



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

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**Committee on the Elimination of Discrimination
against Women**
Twenty-fourth session

Summary record of the 491st meeting

Held at Headquarters, New York, on Thursday, 18 January 2001, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.05 p.m.

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

Initial report of the Republic of Kazakhstan
(continued) (CEDAW/C/KAZ/1)

1. *At the invitation of the Chairperson, the members of the delegation of Kazakhstan resumed places at the Committee table.*

2. The Chairperson invited the Committee to continue its consideration of the initial report of the Republic of Kazakhstan.

Article 2

3. **Mr. Melander** noted that the report stated (para. 46) that under the new Criminal Code, women could not be sentenced to capital punishment or life imprisonment, which implied that men could be sentenced to capital punishment. He wondered whether the provisions of article 2 of the Convention could be invoked under domestic law with a view to the elimination of capital punishment.

4. **Ms. Achmad** expressed appreciation for the wealth of statistical data provided which had proved that there was a real need to reconceptualize the status of women. For example the objectives of the President's National Commission on the Family and Women did not mention the need to achieve equality with men and in other areas, women's issues were often lumped together with other matters such as youth, tourism or sport. As Ms. Schöpp-Schilling had said earlier, a change in attitude was necessary to make women's status comparable with that of men, and to ensure that gender equality and gender justice issues were mainstreamed.

5. **Ms. Shin** welcomed the provisions of the new Criminal Code, which gave victims of sexual crimes more rights, but cautioned that the possibility of reaching an out-of-court settlement could provide perpetrators with a way of avoiding criminal prosecution and could leave the victims open to threats and pressure tactics.

Article 3

6. **Ms. Gaspard** shared the concerns raised by Ms. Schöpp-Schilling in relation to articles 2 and 3

concerning lesbianism and further wondered whether any measures were being developed to correct the preponderance of the masculine form of words in the language of legal texts.

7. **Ms. Corti** wondered whether it would be possible to have a copy of the text of the presidential order creating the National Commission on the Family and Women in order to see whether it actually spoke of equality between men and women or gender equality, and she also enquired about the Commission's budget, given the importance of adequate funding in achieving its goals.

Article 4

8. **Ms. Gaspard** questioned whether constitutional guarantees would truly suffice to ensure equality between men and women (para. 53) and wondered what measures would be taken to prevent and punish blatant sexual discrimination in job advertisements for the private sector.

9. **Ms. Livingstone Raday** said that efforts to promote the advancement of women should not be concentrated only on alternative areas such as credit programmes and light industry but must also ensure that women were represented on an equal basis in all areas, including the private and public spheres, in order to ensure the long-term integration of women into society as a whole.

10. **Ms. Schöpp-Schilling** said it seemed clear that the constitutional guarantees did not suffice and that the stereotypes of the past continued to limit women's role. She wondered what measures were being taken to educate the political leadership and the general population about the provisions of article 4, enquired about the legal guarantees of equality of opportunity for women and stressed the need for temporary special measures to accelerate de facto equality for men and women. The purpose of such measures was, for example, to ensure that if a qualified woman candidate for a position was available, she would have preference in order to correct gender imbalances. The provision for temporary special measures was fundamental to implementation of the Convention and should include targets and timetables, preferential treatment of equally qualified women candidates and greater representation of women in non-traditional disciplines. It must be recognized that failure to ensure the advancement of

women would have long-term effects on the economy of Kazakhstan.

11. **Ms. Achmad** noted that despite their relatively high education levels, women were under-represented in the job market and political spheres. She stressed the need to make use of temporary special measures to promote substantive equality for women.

Article 5

12. **Ms. Tavares da Silva** noted that progress had been made in Kazakhstan with regard to gender issues. Referring to paragraph 73, which seemed to lament the State's lost influence over the media, culture and the educational system, she stressed the importance of freedom of expression; with regard to education, however, the State definitely must play a role in raising awareness of gender issues through the schools. Progress could also be made by eliminating sexist language from legislation and from political discourse in general; the keys to improving the status of women were greater information, awareness-raising campaigns, better teacher-training and public debate. One danger of continued gender stereotyping about the superiority of one sex over the other was that it could lead to violence against women, and she hoped that more information on gender-related violence would be provided in the next report.

13. **Ms. Ferrer Gómez** noted that little mention had been made in the report of programmes and public education campaigns to highlight women's issues, eliminate stereotypes and modify social and cultural attitudes. Although the oral presentation had mentioned a gender studies programme, she wondered at what level that programme would be taught and what teacher preparation was being offered. She stressed that the Government could, through consultations, influence the media and journalists and raise their awareness so that they could in turn educate the public. She also wondered whether the bill to eliminate sexual discrimination in advertising envisaged in 2000 (para. 73) had been approved and what progress had been made in fighting stereotypes of women as sex objects in advertisements.

14. **Ms. Manalo** noted that although trafficking in women was illegal, according to her information some 1 per cent of the female population was affected by that traffic and that many more women than men were international migrants, further increasing their

vulnerability. She wondered, therefore, how seriously the Government was taking the problem and whether any concrete measures had been implemented to combat trafficking. She also wondered whether Kazakhstan had signed the recent United Nations Convention against Transnational Organized Crime and its Protocol to prevent, suppress and punish trafficking in women and children.

Article 7

15. **Ms. Ferrer Gómez** wondered whether more information could be provided on the Party for the Regeneration of Kazakhstan, with regard to its membership, real influence, activities and political platform.

16. **Ms. Gaspar** said women's lack of influence in the social, cultural and political spheres inevitably affected genuine equality. The proportion of women in the Government and Parliament was low, although approximately the world average, which was itself much too low, and she noted that non-governmental organizations wished quotas to be set for the number of women in elected office. Although quotas were often viewed negatively, they were necessary, but she cautioned against considering quotas to be ceilings for women's participation. They should rather be a means of moving towards full equality for women. During its oral presentation, the State party had said that more than 600 women were involved in local and municipal government. She wondered, however, what percentage of the total number of officials that number represented. Local government was the basic democratic institution of the country and women officials at that level provided role models for young girls and women. She therefore requested more complete statistics on the numbers of women represented at the local and national government levels.

17. **Ms. Myakayaka-Manzini** said that, despite the principle enunciated in article 33 of the Constitution, equal representation by women had clearly not been achieved in Kazakhstan. It seemed that more women were active in non-governmental organizations than in the Government itself: she noted that only 11 per cent of the legislature and 3 per cent of the cabinet were women. In her oral presentation, the representative of Kazakhstan had mentioned the quota system and, given that specific measures were obviously needed, she asked what was planned in that direction and whether

non-governmental organizations and women themselves had been involved in the process.

18. **Ms. Tavares da Silva** said that the data provided in connection with article 7 gave rise to the question whether the country's constitutional guarantees were sufficient to ensure equality for women. The number of women in the higher echelons of public service was low and, of the 11 political parties listed, four had no women on its lists and six had none in their local constituencies. The suspicion must be that women had the legal right to equality to opportunity rather than real equality.

Article 9

19. **Ms. Kwaku** noted that, although the requirements of article 9, paragraph 1, had been fully implemented, the report was silent with regard to paragraph 2. She requested confirmation that women enjoyed an equal right with men to pass their nationality on to their children.

Article 10

20. **Ms. Feng Cui** commended the progress made in developing the education of young women in secondary and higher education. She had a number of reservations, however. First, the report made no mention of the revision of textbooks to eliminate examples of sexual stereotyping. Secondly, in her oral presentation, the representative of Kazakhstan had said that gender disciplines would be put in place in secondary and higher education. She requested further details on both points. Thirdly, she wondered why the move had been made to establish single-sex schools.

21. **Ms. Acar**, while also commending the advances in girls' education and the preponderance of girls at every level, wondered whether such educational success translated into a better lifestyle for the women concerned and, indeed, whether it was the best way of obtaining the desirable positions in society. She asked whether any research had been done on what areas of study led to particularly good jobs and what the percentage of women active in such areas was. The status of certain forms of employment, after all, altered imperceptibly in response to changes in social structures and other circumstances. She also requested information on the percentage of women in university faculties, what the distribution was and what trends could be distinguished. If no data existed, research

should be done. She welcomed the fact that, as stated in paragraph 74, courses on gender theory had been introduced at Almaty Abay State University and elsewhere. Such courses legitimized the cause of women's equality. Lastly, she shared Ms. Feng Cui's surprise at the emergence of separate secondary schools, including a Kazakh-Turkish women's lycée. Turkey had no tradition of single-sex schools and she was at a loss to understand where such a trend could have originated.

22. **Ms. Achmad**, after endorsing her colleagues' questions, asked whether the international human rights instruments were taught in institutions of higher education. If not, human rights themselves could not be fully implemented.

23. **Ms. Ferrer Gómez** noted that, whereas until 1991 more women than men were employed, by 1993 the number of women in work had declined by 500,000. The process had continued in the formal sector between 1995 and 1997, although the number of women employed in the informal sector — where wages and status were lower — had risen. She requested updated information on the situation. She asked what proportion of the workforce in the public and private sectors, and what proportion of part-time workers, was made up of women. She also asked, in view of the suggestion that many companies were reluctant to hire women of child-bearing age, whether there was any protection against such attitudes in the Law on employment and whether there were sanctions against employers who disregarded the regulations.

24. She was concerned at the fact that between 1994 and 1997 the number of pre-school institutions had dropped from 6,500 to 1,500, with the result that the needs of some 350,000 children, from families which sorely needed such facilities, were not catered for. The situation in rural areas was still worse: a fall from 3,800 to 386 by 1997 meant the virtual disappearance of such institutions. She wondered why that decrease had occurred and why so fast. Again, she requested an update on the number of institutions and the number of children attending them.

25. It was also a matter of concern that wages were lowest in areas such as health and social security, light industry and the garment, fur and shoe industries, where women formed a majority — up to 80 per cent — of the workforce. She asked what action the Government planned to take. With regard to the Law

on employment, she asked what kind of protection was envisaged for the categories of person listed in paragraph 102 and what policies were planned to reverse the current situation. She also noted that the Law on labour protection, mentioned in paragraph 98, required only women and minors to undergo a medical examination before being hired. She wondered why men were not subject to the same procedure. Paragraph 94 mentioned a State programme for support to the poor and homeless that had been omitted from the Programme of Action for 1998-2000. Poverty, however, was on the increase and most of the poor were women. She therefore wondered what the current situation was. Lastly, in view of the encouraging revival of the economy, she asked whether economic development programmes contained a gender perspective.

26. **Ms. Corti** asked, in view of the negative impact of globalization on women, what action was envisaged to reduce the female unemployment rate in Kazakhstan. She wondered whether that might be achieved by the introduction of more part-time work or the reduction of working hours.

27. **Mr. Milander** said that, whereas progress on article 10 had been most encouraging, the opposite was true of article 11. He therefore wondered whether temporary affirmative action could be taken in accordance with article 4, paragraph 1, to improve the situation regarding women's employment, on which there appeared to be restrictions. As far as heavy work — and the driving of heavy goods vehicles — was concerned, it was not permitted in many countries, although whether such a prohibition conduced to sexual equality was a moot point.

28. **Ms. Tavares da Silva** was also concerned about the need for women to have a medical examination before being employed. Another matter of concern was that, according to paragraph 102, women had been added as a special category of people requiring social protection, even though they came under many of the categories established when the law was introduced. As paragraph 95 showed, women formed the majority of the long-term unemployed and she wondered whether those were the women particularly envisaged. If so, the measure was hardly appropriate, since women formed over half the population. Lastly, she welcomed the fact that the law answering to the provisions of article 11, paragraph 2 (c), extended to fathers and grandparents as well as mothers. It was good that women should not

bear the whole social responsibility for receiving social protection.

29. **Ms. Livingstone Raday** said that urgent action was needed to fight job discrimination against women in Kazakhstan. Higher-paying jobs were considered men's jobs even though Kazakh women tended to have a higher level of education than men. The 1997 presidential decree had launched a policy of explicitly promoting equality in the labour market; she asked whether that policy would be enacted into law and whether it could currently be used as grounds for legal action against employers that discriminated against women.

30. Paragraph 44 of the report indicated that enterprises employing women suffered a loss in profitability as a result of social security costs. She asked whether that meant that the social security contributions of employers and employees were higher for women than for men, and, if so, whether consideration had been given to standardizing such contributions to remove the deterrent to women's employment. She also asked whether the one-time childbirth allowance referred to in paragraph 56 was included in or additional to the maternity benefit mentioned in paragraph 109. She wondered whether the plan to reimburse employers' expenditures on the one-time childbirth allowance had been put into practice.

31. According to paragraph 57, the determination and payment of social assistance to families with children had been delegated to local authorities. She asked whether all or only part of such assistance was paid from local budgets and whether all regions provided the same level of assistance. Lastly, she would like to know whether the special assistance and awards given to women with 10 or more children were intended to alleviate poverty or to provide an incentive to women to have large families. If the latter was true, she wondered how that policy could be considered consistent with the Government's position that women should be actively involved in the community on the basis of equality with men.

32. **Ms. Achmad** asked whether the Government had a policy of cooperating with labour unions to solve employment problems, particularly in relation to gender equality in employment, and, if not, whether it had any plans for such cooperation in the future.

33. **Ms. Manalo** noted that the profile of women's employment in Kazakhstan reflected the traditional pattern in which a woman's likelihood of being hired for a given position was inversely proportional to the degree of authority attached to that position. If no special temporary measures were to be implemented, she wondered what alternative measures were envisaged to address that situation. Paragraph 102 of the report indicated that additional guarantees in respect of job placement were provided to vulnerable sectors, including women. The classification of women as a vulnerable group negated the philosophy of the Convention and the rights-based approach. She saw no reason why women should not be allowed to compete with men for jobs on an equal footing, since they had a higher level of education. The report contained no evidence of how effective that classification had been in increasing women's employment. The exaltation of motherhood also ran counter to that goal.

34. **Ms. González** asked what the Government was doing to address the reduction in women's employment as a result of the cost of social security benefits. She would welcome information on any special measures to improve the situation of older women. She hoped that, in the future, the resources generated by the additional petroleum deposits discovered recently would be used to help reduce Kazakhstan's high poverty rate.

Article 12

35. **Ms. Ferrer Gómez** said that she would like more information on the inequality between men and women in respect of family planning, which adversely affected maternal and child health. She was concerned about the widespread use of tobacco and alcohol in Kazakhstan, even among children, and asked what measures were being taken to reverse the situation among both adults and children. She would also like information on any sex education measures taken to reduce the incidence of sexually transmitted diseases. Abortion in Kazakhstan had declined in recent years, but remained a serious health problem. She wondered whether steps were being taken to increase access to contraception and family planning information. Urgent measures were needed to reduce the high rate of maternal mortality. She noted that one third of the country's pregnant women failed to obtain prenatal care in the early stages of pregnancy and that that percentage was increasing; she asked for an explanation of that

phenomenon, and particularly whether the cost of such care was prohibitive for many women.

36. She would like more information on Kazakhstan's large population of older women and on how they were taken into account in government programmes. Lastly, she asked whether there were any screening programmes for the early detection of cancers of the female reproductive system.

37. **Ms. González** said that she, too, was concerned about the high abortion rate in Kazakhstan. Sexual and reproductive rights were not limited to the right to interrupt a pregnancy, but were aimed at ensuring that women and men could take free and informed decisions on the number and spacing of their children. Family planning information and methods of contraception should be made more widely available to women and men, particularly adolescents. Also disturbing was the indication, in paragraph 131 of the report, that up to 80 per cent of young children suffered from chronic diseases. The report indicated that Kazakhstan did not produce specialized foods for young children. However, many countries that did not produce such foods used natural products to reduce the incidence of malnutrition among children, often with the support of the World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO).

38. **The Chairperson**, speaking in her capacity as an expert, asked whether the high rate of smoking among women had resulted in an increase in the rate of cardiovascular disease among women.

Article 13

39. **Ms. Kwaku** asked for specific information on the extent to which women exercised the right to obtain bank loans, mortgages and other forms of credit.

Article 14

40. **Ms. Manalo** asked what steps the Government was taking to address the socio-economic problems of the rural population, which included malnutrition; lack of social services, including medical and reproductive health care; a high maternal mortality rate; and the difficulties caused by larger family size and more rigid cultural constraints in rural areas. In view of rural women's reduced possibilities for generating income, she asked whether any employment or self-help initiatives had been introduced in rural areas.

Article 16

41. **Ms. Aouij** said that she would like information on the role of the judiciary in promoting women's rights in Kazakhstan. She wondered whether there were any female judges, whether they occupied posts at all levels of jurisdiction and how their presence had affected the exercise of women's rights. Female judges and lawyers could play a major role in increasing awareness of women's rights and in interpreting the law in a manner that fostered progress in the enjoyment of those rights.

42. Paragraph 152 of the report seemed to indicate that cases of polygamy still occurred in the southern part of Kazakhstan. A description of the culture of that part of the country would be useful. Since laws against polygamy would have a dissuasive effect, she wondered why polygamy had not been included in the new Criminal Code of 1998 to guard against any resurgence in that traditional practice. Lastly, she asked why the prohibition against forcing a woman to have an abortion had not been included in the new Criminal Code.

The meeting rose at 4.55 p.m.