

**COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN
37TH SESSION (NEW YORK, 15 JANUARY TO 2 FEBRUARY 2007)**

KAZAKHSTAN (2ND PERIODIC REPORT)

Information Submitted to the Committee

On 16 January 2007, the Committee on the Elimination of Discrimination against Women (the Committee) examined the 2nd periodic report¹ submitted by the Republic of Kazakhstan. Aitkul Samakova, Advisor to the President of the Republic of Kazakhstan and Chairperson of the National Commission on Family Affairs and Gender Policy, led the delegation and submitted a written statement summarising the State party's written responses² to the Committee's list of issues and questions.³ The delegation also submitted a separate report presenting statistical data gathered by a special body with the help of non-governmental organisations (NGOs). The delegation stressed that considerable changes have taken place since the presentation of its initial report to the Committee's 24th session in 2001, following years of large economic growth.

The periodic report is divided in two main sections, one providing general information about Kazakhstan and another looking at developments under each article of the Convention. The latter focuses on the 2006-2016 Strategy for Gender Equality, which aims to provide equal opportunities to women and men and ensure their equal participation in all fields. The plan will be implemented with the involvement of non-governmental and international organisations. Moreover, the report looks at the National Commission on Family Affairs and Gender Policy, a consultative advisory body that will participate in drafting laws and regulations, designing national programmes and investigating violations of relevant legislation. The report also examines the draft law on Equal Rights and Equal Opportunities for women and men, which is being considered by the lower house of the Parliament (the *Majilis*) along with a body that will monitor its enforcement. The report mentions that the concept of gender-based discrimination is not included in existing legislation on discrimination. Furthermore, the Convention's definition of discrimination and violence against women is not included in the draft law on Equal Rights and Equal Opportunities. The report included a lot of information on what the State is doing in terms of laws, policies and programmes. However, statistics relating the *de facto* situation of women, as well as disaggregated data based on gender and ethnicity are missing.

The Working group of the Nongovernmental Female Organizations of Kazakhstan submitted a shadow report⁴ written in 2004, with additional material added in November 2006. The shadow report is divided in three parts: the first part goes over the international commitments of Kazakhstan; the second part discusses a number of issues including political rights, labour, social protection, pension legislation, family and housing; and the third part puts forward recommendations with regard to the topics covered in the second part of the report. The shadow report also includes NGO responses to the Committee's list of issues and questions.

¹ <http://daccessdds.un.org/doc/UNDOC/GEN/N05/280/45/PDF/N0528045.pdf?OpenElement>.

² <http://daccessdds.un.org/doc/UNDOC/GEN/N06/558/58/PDF/N0655858.pdf?OpenElement>.

³ <http://daccessdds.un.org/doc/UNDOC/GEN/N06/467/15/PDF/N0646715.pdf?OpenElement>.

⁴ <http://www.iwraw-ap.org/resources/pdf/Kazakhstan%20Shadow%20Report.pdf>.

Themes and Issues

Constitution, Laws and National Machinery

The Committee examined the Strategy Plan for Gender Equality, the draft law on Equal Rights and Opportunities for men and women, the draft law on Domestic Violence and components of the national gender machinery, including the National Commission on Family Affairs and Gender Policy and the a new commission on equal rights. The Committee expressed concern about the legal measures taken by Kazakhstan to ensure that national legislation is in line with international law. It also worried about the steps taken to further the advancement of women's rights. The delegation explained that Kazakhstan's domestic legislation is brought in line with international treaties when these are adopted. It also added that an inter-ministerial commission looked at Government decrees and national laws based on all international laws, treaties, standards and principles that have been ratified; and that a law had been adopted that required that NGOs give their opinion on all those laws.

Addressing the draft law on Equal Rights and Equal Opportunities, the delegation said that it was being adopted gradually, stressing that the Government 'did not want a revolution'. The draft Law on Domestic Violence was expected to be adopted in approximately one and a half years. In other words, the Government was trying to approach such issues in an integrated way, establishing standards of law and solutions both at the central and local level. While the Committee appreciated the progress made so far, it argued that some issues needed immediate attention, especially domestic violence, and were disturbed to hear that the country wanted to take its time regarding the adoption of the various laws.

Political Participation and Decision-Making

The Committee expressed concern at women's low level of participation in politics and argued that a law on equal rights and opportunities for women and men was, therefore, crucial. According to the report, women make up merely 9 per cent of Parliament, just 17 per cent of local elected bodies and no women are among the regional or city executive bodies. The delegation explained that the draft law on Equal Rights and Opportunities provides for quotas aimed at having 30 per cent of representatives of each sex in political institutions. It also requires parity between women and men in lists of candidates for any elected positions, including those from political parties. The Committee expressed concern that while the law on equal rights and opportunities would be important, the need to address peoples' stereotypes towards women in politics was equally important. The Committee's impression was that the various strategies did not seem to include specific measures to address stereotypes. The Committee also did not have a clear understanding of how the 30 per cent political representation would be achieved.

Trafficking in Women

The Committee stressed that Kazakhstan needs to focus on trafficking. It acknowledged that while Kazakhstan had developed measures with some of the countries to which women were trafficked, tackling this problem would be difficult without understanding the driving sources behind it. The Committee wanted to know about statistics on trafficking, the penalty for this crime and the social services available for victims. According to the delegation, a commission on trafficking has been established and a specialised department has been set up within the police system. In 2005, a two-year plan against trafficking of persons had been completed and in 2006 a new four-year plan had been introduced. The delegation added that other efforts to improve legislation included an amendment to a

number of articles in criminal and administrative laws, notably concerning residency of foreign citizens, and to some legislative acts on trafficking in persons. Furthermore, a 2006-2008 Government action plan to prevent trafficking had also been approved.

Stereotypes and Education

The Committee noted that while Kazakhstan has been successful in reaching the Millennium Development Goals in education, gender stereotypes are still prevalent in career choices. The Committee pointed out that women mainly perform low paying and mid-level jobs, predominating in the fields of health care, humanities and teaching. The Committee stressed that it was important to introduce a gender perspective in the curriculum at all levels of education and wanted to know what measures were being taken to encourage women to pursue non-traditional careers. It further stressed that it was necessary to address the issue of sexual stereotypes at primary education levels since a prejudicial attitudes were learned at an early age. The delegation agreed that the country had stereotypes that needed to be overcome. In the report, it is mentioned that gender analysis of primary education textbooks found a number of gender stereotypes. The delegation indicated that curricula for gender education have been developed for primary schools and higher education institution and that there are plans to introduce gender awareness in the entire system of education.

Employment

In the area of employment, the Committee expressed concern regarding the wage gap between women and men and inequalities in the pension system. It noted that neither the Strategy for Gender Equality nor the *Labour Law* addressed inequality of wage for work of equal value. Committee members also wanted to know about Kazakhstan's proposed pension reform. The delegation emphasised that the issue of employment was a very important area of social policy in Kazakhstan. A draft labour code was currently under development, with adoption scheduled for this year. The draft labour code will offer women maternity leave and extended childcare leave until the child reaches the age of three. Furthermore, they mentioned that women were entitled to pensions at an earlier age than men and that the question of raising pension entitlements was under discussion.

Health

The Committee was concerned about what was being done by the Government to provide free obstetric and gynaecological services to women, free contraception and programmes to prevent genital and HIV infection and drug addiction. They also wondered about the abortion rate among teenagers, equal access to health services and the legal status of citizen's reproductive rights. The delegation said that substantial changes had taken place since 2001, including the adoption of a law on reproductive rights, which guarantees that the State will ensure the reproductive rights of all citizens. However, reproductive health was still a problem in the country. It explained that while there is equality in access to health services and a new law had been adopted to ensure free access to medical services, there were some difficulties in rural areas. Regarding abortion, the delegation mentioned that the rate of abortions had been reduced, but still remained rather high, especially among teenagers. It mentioned that the Government provides free contraceptives, but does not have enough funds to buy all kinds of contraceptives. The Committee also noted that information was needed on general health conditions in the country, not just on reproductive health.

Conclusions and next steps

The delegation told the Committee that change was needed to bring progress in the advancement of women and that the country was taking a gradual approach to women's advancement at the legislative level. It mentioned that considerable change had taken place since 2001. However, delays in the adoption of the various laws were due to people's traditional attitudes, which the Government was trying to address. The delegation recognised that while it would take several years, they were sure that the next periodic report would show that the 30 per cent quota at all levels in higher education, decision-making positions and legislative bodies at the national and local levels had been reached. The Committee praised the country's good efforts in promoting gender equality, but also stressed the need for a time frame for the adoption of national laws. The Committee looks forward to the adoption of the equal rights and opportunities law and expressed hope that at least 30 per cent of the country's representation at all levels would be women. However, they also emphasised that the country needs to take additional measures to change the stereotypes through adequate training and education, especially for children at an early age. The delegation and the Committee experts established a constructive dialogue and the delegation was cooperative in answering all the questions.

Some of the issues discussed were the same as those addressed in the Committee's previous conclusions from 2001, such as the persistence of traditional stereotypes of women and men in society, the lack of disaggregated data based on gender and ethnicity, the lack of a definition of discrimination against women in accordance with article 1 of the Convention; and the adoption of the draft law on equal opportunities. In its Concluding Comments,⁵ the Committee expressed its appreciation to the Government of Kazakhstan for the timely submission of its initial report but regretted that it provided insufficient statistical data disaggregated by sex. It commended the Government for the incremental establishment of comprehensive national machinery for the advancement of women and the efforts of the Government to conduct gender assessments of its legislation. However it also expressed concern that the National Commission on Family Affairs and Gender Policy lacks sufficient authority and is under funded and under resourced. The Committee also pointed out that the Convention and the Optional Protocol is not well known enough in the country, both by professionals in the legal field and by women generally, and efforts must be made to promote them.

⁵ http://www.un.org/womenwatch/daw/cedaw/cedaw37/concludingcommentsAU/Kazakhstan_advance%20unedited.pdf.