



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

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

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Summary record of the 490th meeting

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Chairperson: Ms. Abaka

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The meeting was called to order at 10.40 a.m.

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

Initial report of Kazakhstan (CEDAW/C/KAZ/1)

1. *At the invitation of the Chairperson, Ms. Jarbussynova and Ms. Samakova (Kazakhstan) took places at the Committee table.*

2. **Ms. Samakova** (Kazakhstan), introducing the initial report of Kazakhstan (CEDAW/C/KAZ/1), said that Kazakhstan had acceded to the Convention on the Elimination of All Forms of Discrimination against Women in June 1998. In September 2000, the President of Kazakhstan, Mr. Nursultan Nazarbaev, had signed the Optional Protocol to the Convention, which was currently before Parliament for ratification. Since the submission of the initial report in December 1999, there had been significant social and economic progress: output in three key sectors — industry, construction and agriculture — had risen by 15, 25 and 4 per cent, respectively; investment had increased by a third compared with 1999; and inflation had been reduced to one tenth of its 1994 level. Over the past five years, gross domestic product per capita had risen by 14 per cent, allowing for increased social spending. In July 2000, one of the world's largest oilfields had been discovered in Eastern Kashagan. Kashagan oil would be a major factor in the country's development in the coming decades.

3. Political stability and inter-ethnic harmony prevailed in Kazakhstan, which was home to people of more than 100 nationalities. There were 16 political parties, four of which were represented in Parliament, and approximately 2,500 non-governmental organizations. Eighty per cent of newspapers, magazines, radio stations and television channels were in private ownership.

4. There was no definition of the term "discrimination against women" in the legislation of Kazakhstan. However, the term was widely used in juridical practice and was found in the Constitution and other normative acts. Moreover, in accordance with the Constitution, international instruments ratified by the Republic took precedence over national laws, and the Convention had thus become a part of the legislation of Kazakhstan immediately after its ratification. Article 14 of the Constitution stated that no one might be

subjected to discrimination of any form on grounds of origin, social, official and property status, sex, race, nationality, language, attitude to religion, belief, place of residence or any other circumstance. Nevertheless, a definition of "discrimination against women" would be incorporated in the draft act on equal rights and opportunities.

5. The principle of the equality of men and women was the foundation of the legislation of Kazakhstan. Special institutional mechanisms had been established for the advancement of women and the protection of their rights, including a National Commission on the Family and Women. The National Commission had developed a National Plan of Action for the Improvement of the Status of Women in the Republic of Kazakhstan, reflecting the 12 critical areas of concern of the Beijing Declaration and Platform for Action. The Indicative Plan for the Social and Economic Development of the Country, 2001-2005 had, for the first time, included a special section on women's participation in development. A parliamentary group consisting of deputies from both chambers of Parliament had been established to lobby on behalf of families and women, while the Majilis had set up a subcommittee on women, the family, youth, tourism and sport. A compilation of statistical data was published annually to give a clear picture of the actual situation of women in Kazakhstan.

6. Currently, the legislation of Kazakhstan was being analysed from a gender perspective. Already, a number of amendments and additions had been made to the Criminal Code and the Criminal Procedure Code, including the raising of the penalties for rape and other acts of violence against women. Various provisions on the rights of the child had been adopted or were currently before Parliament. In 2000, Kazakhstan had ratified the Convention on the Political Rights of Women, the Convention on the Nationality of Married Women and six conventions of the International Labour Organization.

7. Article 33 of the Constitution stated that all citizens of the Republic of Kazakhstan had the right to participate in the management of State affairs. Currently, 54 per cent of public employees and 40 per cent of those working in the various levels of Government were women.

8. The new Act on labour in the Republic of Kazakhstan, which had entered into force on 1 January

2000, contained many measures aimed at protecting maternity. For example, women were entitled, under the Act, to 70 days' maternity leave before and 56 days' maternity leave after childbirth, irrespective of length of service, and received a social allowance for the entire duration of the leave. Women might also take additional unpaid leave to care for an infant under 18 months without loss of former employment. The Act provided for the transfer of pregnant women, on medical advice, to jobs that did not involve exposure to harmful factors, with maintenance of the average monthly pay in the former employment. Dismissal on the grounds of pregnancy was prohibited. In accordance with the Act on labour protection, the employment of women in jobs with hazardous or dangerous working conditions and in jobs involving the lifting of heavy loads by hand was restricted. Women were required to undergo a medical examination prior to being employed in such jobs and, thereafter, annually up to the age of 45.

9. Women accounted for 62 per cent of specialists with secondary or higher education and more than half the students in higher education institutes. Students who were forced to interrupt their studies because of pregnancy or to care for a child were entitled to take academic leave, after which they could resume their studies. Businesswomen, among others, had benefited from affirmative action, including tax credits worth US\$ 4.5 million. The retirement age for women was 5 years earlier than for men, and women's life expectancy was 71, compared with 60.3 for men. Women could not be sentenced to death or life imprisonment and certain categories of women were liable to lesser penalties for some offences.

10. Regrettably, stereotypes persisted in some areas of life in Kazakhstan. Thus, women were under-represented in elected bodies because women themselves tended to vote for men. Gender stereotypes were most prominent in the family, where one third of crime took place. In the first nine months of 2000, more than 16,000 offences against women had been reported, including 1,200 rapes and sexual assaults. The National Commission had organized an international conference on the protection of women against violence, at which a number of recommendations had been formulated and, with the assistance of the United Nations Population Fund, a comprehensive study had been carried out with a view to identifying the most widespread forms of violence,

vulnerable groups and conditions conducive to violence against women. The results of the study had been transmitted to law enforcement agencies and would be used in the elaboration of a draft law on domestic violence. Twelve crisis centres for women and children had been established.

11. Much work was being done in schools to promote social and cultural patterns of conduct based on the principles of gender equality. In 2001, gender studies would be introduced in the secondary and higher education systems. The media also played an important role in eliminating gender stereotypes. In 2000, in the national media alone, more than 400 articles and interviews, 300 television programmes and 110 hours of airtime had been devoted to women's issues. The national and local media had also raised awareness of the work of women's non-governmental organizations. The Act of the Republic of Kazakhstan on the mass media contained a provision regulating the sale of publications of an erotic nature and prohibiting the transmission of pornographic programming.

12. Under the Criminal Code, the recruitment of persons by deception for the purposes of sexual or other exploitation was punishable by imprisonment for up to eight years and trafficking in minors by imprisonment for up to 15 years, with or without confiscation of property. Prostitution was classified as an administrative rather than a criminal offence, but continued to be perceived by society as immoral. The penalties for the crimes of procuring and keeping of brothels ranged from a fine to imprisonment for a period of up to six years. The categorization of crimes did not depend on the moral character of the victim, and all women, including prostitutes, enjoyed equal protection under the law.

13. Little was known about the problem of trafficking in women. In September 2000, a confidential hotline had been set up in one of the country's crisis centres to facilitate the study of that phenomenon. It had become apparent that women migrated illegally because of a number of factors, including low social status and unemployment. In November 2000, the National Commission, in conjunction with the International Organization for Migration, had organized an international conference on trafficking in women. The participants had adopted recommendations for improving national legislation on the protection of victims of trafficking and their repatriation and social rehabilitation.

14. In accordance with the Constitution, all citizens, irrespective of sex, enjoyed the right to vote and to be elected to State bodies and local authorities and to participate in referendums. Women had taken an active part in the 1999 parliamentary and local elections. Members of the National Commission had been to every region of the country to mobilize women's groups in support of women candidates. During the campaign, the first women's party had been registered. Currently, 11 per cent of deputies in the national Parliament were women. Women had been somewhat more successful in the local elections, winning 639 seats in the *maslikhats*. In his annual address to the nation, the President of Kazakhstan had emphasized the need for a system of grants to support non-governmental organizations.

15. Women had the opportunity, on equal terms with men, to represent the Government at the international level and to participate in the work of international organizations. Currently, three women were serving as ambassadors of the Republic of Kazakhstan to other States, and 57 per cent of locally recruited staff in United Nations missions and offices in Kazakhstan were women.

16. The Constitution and other laws of her country were fully in keeping with the provisions of the Convention relating to nationality. Women were granted equal rights with men to acquire, change or retain their nationality. Marriage to an alien did not automatically change the nationality of the wife. Women had equal rights with men with respect to the nationality of their children.

17. All citizens were guaranteed free compulsory secondary education and elementary professional education. Free secondary professional education, higher education and postgraduate education were also provided on a competitive basis. Co-education was the norm. There was a single curriculum and the State established mandatory standards for all educational institutions. Scholarships and other study grants were provided on an equal basis irrespective of gender. Women's personal preferences determined their choice of professional education.

18. Her Government was taking steps to revitalize and promote job creation in the so-called "soft" sectors of the economy, in which women had traditionally been employed. A programme on the rehabilitation and development of light industry, 1999-2003 was being

implemented, and an import substitution programme in the light industry and food industry sectors was being developed for 2000-2003. The latter programme envisaged a five- to sevenfold growth in the production of clothing and textiles as compared with 1999 and an eight- to tenfold growth in the production of leather goods and shoes. It was expected that 35,000 new jobs would be created in the food industry as the share of domestic goods in domestic consumption rose to 85 per cent.

19. A programme on combating poverty and unemployment, 2000-2002 was being implemented. It envisaged the creation of over 400,000 jobs and the employment of 240,000 people in public projects. Unemployment was expected to decrease by 4.5 per cent and to reach 9 per cent by 2002.

20. The President's National Commission on the Family and Women had instituted a special line of credit at Temirbank to provide support to women entrepreneurs. Credits totalling over \$3 million had already been granted from the bank's own resources, and the Government had provided another \$4.5 million for that purpose.

21. In the field of health care, as noted in the report, a multi-dimensional network of treatment and prevention centres existed and there was no shortage of medical personnel. A "Health of the Nation" programme was being implemented. It envisaged a series of measures in the priority areas of health care, including universal immunization, combating tuberculosis and other diseases, maternal and child health and reproductive health and family planning. Women received free medical care during pregnancy and in the post-partum period. Safe motherhood and family planning initiatives were being implemented. The Health Care Agency had issued an edict on contraceptive policy which sought to resolve reproductive health issues, taking into account age, educational background and traditions, and to promote health awareness among the population and the widespread use of contraceptives by women in the "at-risk" group.

22. Women did not need their husband's consent in order to have an abortion or receive information on family planning. Abortion was available on demand up to the twelfth week of pregnancy. Thereafter, interruptions of pregnancy could be carried out only upon the recommendation of a physician or social worker. Women from the least well-provided-for

families could receive abortions free of charge. Only 0.3 per cent of abortions were performed outside medical establishments, and they were treated as criminal acts. However, women suffering from the consequences of incomplete abortions received full medical treatment free of charge. Sterilization took place only with a woman's consent. Surrogate motherhood was legal. Surrogate mothers and women who had children by artificial means were equally entitled to receive medical care.

23. HIV-infected pregnant women and their newborn children received free treatment in medical establishments. Currently, 1,257 persons, one fourth of whom were women, were infected with HIV. Confidential hotlines had been set up in the towns of Astana and Almaty to deal with the problems of adolescent pregnancy, AIDS, drug addiction and alcoholism among adolescents.

24. Since 80 per cent of illnesses were caused by environmental factors, seven major environmental programmes were being carried out with the help of international organizations in the Caspian Sea, Aral Sea and Semipalatinsk areas.

25. As a result of the health measures implemented, the incidence of tuberculosis and other infectious diseases, including syphilis, had begun to decrease. Maternal and child mortality had also decreased, and for the first time, overall mortality rates had stabilized.

26. Mothers who had given birth to and raised eight or more children and families with four or more minor children living under the same roof were entitled, regardless of family income, to special benefits from the State.

27. The government microcredit programme, 1998-2000, for the least well-provided-for citizens was aimed at assisting the rural population, including women. In the past two and a half years, around 20,000 microcredits totalling over 600 million tenge had been disbursed, nearly two thirds of them to rural women.

28. Article 14 of the Constitution provided that all were equal before the law and the courts. The Civil Code did not discriminate on the basis of gender. Under the Act on marriage and the family, marriages were recognized only if they were concluded in a public registry office. Marriage between persons at least one of whom was already in another registered marriage was prohibited. Polygamous marriages were

not registered; accordingly, there were no statistics on them. There were no laws regarding dowries or bride payments. Questions relating to the upbringing and education of children and other questions relating to family life were decided jointly by the spouses.

29. Despite the tremendous efforts being made by her Government, non-governmental organizations and organizations of civil society to implement the Convention and the Beijing Platform of Action, much remained to be done. First, gender expertise with regard to legislation must be provided on a more systematic and comprehensive basis; currently, it was provided only on the initiative of the President's National Commission on the Family and Women and by some non-governmental organizations, and was not mandatory. Second, although women were widely represented in government bodies, there were few of them at decision-making levels. Only 8 per cent of senior administrators were women. The Government would continue to promote women to decision-making posts and would work towards achieving the target recommended in the Beijing Platform of having 30 per cent women in positions at decision-making levels. Third, the Government would work actively with non-governmental organizations and community-based organizations, which would be invited to have an input into the elaboration of draft legislation and government programmes. Fourth, work with the mass media would be strengthened. The Government intended to use the enormous potential of the media for raising gender awareness and combating all forms of discrimination against women.

30. Women accounted for two thirds of the unemployed. In order to expand employment and economic opportunities for women, there would be close monitoring of the implementation of the government programmes on the rehabilitation and development of light industry and the food industry and the import substitution programme in those industries.

31. A number of jobs would be created in the oil and gas industries. Special attention would be given to providing women with technical education so that they could participate actively in the development of priority sectors of the economy. Microcredit programmes for women would continue to be implemented. The Government would continue to assist women entrepreneurs, particularly those running larger enterprises, and would provide support to the

“women’s bank”, Temirbank, to enable it to obtain additional resources. The Government would also monitor the implementation of the programme on combating poverty and unemployment to ensure that women received at least half the new jobs envisaged.

32. Much remained to be done to improve women’s health. One of the most pressing problems was combating anaemia, which afflicted over 60 per cent of women of reproductive age. The incidence of iodine-deficiency illnesses must also be reduced. Urgent measures must be taken for the early diagnosis and treatment of breast cancer, which currently ranked first among malignant diseases in women. Greater attention should be paid to preserving the health of pregnant women, especially in rural areas. Her Government must actively implement the contraceptive policy. Abortion was currently the principal method of birth control, since contraceptives were used by only one third of women of reproductive age. Her Government was monitoring the implementation of the programme on prevention and control of sexually transmitted diseases, which, owing to lack of financial resources, was only partially funded.

33. Much also remained to be done to improve the status of women and girls with disabilities and ensure their equal access to education, employment and medical and social services and their active participation in the social and political life of the country.

34. Efforts to combat violence against women would be enhanced. The Government would insist on increasing the number of women police officers, as they were more likely to be supportive of women victims of violence than were men. Efforts to establish a national network of crisis centres would continue. Such centres would be opened in all regions by 2005 and in all district capitals by 2010. Her Government planned to accede to the United Nations Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others.

35. **Ms. Corti** welcomed the establishment of the National Commission on the Family and Women to protect the interests of the family and to ensure the necessary conditions for the participation of women in the political, social, economic and cultural life of Kazakhstan. She also commended the Government on the progress it had made towards implementing the provisions of the Convention. Even though the

Convention had become part of the domestic law of Kazakhstan, it was unclear whether its provisions could be directly invoked before the courts of that State. A clearer picture was therefore needed of the legal force of the Convention in domestic law.

36. With regard to article 4, paragraph 1, of the Convention and given the emphasis which the delegation had placed on that article in its oral presentation, she was surprised by the admission in the report that Kazakhstan had taken no special measures to accelerate de facto equality between men and women since it considered that the constitutional guarantees ensuring equal rights sufficed.

37. She welcomed the establishment of the Commission on Human Rights as an advisory body attached to the Office of the President. It would be useful to have more information about the relationship between that Commission and the National Commission on the Family and Women. Additional information on the National Plan of Action would also be welcome. The National Commission should expand its cooperation with civil society by providing political and financial support to non-governmental organizations so that they could assume some of the tasks that the Commission was itself unable to perform.

38. In view of the high incidence of violence against women in Kazakhstan and the high rates of poverty affecting that sector of the population, the national Parliament should without delay enact legislation on equal rights and opportunities for women and on domestic violence. However, the draft legislation should be scrutinized by the National Commission before it was enacted. Gender focal points should also be established at all policy-making levels and gender sensitivity training provided for members of the police, the judiciary and the civil service.

39. She noted with satisfaction the high levels of literacy among women in Kazakhstan and the presence of women in certain technical fields in which traditionally they had been under-represented. She wondered, lastly, whether it might not be helpful to appoint an ombudsperson who would be concerned exclusively with protecting the civil rights of women.

40. **Ms. Gabr** noted that, even though it was a young nation, Kazakhstan had ratified the main international human rights instruments, including the Convention, and had enacted various laws to protect the rights of women. She welcomed, in particular, the establishment

of the National Commission on the Family and Women and the introduction of special credit lines for women. More initiatives of that type should be pursued and the laws and mechanisms for protecting women's rights strengthened. The next report should also place greater emphasis on economic development in Kazakhstan, a country that was blessed with abundant natural resources.

41. The report indicated that, despite their higher levels of education, women played a marginal role in the country's political life. She would welcome information on the measures being taken to strengthen the participation of women in politics. It was also clear that environmental problems in Kazakhstan, including radioactivity and pollution, had a direct impact on the enjoyment by women and children of their right to health.

42. **Ms. Manalo** sought an explanation of the interrelationship between the document "Concept of State policy for the advancement of women in the Republic of Kazakhstan", which defined the overarching strategy of State policy in relation to women, the National Plan of Action for the Improvement of the Status of Women and the "Kazakhstan — 2030" Strategy. She was particularly concerned at the absence from the report of any meaningful information on the National Plan of Action.

43. **Ms. Kwaku** asked how many of the 28 members of the National Commission on the Family and Women and the 17 members of the Commission on Human Rights were women.

44. **Ms. Acar** said that Kazakhstan was currently experiencing the growing pains of a young State with abundant resources that was in transition from a command to a market economy. It was therefore a good time to set the parameters for the future protection of women's rights and the elimination of discrimination in Kazakhstan. The lack of security in the country had led to heavy emigration and displacement of women and had given rise to economic insecurity and violence against and trafficking in women. Fortunately, there was no discrimination against women in Kazakhstan because of social stereotypes of the role of women. In some countries, such stereotypes were legitimized under the guise of religion, Islam in particular. Kazakh society must nevertheless remain vigilant in order to guard against that risk, which was even higher in times of crisis.

45. With regard to the definition of discrimination, the proposed act must define discrimination in a manner that was consistent with the definition used in the Convention. A simple statement in the Constitution prohibiting discrimination did not suffice. The legislation must clearly identify both intentional and unintentional forms of discrimination. She hoped that specific steps would be taken to address that concern.

46. She noted the high level of cooperation between the Government and non-governmental organizations and international agencies. It was not enough, however, to take advantage of international assistance. The real proof of the Government's commitment would be in its allocation of additional resources to strengthen the protection of women's rights. She hoped that the next report of Kazakhstan would reflect the progress that had been achieved in that area.

47. **Ms. Achmad**, recalling that ratification by Kazakhstan of the Convention meant that its provisions were automatically incorporated in domestic law, asked whether there had been cases where the Convention had been invoked to protect women from discrimination. She wondered whether a gender perspective had been included in the National Plan of Action and in the Indicative Plan for the Social and Economic Development of Kazakhstan and whether those plans promoted the elimination of discrimination against women. Turning to the role of religion, she stressed that efforts should continue to be made to ensure that it did not jeopardize the Government's efforts to implement the Convention. Specifically, in defining discrimination, care must be taken not to misinterpret the role of religion as being a source of discrimination.

48. **Ms. González** welcomed the establishment of the National Commission on the Family and Women and the Commission on Human Rights. She was particularly gratified by the focus placed by the National Commission on the Family and Women on the design of development projects with a gender perspective. As to the Commission on Human Rights, if it had been established as a national mechanism for the defence and promotion of human rights, then placing it under the direct authority of the President automatically decreased its independence and autonomy, which were after all the two main characteristics of national human rights mechanisms. In that connection, the establishment of a post of ombudsperson would, in her view, be better suited to

defending the human rights of women. It would be better to have an institution or an overall authority for the protection of human rights rather than a specific entity. Turning to the fifth subparagraph of paragraph 30 of the report, she wondered what was meant by “vice-related crimes”.

Article 2

49. **Ms. Schöpp-Schilling**, noting that most of the country’s protective legislation seemed to emphasize the role of women as mothers, said that motherhood was certainly not the only function of women. She therefore urged the Government to reconsider that approach, focusing on the role of both parents and addressing the role of fathers within the family. She asked whether specific, detailed targets had been set under Kazakhstan’s National Plan of Action and whether provision had been made for penalties, should ministries fail to meet the targets. Referring to the Criminal Code of 1998, she asked whether violation of the equal rights of women was punishable only if force was used. Welcoming the proposed act on equal rights and opportunities, she urged the Government to establish a budget for the education of legal practitioners and the public at large with respect to its provisions. She wondered whether the draft act included temporary special measures as provided for under article 4, paragraph 1, of the Convention, whether it contained an explicit prohibition of discrimination by private employers, whether such prohibition carried sanctions, whether it contained a provision that shifted the burden of proof from the woman who had been discriminated against towards the employer, and whether it included an explicit prohibition of sex-stereotyped job advertising. With respect to article 2, subparagraph (d), she wondered why the report made reference to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Concerning paragraph 44 of the report, which dealt with article 2, subparagraph (e), she wondered whether the Government realized that the consequences of abolishing the social security levy and placing the burden of payment on employers constituted discrimination as defined in article 1 of the Convention. What action did the Government intend to take in that regard? She would appreciate more information on the Presidential Order of 1997.

50. If the new Criminal Procedure Code provided for punishment or marital rape, she wished to know how

marital rape was defined and whether any non-governmental organizations had requested such a definition. Were sodomy and lesbianism considered crimes only when force had been used? It would be disturbing if those kinds of behaviour were considered criminal. The delegation should explain why the Government had amended the original law on rape to make it incumbent on the victim to bring charges against the offender. It should also indicate how many cases had been brought to court by women under the new provision. Referring to the draft act on domestic violence, she wondered how such violence would be defined and what sanctions, supportive measures and budget were envisaged in that regard.

51. **Ms. Goonesekere** sought clarification of the country’s legal system. She noted, in particular, that the provision of the Criminal Procedure Code of 1998 that seemed to permit victims of violent crimes such as rape to reach out-of-court settlements was clearly in contradiction with the provisions of international instruments, under which the State had an obligation to prosecute the perpetrators of such crimes. In that regard, she wondered whether women’s groups could challenge that provision before the Constitutional Council and whether, following such challenges, the provision could then be automatically declared non-enforceable. Although the age of marriage was 18 years, the Act on marriage and the family allowed local authorities to lower that age by up to two years in exceptional circumstances. That infringed on the rights of the girl child, particularly her right to education, under both the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. Referring to the provision under the new Criminal Procedure Code allowing prosecution for violation of the right of equality, she wondered whether private sector employers or the State could be prosecuted for infringing a woman’s right of equality in the area of wages or by refusing to employ her. What penalties were imposed in such a situation? She wondered whether the Government had considered taking a more proactive approach, such as insisting that the woman concerned should receive redress.

52. **Ms. Shin**, referring to the new Criminal Procedure Code, asked why the provisions on rape had been amended to make it incumbent on the victims to bring charges. That was contrary to what happened in other countries, where anyone with information on a

rape could bring the matter to the attention of the courts. She was very concerned at those amendments, which put the burden of proof on the victim. It was the prosecutor's job to gather any evidence of rape or sexual assault, bring charges and indict the perpetrator. Referring to the network of crisis centres mentioned in the oral presentation, she enquired about the types of assistance provided to victims by non-governmental organizations and by the Government to such organizations for that purpose. She also wanted to know whether the Government's efforts to combat domestic violence and other forms of violence against women included eliminating intra-family violence against children, especially incest and physical abuse, and tackling the issue of marital rape.

The meeting rose at 1.15 p.m.