



**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**

Summary record of the 1724th meeting

Held at the Palais des Nations, Geneva, on Thursday, 24 October 2019, at 10 a.m.

Chair: Ms. Gbedemah

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Fifth periodic report of Kazakhstan (CEDAW/C/KAZ/5; CEDAW/C/KAZ/Q/5 and CEDAW/C/KAZ/Q/5/Add.1)

1. *At the invitation of the Chair, the delegation of Kazakhstan took places at the Committee table.*

2. **Ms. Abdykhalkova** (Kazakhstan), introducing her country's fifth periodic report (CEDAW/C/KAZ/5), which had been drafted with the active participation of the relevant authorities, women's organizations and international organizations, said that Kazakhstan had demonstrated that it had the political will to protect women's rights and promote gender equality, making significant progress in that regard in the short time since it had declared independence in 1991. In that time, it had developed a legal framework to protect women's rights, established the National Commission on Women's Affairs and Family and Demographic Policy and committed to the Sustainable Development Goals, including Goal 5 on achieving gender equality and empowering all women and girls.

3. During the 2011–2017 reporting period, the Government had concluded its implementation of the Gender Equality Strategy for 2006–2016. Two important pieces of legislation, the Domestic Violence Prevention Act and the Act on State Guarantees of Equal Rights and Equal Opportunities for Men and Women, or the Gender Equality Act, had been adopted to implement that strategy. The law defined gender discrimination as any restriction or infringement of human rights and freedoms or affront to a person's dignity on the grounds of sex. A bill on gender and family policy that she and a parliamentary group had drafted and was now before Parliament, sought to expand on the concepts of direct and indirect discrimination and gender equality. Pursuant to the recommendations made by the Committee in its previous concluding observations (CEDAW/C/KAZ/CO/3-4), the Convention had now been directly invoked in the courts. In 2018, Kazakhstan had introduced the "Family Court" project for the protection of families, involving legal professionals, mediators and psychologists, to help settle disputes over children and prevent domestic violence.

4. The first action plan for the implementation of the framework for family and gender policy in Kazakhstan for the period up to 2030, which contained specific targets for ensuring equal rights and opportunities for men and women and overcoming gender discrimination in all its forms, would be completed at the end of 2019. A number of achievements had been made, such as the development of a coordinating mechanism for gender equality, the approval of a gender budgeting plan and the reduction in offences committed against women and children. Non-governmental organizations (NGOs) and international organizations were actively involved in implementing that framework. For example, a three-year agreement had been signed between the Government and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) with a view to strengthening national capacities in the areas of the family and gender policy.

5. With reference to article 5 of the Convention, a number of measures had been taken to modify social and cultural behaviours of women and men, with emphasis on the principles of gender equality. For example, a national programme of cultural renewal was being implemented to strengthen family values and an annual national fathers' forum had been launched to enhance the role of fathers in their children's upbringing. A number of NGOs had provided services to families in difficulty within the framework of various family- and gender-related projects. In order to raise awareness of the Convention and its Optional Protocol, relevant information had been made available on the websites of the National Commission on Women's Affairs and Family and Demographic Policy, the Human Rights Commissioner and the Supreme Court, among others.

6. Combating violence against women was a government priority and a zero-tolerance approach to offences against women and children was being taken. In his recent message to the people, the President had announced the goal of increasing the penalties for violence against women and children. Articles 108 and 109 of the Criminal Code, which concerned

the offences of intentional causing of minor bodily injury and assault respectively, had been reclassified as administrative offences. Moreover, in the light of a rise in the number of cases of domestic violence in 2018, a bill increasing the penalties for violence against women and children had been submitted to Parliament. A bill updating the Domestic Violence Prevention Act had also been drafted. Shelters and crisis centres provided women victims of violence with support and refuge, and almost 60,000 restraining orders against perpetrators of domestic violence had been issued by the police.

7. Progress had been made with regard to women's public and political representation. The framework for family and gender policy contained a 30 per cent quota for women's representation in all spheres of public and political life. In Parliament, women representatives constituted 23 per cent of the Senate, or upper house, and 27 per cent of the Majilis, or lower house. Some 40 per cent of women working in the public sector occupied senior positions, while 51 per cent of judges were women. Women held key positions in the diplomatic service, which included five women ambassadors and the Permanent Representative of Kazakhstan to the United Nations, and were involved in United Nations peacekeeping missions. Efforts to achieve parity in the private sector included building the capacities of private companies and promoting their adherence to the Women's Empowerment Principles, in cooperation with UN-Women.

8. Equal access to education was guaranteed by law and in practice. Girls accounted for 50 per cent of school pupils and 47 per cent of students in technical and vocational training. At tertiary level, women students were in the majority. In the area of employment, measures had been taken to expand women's opportunities. For example, the 2017–2021 State programme to promote meaningful employment and business start-ups among the people had provided entrepreneurial skills training, microloans and non-refundable grants to around 250,000 women, while the number of professions prohibited to women had been reduced from 287 in 2015 to 191 in 2018. Several initiatives, such as the 2020 Business Road Map, had helped to support women's entrepreneurialism by subsidizing entrepreneurial projects and providing women with microloans. As a result, women's unemployment rate had dropped from 6.2 per cent in 2011 to 5.2 per cent in 2019. However, the gender pay gap of 34 per cent had remained unchanged. As a result, the minimum wage had been increased, as of January 2019, and the pay of almost 800,000 women in the public sector had risen. A rural women's forum had also been set up to boost rural development, with participants able to exchange information on their experiences, promote their projects and find investors or sponsors.

9. In the area of health care, the rates of maternal and infant mortality had declined markedly and an action plan on reducing infant and child mortality had been adopted for the period 2019–2021. A compulsory social insurance for health care was being introduced in 2020, as was a new state benefit for women with multiple children. The list of services provided to individuals and families in difficulty had been expanded, and State benefits for families with children had been increased. In that connection, State grants and preferential access to microloans had been provided to foster entrepreneurship among women with multiple children and women with disabilities, including those living in rural areas. Low-income families and families with multiple children also had access to social housing and discounted housing loans, enabling them to improve their living conditions.

10. At the international level, Kazakhstan was actively involved in various financial, technical and humanitarian assistance programmes aimed at fostering the recovery of Afghanistan. For example, it had initiated an educational programme for Afghan women and had hosted an international conference entitled "Empowering Women in Afghanistan", which had resulted in the launch of an educational initiative backed by Kazakhstan, Uzbekistan and the European Union. Within the framework of the global fight against terrorism, Kazakhstan had taken unprecedented measures to return Kazakh women and children from Syria. Some 595 citizens, including 520 children, had been returned to the country, where they had undergone full rehabilitation and been provided with access to employment or education. Lastly, although Kazakhstan had made progress in the area of women's rights and had been ranked sixtieth out of 149 on the Global Gender Gap Index of the World Economic Forum, much remained to be done, in particular to strengthen women's empowerment and ensure that they played a leading role in peace and security.

Articles 1 to 6

11. **Ms. Nadaraia** said that she was grateful to the State party for having recognized the Committee's competence to receive individual complaints of violations of Convention rights. She also welcomed its ratification of several other international human rights instruments and the constitutional amendments that had recently been adopted. She noted, however, that the Constitution no longer provided for direct application of international treaties and that their application was now determined by secondary legislation. Although the Convention had, according to information from the Supreme Court, been applied in over 4,000 civil, criminal and administrative cases in the past 18 months, it was not clear that article 4 of the Constitution, as amended, observed the principle of legal certainty; indeed, it could have an impact on the protective role of the Convention.

12. Although the principle of equality between men and women was well established in the country's Constitution and legal order, the definition of discrimination was incomplete. The legal framework for the elimination of discrimination was fragmented and did not provide effective protection in certain fields. The legal protection and judicial remedies for discrimination did not take account of the grounds of sexual orientation or gender identity. She recalled that the Committee had recommended that the State party should adopt comprehensive legislation and effective mechanisms, institutions and procedures to combat discrimination.

13. The decriminalization of domestic violence should not be seen as a positive development. All forms of violence against women should be criminalized. However, the Committee understood that the State party was considering ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) and adopting new legislation on domestic violence.

14. Noting that the State party had embarked on an unprecedented overhaul of its legislation and institutions, including a strengthening of the judiciary's policies on human resources and transparency, she asked what impact that process was having on women's access to justice.

15. **Mr. Tukiyeu** (Kazakhstan) said that, under article 4 of the Constitution, as amended, international agreements ratified by Kazakhstan had legal precedence. However, article 4 also stated that the manner in which international treaties were applied was to be established by domestic law and, according to the relevant legislation, international agreements took precedence over national law and were applied directly, except in cases where an international treaty required the promulgation of a law. In the past two years there had been thousands of references to international law, including the Convention, in the rulings handed down by the national courts.

16. A special working group had been created, in which most State agencies were represented, to draft legislative initiatives based on the provisions of the Convention, to ensure that rulings on compensation were enforced. Women had received compensation in more than 1,000 cases. In general, legal remedies were available to all: the system was structured in such a way that all complaints or communications from citizens were received regardless of the substance. Seventy per cent of cases were submitted electronically and 30 per cent came from women victims.

17. **Mr. Zhakupov** (Kazakhstan) said that the transfer of provisions on domestic violence from the Criminal Code to the Code of Administrative Offences did not in any way reduce the liability incurred for that offence. In 2015, a number of administrative offences had been incorporated into the new Criminal Code. Those offences were subject to fines and short-term rigorous imprisonment. The same penalties for offences involving domestic violence had been provided for under the Code of Administrative Offences. Under the new Criminal Code, victims had been given the opportunity to bring private claims on their own initiative. In practice, that had meant that victims had been obliged to take their cases to court themselves. That had proved ineffective, as the number of incidents of domestic violence had risen while victims had found themselves face to face with perpetrators in court. The legislature had therefore decided to transfer the administrative offences from the Criminal Code to the Code of Administrative Offences, with the same penalties applying to offenders. As a result, the State authorities, in particular the police, now acted on the victim's behalf

and victims were no longer required to face the perpetrators of the violence alone or come forward for the offender to be prosecuted. Thus, far from decriminalizing such offences, protection for victims had been made more effective.

18. **Ms. Abdykhalikova** (Kazakhstan), replying to Ms. Nadaraia's comment on the definition of discrimination, said that the definition in the new legislation, which she had helped to draft, was in fact broader than previously set out.

19. **Mr. Zhakupov** (Kazakhstan) said that ratification of the Istanbul Convention had been postponed but was under way, as had been communicated to the Council of Europe.

20. **Ms. Rana** said that concerns had been voiced about the new framework for family and gender policy in Kazakhstan until 2030, which had replaced the 2006–2016 gender equality strategy. Alternative sources considered that the situation of women's rights had been better under the previous policy, not least because the new strategy combined gender and family issues, thereby reinforcing the traditional link between women and the family, rather than introducing a robust gender equality policy. She would like to know in what respects the new framework was more progressive than the previous strategy.

21. Bearing in mind that the first phase of implementation of the new plan, 2017–2019, was drawing to a close, she asked how implementation was being expedited. She would also like information on the coordination mechanism for implementation, on the lead agency responsible for implementation and on the involvement of civil society and women's groups.

22. She commended the State party on its vision for the development of civil society up to 2025. She would appreciate knowing the timeline for approval of those plans and whether civil society itself had been consulted in developing the vision.

23. She would like to know what measures were being taken to strengthen the Office of the Commissioner for Human Rights (Ombudsman), which reportedly had limited staff and no decentralized presence, in order to enable it to discharge its mandate effectively and independently, in full compliance with the Paris Principles.

24. She would like to know whether the State party intended to develop a national action plan on Security Council resolution 1325 (2000) on women and peace and security in the near future, and what progress it was making towards earmarking 15 per cent of its official development assistance for gender mainstreaming, as it had undertaken to do.

25. **Ms. Verges** said that the new framework for family and gender policy set a target for the proportion of women in decision-making posts of 30 per cent by 2030. However, that had also been an objective of the 2006–2016 gender equality strategy and it had not been reached. She therefore wondered what temporary special measures were in place to ensure that that goal would be achieved and also to deal with the unequal representation of women at various levels in both the private and the public sectors, in the centre and in the regions.

26. She would also like to know whether the planned measures of legislative reform introducing quotas and temporary measures had been presented to Parliament.

27. **Ms. Sagyndykova** (Kazakhstan) said that implementation of the framework for gender and family policy was a three-stage process. The first stage was coming to an end and the results had been good.

28. Institutional coordination of gender issues was the responsibility of a special advisory body, the National Commission on Women's Affairs and Family and Demographic Policy, which also had regional branches in the provinces reporting to the administrative heads (*akim*).

29. **Ms. Shaimova** (Kazakhstan) said that her ministry, the Ministry of Economic Affairs, had begun implementing gender-sensitive budgeting. A pilot project would begin in 2020 in the areas of health and education; the whole process would last four years.

30. Also in 2020 a project would be launched focusing on the gender indicators in the Sustainable Development Goals with a view to promoting equal rights for women and men. A budget of around \$225,000 had been allocated for the project, which would have three stages: the introduction of gender-sensitive budgeting; the development of the skills to carry

out gender analyses; and awareness-raising among women to inform them of the support measures put in place by the State.

31. **Ms. Mauberlinova** (Kazakhstan) said that civil society was the Government's main partner in implementing gender policy. There were more than 500 NGOs working on women's issues in Kazakhstan, 77 of which dealt with gender parity and family issues. Funding for NGOs had increased over the past three years and in 2019 to date 133 development projects had been supported.

32. **Ms. Sagyndykova** (Kazakhstan) said that the new framework addressed all areas of gender and the family, and each measure under the framework would focus on either gender issues or family issues.

33. With regard to women and peace and security, she said that women were serving in the country's armed forces and women also took part in United Nations peacekeeping missions as observers and military personnel. Women also represented Kazakhstan in the Shanghai Cooperation Organization, the United Nations Educational, Scientific and Cultural Organization and other international organizations. Women were also moving into senior positions in typically masculine sectors such as the Ministry of Defence.

34. **Ms. Tursynbekova** (Kazakhstan) said that the working group looking at gender quotas in the legislation had prepared a draft for submission to Parliament by the end of the year, which aimed to enforce quotas in the administration and in the private sector. The working group had also drafted a series of amendments proposing fines to be imposed in the event of non-compliance. The aim was to achieve 30 per cent representation of women in all areas of the economy by 2030.

35. Women already represented a significant percentage of political party membership and the principle of gender parity was an important factor in the preparation of candidate lists for elections. In addition, roughly 20 per cent of the posts on company boards were occupied by women.

36. **Ms. Mauberlinova** (Kazakhstan) said that there was a forum for discussion with civil society. The Government was currently addressing a proposal from civil society to set up regional ombudsman's offices, for example, and civil society was also actively participating in drafting the gender strategy.

37. **Ms. Sagyndykova** (Kazakhstan) said that the aim of the concept of the "listening State" proposed by the President was to establish a framework bringing together political parties, civil society, NGOs and authorities, to enable the State to respond rapidly to requests from citizens. That would tie in with the vision for the development of civil society up to 2025, which would include measures to enhance the role of NGOs and improve the mechanisms for interaction with authorities on urgent issues.

38. **Ms. Verges** said that she would be grateful if the delegation could clarify whether the amendments drafted by the working group would propose specific quotas to be introduced as temporary special measures or merely set forth the concept of temporary special measures.

39. **Ms. Manalo** said that she would appreciate clarification as to whether the provisions of the Convention had been transposed into any national legislation. She would also appreciate receiving some statistics to demonstrate the degree of NGO participation in decision-making, along with details of the specific areas in which they were involved and any specific contributions they had made.

40. Lastly, where a law had become irrelevant because of the ratification of the Convention, she would like to know by what process the old law was removed from the statute books and people were informed of the existence of the Convention as an instrument for the protection of women's rights.

41. **Ms. Rana** said that she would like to know whether the State party intended to develop a focused national action plan on United Nations Security Council resolution 1325 (2000), which, given the State party's role in promoting stability in the region and its status as a member of the Security Council, would set a precedent for the countries of the region.

42. **Ms. Nadaraia** said that she would like to know whether the State party planned to provide remedies for discrimination on grounds of sexual orientation and gender identity, under article 145 of the Criminal Code.
43. **Ms. Tursynbekova** (Kazakhstan) said that mechanisms were being proposed that would make it possible to monitor the application of temporary special measures and evaluate their effectiveness in attaining the objectives set. Competencies would be defined for the various government and local agencies responsible for implementation of the quotas.
44. Gender quotas would also be introduced in employment in specific industries to ensure gender equality. The Government would be working with higher education institutions and human resource development centres.
45. **Ms. Abdykhalikova** (Kazakhstan) said that, as the initiator of the draft legislation and the amendments on temporary special measures, she could inform the Committee that the measures would affect all sectors of the economy. Much existing legislation would need to be amended to be brought into compliance with those measures.
46. **Mr. Tukiyeu** (Kazakhstan) said that, while the Constitution did not refer to the Convention specifically, all international laws ratified by the country were directly applicable in accordance with the Constitution. In 2018, the courts had directly invoked the Convention in large numbers of cases relating to civil, criminal and labour matters. There had also been numerous cases concerning domestic violence.
47. **Ms. Abdykhalikova** (Kazakhstan) said that approximately one third of the members of the National Commission on Women's Affairs and Family and Demographic Policy were NGO representatives. The Commission held various events at the national and regional levels, and it had timetables and plans that indicated who was responsible for each area of action and what measures would be taken. All legislation relating to the Convention, together with explanatory notes, were available on the Internet. Since the creation of the Commission, the efforts made to raise awareness of the Convention had been so extensive that very few people were now unaware of it.
48. The Government had devised a draft plan to implement Security Council resolution 1325 (2000) but had suspended it owing to a lack of necessary resources. Nevertheless, the Government was now ready to resume work on the plan.
49. **Mr. Zhakupov** (Kazakhstan) said that his country's laws and the Constitution prohibited all forms of discrimination, including those against sexual minorities. The rights of such minorities were protected and they received the same treatment as everyone else when they had been victims of crime. The Government saw no need to insert a specific provision prohibiting discrimination against sexual minorities into article 145 of the Criminal Code.
50. **Mr. Tukiyeu** (Kazakhstan) said that the increase in the number of court rulings citing the Convention had been the result of efforts by the Supreme Court to raise awareness of the Convention in accordance with the recommendations of the Committee and other international experts. Judges throughout the country had been trained on all matters under the Convention and court administration officials had received training and refresher courses on a broad range of issues covered by the human rights treaty bodies.
51. **Ms. Acosta Vargas** said that she wished to know whether there were educational programmes in all schools that sought to address the strong preference among society for male children, and whether teachers received sufficient training to be able to combat such discriminatory attitudes among students, with a view to preventing those views from being passed down to future generations. She wondered whether the media had been involved in awareness-raising efforts, which might include television and radio content aimed at eliminating gender-based discrimination.
52. She would be interested to hear whether the Government had engaged in discussions with local leaders in order to combat early and forced marriage, which was tolerated in some areas of society. It would be helpful to know whether there were services for girls who had been trapped in abusive marriages. She would appreciate comments from the delegation regarding the decriminalization in 2017 of physical mistreatment and minor physical harm,

given that such acts were now considered minor administrative offences for which legal proceedings could not be initiated at the behest of the State and which carried very light penalties. She was concerned about recent cases in which persons who had been found guilty of serious offences of rape and sexual violence against women and minors had received relatively light punishments. She wished to know whether the State party intended to recriminalize all forms of domestic and sexual violence and to provide training to judges on offences involving those kinds of violence.

53. She wondered whether it was true that restraining orders issued by police officers for the removal of perpetrators of violence from the family home were not enforced where the perpetrators had nowhere to go. She would welcome clarification as to whether police officers received sufficient training on dealing with domestic violence. She would like to know whether the State party would increase the budget and human resources allocated to shelters for victims. It would be helpful to have information on the following issues: violence suffered by women with disabilities whose reproductive rights were infringed; women in prostitution, who often suffered violence at the hands of the police; transgender women, who were required to undergo a sex change operation before they were issued with identity documents; and women living with HIV, who faced stigma and were prevented from using shelters for domestic violence victims.

54. **Mr. Safarov** said that he would like to hear whether the State provided compensation to trafficking victims and, if so, he wished to know how many victims had received compensation in 2018 and 2019. He would appreciate clarification as to what standards had been followed when establishing the national referral mechanism for human trafficking victims. Were international standards used or had the Government defined its own?

55. It would be useful to have an explanation of the treatment of trafficked persons living with HIV, given that, in practice, they were often denied entry to shelters for victims of trafficking. He would be interested to know what types of support were given to NGOs that provided such shelters and how many trafficking victims had been rehabilitated and integrated into the community. It would be helpful to have additional information on the State party's national action plans to prevent human trafficking.

56. **Mr. Raiganiyev** (Kazakhstan) said that the Government had been strongly promoting the involvement of fathers in raising their children and had been encouraging them to take parental leave, in accordance with the Committee's recommendations and as part of efforts to achieve the Sustainable Development Goals. The Fathers' Union had branches across the country and fostered shared child-rearing responsibility between fathers and mothers. Significant progress had been made: between 2011 and 2018, the number of fathers taking parental leave had surged. Furthermore, statistics showed that the average time spent on unpaid domestic work by men and women was close to the Organization for Economic Cooperation and Development average.

57. **Ms. Assylova** (Kazakhstan) said that teachers in all schools attended training and refresher courses every year, which comprised sections on eliminating obstacles to gender equality. The courses were mandatory for teachers of subjects in which issues of gender equality might arise. Gender equality and gender mainstreaming were covered as part of a range of higher education courses, particularly those relating to psychology and international law. Teachers were required to undergo refresher courses every three to five years.

58. **Ms. Mauberlinova** (Kazakhstan) said that statistics on marriage were gathered on a yearly basis. The marital age was 18 years, although marriage at 16 was permitted where a child had already been born to the couple. Statistics showed that the number of marriages of girls between 16 and 17 years of age had declined in recent years. Forced marriage was a criminal offence and steps had been taken to raise awareness of the problem through the media. Marriages were recognized only when they had been registered by the relevant State body and alleged forced marriages were reported to the police.

59. **Mr. Zhakupov** (Kazakhstan) said that child marriage was a criminally punishable offence. No exoneration for such acts was allowed. The law prohibited any marriage with a person under 16 years of age with an adult, even on a voluntary basis. Bride kidnapping in any form was also prohibited under criminal law. Strict penalties had been imposed in the 75 reported cases of bride kidnapping in recent years, with approximately one third involving

girls under 18 years of age. Kidnapping was considered a very serious crime and perpetrators had received sentences ranging from 12 to 15 years' imprisonment.

60. In 2017, two articles of the Criminal Code covering minor bodily injury and assault had been transferred to the Code of Administrative Offences. Under the Criminal Code, those offences had been classified as misdemeanours. Whether to bring a claim had depended entirely on the will of the victim, who had been required to initiate a private prosecution and to appeal directly to the courts. The transfer of the articles to the Code of Administrative Offences had proved highly effective in tackling issues of domestic violence, given that, in 2018, the number of cases that had been brought to trial had increased dramatically. The amendments had also led to improvements in terms of prevention. Restraining orders and similar measures could be imposed on perpetrators to ensure the safety of women and children in their homes.

61. Amendments had been made to the Criminal Code and legislation had been enacted in order to step up efforts to combat human trafficking in line with the country's international commitments. Such offences carried penalties of up to 15 years' imprisonment. A plan had been devised to enable NGOs and the State to cooperate on measures to prevent human trafficking, and an interdepartmental commission on combating the unlawful transfer abroad, entry or trafficking of persons had been set up, with the participation of two international organizations. Other bodies existed to monitor the situation and determine when persons might have been brought into the country illegally.

62. A series of preventive measures were being pursued and the State provided financial and other forms of assistance to victims of human trafficking. The diplomatic and consular services of Kazakhstan were aware of the problem of trafficking in persons and had drawn on the experience of other countries in order to take appropriate action. Evaluation criteria had been prepared to facilitate the identification of trafficking victims and a series of standards for their care had been adopted. The State had allocated more than US\$ 1 million to the various NGOs involved in assisting trafficking victims. A series of operations to tackle human trafficking conducted in cooperation with four neighbouring countries, namely Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, had resulted in the identification of almost 100 cases of trafficking and the discovery of several criminal organizations involved in the practice.

63. A total of 193 cases of human trafficking and sexual exploitation of Kazakh women and girls had been brought to court, and 46 victims had been identified. Victims were entitled to a range of health and social services, some of which were provided by NGOs. They were also offered financial and other assistance, including help in finding employment. The Ministries of Internal Affairs and Labour and Social Protection had developed protocols to ensure the effective identification of victims. Compelling a minor to engage in prostitution was an offence under the Criminal Code. Kazakhstan was determined to continue cooperating with all relevant international organizations, in particular the International Organization for Migration, to combat human trafficking.

64. **Ms. Aktayeva** (Kazakhstan) said that human trafficking victims often came from vulnerable sectors of society. Pursuant to an order issued by the Ministry of Health, all victims were required to undergo a free HIV test. In the event of a positive result, they were offered advice, antiretroviral therapy and psychological support free of charge.

65. **Ms. Sagyndykova** (Kazakhstan) said that there were 27 NGOs in Kazakhstan that dealt specifically with the issue of HIV/AIDS, of which 20 had been officially approved by the Government. In order to improve women's and girls' access to sexual and reproductive health care, including contraception, awareness-raising initiatives were undertaken, and relevant content was included in school curricula.

66. **Ms. Abdykhalkova** (Kazakhstan) said that local authorities were required to assist victims of domestic violence, for whom 40 crisis centres had been established, of which 31 provided shelter.

67. **Ms. Tursynbekova** (Kazakhstan) said that, for two years, the National Commission on Women's Affairs and Family had been conducting a nationwide campaign to raise awareness of domestic violence with the support of United Nations agencies. A group of

parliamentarians was preparing a new version of the Domestic Violence Prevention Act. The bill, which would be submitted to Parliament in the near future, reflected a radically different approach to tackling domestic violence that focused on minors and on prevention through the implementation of an early intervention system. Consideration was being given to the development of indicators to gauge the effectiveness of preventive measures and to ensuring that the necessary funding was made available. Programmes were being established to provide psychological assistance to perpetrators and social protection to victims, and, in one region of the country, an independent body had been set up to address family, youth and children's issues.

68. **Ms. Sagyndykova** (Kazakhstan) said that 438 victims of human trafficking had received support thanks to a special programme funded through the State budget.

69. **Mr. Safarov** said that, although Kazakhstan was primarily a transit country for human trafficking, it was also a source and destination country. A national action plan to combat human trafficking had been prepared, but representatives of some NGOs in Kazakhstan had stated that they had not even been aware of it. He wished to know where HIV-positive victims were accommodated and how many victims under 18 years of age had been successfully reintegrated into society by either returning to full-time education or finding employment.

70. **Ms. Acosta Vargas**, drawing attention to the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, said that she hoped that the new version of the Domestic Violence Prevention Act would reverse the reported decriminalization of certain acts of violence against women, which, if the reports were accurate, would undermine the consistency of domestic criminal law provisions and leave women more vulnerable. The State party should consider carrying out studies to measure the impact of the implementation of the Act on the situation of domestic violence in the country.

71. **Ms. Peláez Narváez** said that, according to alternative sources, 16,624 people were institutionalized in the State party in 45 health centres, and, in 1 centre in Almaty, 300 women with disabilities had been stripped of their legal capacity. She would be grateful for an explanation of how the access to justice of women with disabilities was ensured and whether there were mechanisms in place to prevent gender-based violence in such centres.

72. **Mr. Raiganiyev** (Kazakhstan) said that, in 2016, the Ministry of Labour and Social Protection had developed and approved standards for the provision of State services, including legal counselling, to human trafficking victims. Shelters for victims had been opened in 10 provinces of the country with funding of 60 million tenge, and steps had been taken to raise awareness of the shelters among foreign nationals.

73. Crisis centres for victims of domestic violence, where foreign nationals were also entitled to receive assistance, were used predominantly by women. In 2018, some 150,000 cases of domestic violence had been recorded. The Ministry of Labour and Social Protection, together with the Ministry of Internal Affairs, was working to restore victims' rights and ensure their full rehabilitation.

74. **Mr. Zhakupov** (Kazakhstan) said that the Government fully acknowledged the existence of human trafficking in Kazakhstan and had developed a programme to combat labour and sexual exploitation. The vast majority of labour migrants in and from the country were men.

75. Kazakhstan had never decriminalized any crimes under the Criminal Code. Under the Criminal Code, offences were divided into minor and major crimes, depending on their severity. No element of crime aimed at protecting women against violence had ever been decriminalized. Two acts, intentional causing of minor bodily injury and assault, had been classified under the Code as minor rather than major crimes. The Government had no intention of decriminalizing acts of violence against women, and in fact, through draft legislation currently before the legislature, was looking to increase liability for such acts. The Ministry of Internal Affairs was currently considering legislative proposals to abolish provisions in the Code of Administrative Offences that allowed for exoneration on the basis of reconciliation of the parties with a view to ensuring that acts of violence against women were duly punished.

76. **Mr. Raiganiyev** (Kazakhstan) said that, in response to queries from NGOs, the Ministry of Labour and Social Protection would be reviewing some of its internal regulations pertaining to persons with disabilities and HIV/AIDS with the aim of eliminating any shortcomings.

77. **Mr. Tukiyeu** (Kazakhstan) said that persons stripped of their legal capacity had the right to appeal against the decision. Around 72 per cent of the complaints received by the Supreme Court were sent remotely, for example by telephone or post. As a representative of the Court, he undertook to order an inspection of the centre in Almaty mentioned by Ms. Peláez Narváez, and to work with staff there to ensure that they were aware of the mechanisms in place to protect patients' rights.

78. **Ms. Aktayeva** (Kazakhstan) said that no hospital beds were reserved exclusively for persons with HIV, but there were regional centres for the prevention of AIDS, which coordinated the delivery of services from testing through to rehabilitation. Domestic law protected the sexual and reproductive rights of persons with disabilities.

79. **Ms. Abdykhalikova** (Kazakhstan) said that persons with disabilities who had been institutionalized in health centres were not able to petition the courts independently or file complaints correctly. Such centres were monitored by the Office of the Ombudsman, who referred suspected violations to a special State agency for investigation.

80. **Ms. Tursynbekova** (Kazakhstan) said that all the measures provided for in the new version of the Domestic Violence Prevention Act had been identified on the basis of far-reaching surveys, which would continue to be undertaken.

81. **Ms. Abdykhalikova** (Kazakhstan) said that the Government was working with the United Nations to implement a joint programme on women in Kazakhstan, one of the pillars of which was constant monitoring of problem areas.

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82. **Ms. Verges** said that she would be interested to know why the target for the proportion of women in decision-making posts was the same in the framework for family and gender policy in Kazakhstan up to the year 2030, namely 30 per cent, as it had been in the Gender Equality Strategy for the period 2006–2016. It should be noted, in that connection, that little or no progress had been made during the reporting period with regard to the number of women in positions of responsibility in the judiciary, military and local government.

83. While it was commendable that the Chair of the Senate was a woman, she wished to know what steps would be taken to increase the overall proportion of women members, which stood at just 10.6 per cent. Details of efforts to boost the numbers of women deputies in local representative bodies (*maslikhats*) and women nominated as heads of party lists would also be welcome.

84. She asked whether there were plans to collect disaggregated statistics on women's representation in decision-making positions, what measures had been adopted to combat gender stereotypes concerning such positions, what would be done to ensure that women's representation did not lag behind in certain regions of the country and what percentage of political party leadership posts were held by women.

85. **Ms. Nadaraia**, noting that the State party had not acceded to the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness, said that there were shortcomings in domestic legislation on nationality and statelessness. A number of factors conspired to create a high risk of statelessness in the country, including the fact that Kazakhstan did not recognize dual citizenship, that citizens could be deprived of their nationality for committing certain crimes and that births in the country could not be registered unless the parent or parents provided identity documents. She would be grateful to hear the delegation's thoughts on the matter.

The meeting rose at 1.05 p.m.