



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

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## Committee on the Elimination of Discrimination against Women Seventy-fourth session

21 October–8 November 2019

Item 4 of the provisional agenda

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

## List of issues and questions in relation to the fifth periodic report of Kazakhstan\*

### Constitutional and legislative framework

1. Please indicate whether, following the amendments introduced in the Constitution in March 2017, the Convention is directly applicable within the national legal order, and specify whether it can be invoked by individuals in court proceedings. Please clarify whether there is any constitutional or other impediment to Kazakh courts applying or enforcing the views of the Committee under the Optional Protocol or the views of other treaty bodies. Please provide information on steps taken to give sufficient visibility to the Convention, the communication and inquiry procedures under the Optional Protocol and the Committee's general recommendations.
2. Please indicate the measures taken to ensure that the amendments to be introduced in certain legislative acts related to family and gender policy issues, including regarding the definition of direct and indirect discrimination, as well as the change envisaged in the definition of gender equality in the Act on State guarantees of equal rights and equal opportunities for men and women (the Gender Equality Act), contain a comprehensive legal definition of discrimination against women in line with article 1 of the Convention that encompasses direct and indirect discrimination both in the public and private spheres, as well as intersecting forms of discrimination, and prohibits and sanctions all forms of discrimination against women, including discrimination based on sexual orientation and gender identity, in conformity with the Convention.
3. Please state whether measures are envisaged to establish a mechanism to monitor the implementation of the Gender Equality Act, including to receive and consider individual complaints, taking into account reports that article 124 of the Criminal Code, under which complaints of violations of the right to equality may be lodged, remains ineffective in practice, as the majority of cases are dismissed.

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\* Adopted by the pre-sessional working group on 15 March 2019.



**Access to justice**

4. Please clarify whether legal remedies are available under the Gender Equality Act for women who wish to lodge a complaint about and seek redress for a violation of their rights under the Act. Please also provide information, including the outcomes, on relevant cases brought before the courts with respect to discrimination against women, and the number of cases in which the Convention was invoked.

**National machinery for the advancement of women**

5. Please state the measures taken to strengthen the Office of the Commissioner for Human Rights and enable it to discharge its mandate independently and effectively in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by strengthening the legal basis for its establishment and providing it with adequate human and financial resources. According to the fifth periodic report of the State party (CEDAW/C/KAZ/5, para. 77),<sup>1</sup> a step-by-step review has been undertaken regarding the introduction of gender-sensitive budgeting when establishing the budgets of State agencies. Please provide information on progress made in this regard and indicate the budget allocated for the implementation of the conceptual framework for family and gender policy in Kazakhstan until 2030, approved in 2016, and its related action plan, adopted in 2017 (paras. 18 and 73).

**Temporary special measures**

6. According to the report, the working group responsible for the preparation of the draft act introducing amendments and additions to some legislative acts related to family and gender policy discussed issues pertaining to the definition of “temporary special measures” and “gender quotas” in national legislation, with a view to eliminating gender gaps (paras. 64 and 77). Please provide information on the outcome of the discussion and the measures envisaged to develop a legal framework to ensure the systematic implementation of temporary special measures in all areas in which women are not sufficiently represented, in both the public and private sectors, and to ensure adequate monitoring and assessment of the measures adopted.

**Stereotypes and harmful practices**

7. Please indicate the measures taken to eliminate stereotypes that limit the role of women exclusively to caregiving and the upbringing of children, which affects women’s empowerment in all areas, including economic, social and political. In this regard, please indicate the measures implemented to further engage men in children’s upbringing and household duties and to implement supportive measures for the inclusion of women in the labour force. Please respond to reports that religious leaders contribute to perpetuating discriminatory gender stereotypes, including by using public universities as a platform in that respect. Please explain the measures taken by the State party to eliminate that practice.

8. Please provide details on steps envisaged to improve the collection of data on child and forced marriage, and to develop a national strategy to raise awareness among parents, community leaders and the public at large about the harmful effects of child marriage and forced marriage, practices that reportedly continue to be frequent, especially in rural areas and among some ethnic groups. Please provide disaggregated data on the incidence, frequency and geographical coverage of cases of bride kidnapping. Please explain the measures implemented to eliminate the

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<sup>1</sup> Unless otherwise indicated, paragraph numbers refer to the fifth periodic report of the State party.

practice, in particular in rural areas, and to ensure that those responsible are adequately sanctioned, including in cases in which the perpetrators voluntarily release the abducted woman or girl.

### **Gender-based violence against women**

9. Please provide information on progress made in view of the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. Please also provide information on measures taken in relation to reports that certain acts of violence against women have been decriminalized and that unofficial data show a higher rate of violence, including physical, psychological and sexual violence, compared with official data provided for the period 2015–2016. In this regard, please state steps envisaged with a view to developing comprehensive legislation criminalizing all forms of violence against women. Please indicate the status of the revision of the Domestic Violence Act and provide information regarding the timeline for the adoption of the amendments. Please state whether women’s associations, the relevant ministries, civil society organizations and other stakeholders, including the relevant United Nations entities, are involved in the review process for the Act. Please indicate the steps taken when revising the Act to ensure that the revised text comprehensively covers all forms of domestic violence, and indicate whether a coordination and monitoring mechanism is envisaged for its implementation. According to the report, the Statistics Committee plans to conduct a survey on domestic violence against women on a regular basis (para. 28). Please provide more information on the outcome of the survey conducted and indicate whether the necessary resources have been secured to carry out the survey regularly.

10. In view of the Committee’s previous concluding observations, please indicate whether steps are envisaged to revise the Criminal Code (art. 120) to ensure that the definition of the crime of rape is in accordance with the Convention and the Committee’s jurisprudence under the Optional Protocol (CEDAW/C/KAZ/CO/3-4, para. 19 (d)). Please clarify the references to “lesbianism” in articles 121 to 123 of the Code.

### **Trafficking and exploitation of prostitution**

11. Please provide information on measures taken to prevent and combat trafficking in women and girls, and provide data on existing policies on exit programmes for women who wish to leave prostitution.

### **Participation in political and public life**

12. In view of the Committee’s previous concluding observations, please provide information on steps taken to review the current electoral legislation to ensure that temporary special measures or quotas are reflected in the legislative framework (ibid., para. 23). Please provide information on the number of women appointed as ministers in the new Government and explain how the State party intends to achieve gender parity and substantive equality at the decision-making level, including in the executive, Parliament, the judiciary and the private sector. Please provide information on specific measures implemented by political parties to increase the number of women in decision-making and leadership positions and indicate how many women are represented in those positions. Please provide information on measures implemented to eliminate the persistent discriminatory gender stereotypes regarding the role of women in public and political life.

**Nationality**

13. In its previous concluding observations, the Committee expressed its concern about the fact that a considerable number of childbirths are not registered in the State party (ibid., para. 24). Please provide information on the specific measures that are being taken to ensure that women, in particular women in poverty and rural women, are aware of the requirements relating to State birth registration and are able to easily gain access to birth registration services, including birth certificates, provided by the Government (ibid., para. 25 (b)). Please report on how the legislative provisions requiring foreign nationals to renounce their citizenship in order to acquire Kazakh citizenship affect more women than men.

14. In view of the Committee's previous concluding observations (ibid., para. 25 (a)), please indicate whether programmes aimed at accelerating the regularization of stateless women and girls have been developed, and explain the measures taken to ensure that stateless women and women of undetermined nationality have access to birth registration, identity documentation and acquisition of nationality. Please state whether official statistical data on stateless persons and persons of undetermined nationality, disaggregated by age and sex, are available and if so, please provide the most recent updated official statistical data available on the women included in those categories.

**Education**

15. Please explain how the State party promotes the importance of girls' education at all levels as a basis for their human rights and empowerment. Please indicate the steps envisaged to introduce comprehensive sex education in schools. Please provide information on the steps taken to combat discriminatory gender stereotypes in education and eliminate structural barriers to the enrolment of girls in non-traditional fields of education such as science, technology, engineering and mathematics, as well as in the digital field. Please explain the measures taken to prevent girls dropping out of school owing to child marriage, and indicate whether specific measures are envisaged to ensure that child brides can complete their education.

**Employment**

16. Please provide more information on the outcome of the study conducted on sexual harassment in the workplace in 2016 and explain in detail the steps envisaged to accelerate the development of a law prohibiting such harassment, in view of the Committee's previous concluding observations (ibid., para. 29 (d)) and taking into account the views of the Committee in *Belousova v. Kazakhstan* (CEDAW/C/61/D/45/2012).

17. It is stated in the report that the National Commission on Women's Affairs and Family and Demographic Policy is considering the question of strengthening the role of the ethics ombudsman in the protection of women in the civil service from sexual harassment and unethical or unequal treatment by managers of State bodies (para. 68). Please provide more details on the mandate of the office of the ethics ombudsman and the budget allocated for its functioning, and state, with supporting data, what its impact has been on the protection of women against sexual harassment in the civil service.

18. Information before the Committee indicates that the State party adopted a decree by the Minister of Labour and Social Protection on 13 August 2018, which reduces the list of professions prohibited to women from 287 to 219. Please provide information, including a timeline, on the next steps to continue to reduce the list of prohibited professions with a view to increasing the accessibility of all professions to

women. It is indicated in the report that, in 2016, the ratio of women's wages to men's wages was 68.6 per cent (para. 116) and that, for the purposes of consistently reviewing wage levels in sectors in which women are concentrated, a new system of remuneration was introduced in 2016 that affected more than 1 million workers whose salaries increased by an average of 30 per cent (para. 108). Please provide information on the number of women who benefited from the new system of remuneration. It is also stated in the report (ibid.) that women in employment are concentrated in the areas of education, health care and social services. In view of the Committee's previous concluding observations (CEDAW/C/KAZ/CO/3-4, para. 29 (b)), please provide updated information on the measures implemented to eliminate occupational segregation in employment between men and women.

### **Health**

19. Please provide information on measures taken to address the obstacles to access by women and girls to sexual and reproductive health. Please indicate the measures implemented to address the persisting unmet need for family planning, which remains high among rural women, women and girls with disabilities and adolescents. Please provide information on measures taken to eliminate discrimination and violence against women living with HIV and women who use drugs, including in prisons, and to ensure their access to adequate health services, including sexual and reproductive health services, drug dependency treatment and HIV treatment. Please indicate the measures envisaged to reduce the age for access to health services without parental consent from 18 years to 16 years in the Health Code. It is indicated in the report (paras. 105 and 119) that there are 87 youth health-care centres that provide comprehensive medical and psychosocial services to adolescents and young people. Please provide information about the measures taken to ensure the financial sustainability of the centres and to ensure that such centres meet the necessary quality standards and are gender sensitive, youth friendly and available in all areas, including rural areas.

### **Rural women**

20. Please indicate the measures taken to further improve access to social services for rural women, to integrate a gender perspective into the State party's agricultural programmes, to further introduce gender-budgeting tools in the national planning of rural programmes and to eliminate the digital inequality of rural women.

### **Women and climate change**

21. Please provide information on how the Government plans to reduce the differentiated and disproportionate impacts of the extraction and consumption of fossil fuels, in particular coal and oil, on women in Kazakhstan.

### **Refugee, stateless and asylum-seeking women**

22. In line with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, please indicate the measures envisaged to ensure that the procedures for refugee status determination and asylum applications are gender appropriate and age and culturally sensitive in order to ensure the systematic and early identification of women and girls who have been victims or are at risk of gender based violence and assist them accordingly. Please indicate the measures taken to provide health insurance and basic medical services, including prenatal and postnatal health-care services, to stateless women and refugee and asylum-seeking women, in particular refugee and asylum-seeking women temporarily residing in the State party. Please indicate whether the State party is planning to accede to the 1954 Convention relating

to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

**Marriage and family life**

23. Please provide information on measures taken to legally prohibit the religious registration of marriages of girls under 18 years of age in order to prevent child marriage, although such registration is not legally enforceable. Please indicate the initiatives implemented to eliminate polygamy, which is prohibited by law but reportedly remains widespread throughout the country, and to collect disaggregated data and statistics on its prevalence.

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