto social equality between men and women.

577. During the reporting period, the representation of women in Parliament increased and now stands at 14 per cent of all deputies, double the number at the previous meeting in 2004. Women make up 17 per cent of the *maslikhats*, and in one of the provinces — Kostanay — they have reached the 30 per cent threshold. There are three women ministers (15 per cent) in the Government, and women account for 53 per cent of civil service staff. They make up 49 per cent of all employed persons. On the instructions of the President, a concrete plan of action up to the year 2016 is being elaborated for the advancement of women at the decision-making level.

578. Work is continuing on gender education for the public. The preschool, general education and higher education system incorporated gender issues into the curriculum in 2007. The gender perspective is taken into account in the State guidelines for 12-year secondary-level education.

579. The implementation of the State programme for health-care reform and development 2005–2010 resulted in a rise in the birth rate by 25 per cent and a decline in the overall mortality rate by 11 per cent. The health indicators for mothers and children improved.

Maternal mortality declined by more than one third, and infant mortality by 15 per cent. Life expectancy increased since 2004 by 2.2 years and stood at 68.4 years. For women, it rose by 1.3 years to 73.3 years, and for men by 2.9 years to 63.5 years. Services for women at primary health-care facilities include annual check-ups, active monitoring and treatment, and screenings to detect pre-cancerous illnesses of the cervix and the mammary gland. Mobile mammography units fitted with digital equipment operate in remote rural areas throughout the country. Pregnant women and children under 5 years of age receive medicine free of charge.

580. Women who are victims of domestic violence have access to legal protection. There are crisis centres for victims of violence. The staff of the law enforcement authorities, the courts, and medical and social workers are knowledgeable about legislation in force and conduct targeted campaigns to combat violence against women.

581. All in all, the Convention on the Elimination of All Forms of Discrimination against Women is being implemented, and the Committee's 2007 recommendations are being followed.

582. However, segregation of women by profession on the labour market continues to be observed. Despite increases, the average wage for women is one third less than that for men. Women's health continues to be poor. The difference between the life expectancy of men and that of women stands at 9.8 years, 1.4 to 2 times higher than in the world's developed countries. Violence against women and their sexual exploitation have not been eliminated.

583. The Government of Kazakhstan will continue to take all necessary measures to implement the provisions of the Convention.
