



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

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against Women
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Summary record of the 632nd meeting

Held at Headquarters, New York, on Wednesday, 14 January 2004, at 10 a.m.

Chairman: Ms. Açar

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The meeting was called to order at 10.15 a.m.

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

*Second periodic report of Kyrgyzstan
(CEDAW/C/KGZ/2)*

1. *At the invitation of the Chairperson, Ms. Alysheva, Mr. Baialinov, Ms. Kangeldieva, Ms. Kourbanova and Ms. Kudaiberdieva (Kyrgyzstan) took places at the Committee table.*

2. **Ms. Kangeldieva** (Kyrgyzstan) said that Kyrgyzstan had acceded to the Convention in March 1996. Its second periodic report dated from September 2002, so her presentation would provide information on changes in the intervening period. Since its inception as a sovereign State, Kyrgyzstan had adopted a democratic path and sought to build its institutions, consolidate the potential of civil society and encourage a culture of political consensus. It enjoyed political stability and ethnic harmony. There were 43 political parties, eight of which were represented in the Zhogorku Kenesh (Parliament). There were over 9,000 non-governmental organizations, and 80 per cent of the media was outside the State sector.

3. The President, Askar Akayev, had promoted the ideals of “Kyrgyzstan — Our Common Home” and “Kyrgyzstan — Country of Human Rights” as complementary forces behind the multi-ethnic society of the country. A Public Council for Democratic Security had been established, and a new Democratic Code, adopted in September 2003, had enshrined the principles of wider human rights and freedoms and gender equality.

4. The main achievement since the submission of the second periodic report had been the consolidation of the legal basis and machinery for improving the situation of women. Kyrgyzstan had signed over 30 international human-rights conventions, including, in 2002, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. A Presidential Decree of 2 January 2002 had approved a national human rights programme for the period 2002-2010. The plan for its implementation provided for reviewing the criminal liability of officials who harassed women employees, for giving women equal legal recourse in connection with the investigation and prosecution of crimes of violence

against them (including domestic violence), for collecting all available statistics on domestic violence, for establishing international cooperation to combat all forms of trafficking in women and children (including trafficking for the purposes of sexual exploitation, pornography, prostitution and sex tourism), and for providing the victims of crime with legal support.

5. A national law on State guarantees to safeguard gender equality had been adopted in March 2003. It sought to provide equal rights and opportunities in social, political, economic, cultural and other fields and to protect men and women from gender discrimination. Its implementation was being pursued by the National Council on Women, Family and Gender Development, which had developed methods of performing a gender analysis of draft laws and programmes at national, regional and local levels.

6. In the same month, a national law on social and legal protection from violence in the family had been adopted, providing victims of domestic violence with social and legal protection and establishing preventive measures. It was the first ever national law to be adopted at the population's initiative under article 64 of the Constitution of Kyrgyzstan, which required over 30,000 signatures for such a measure. Its implementation was being pursued through the establishment of temporary protection orders, court protection orders and methods of enforcing them. The Ministry of Internal Affairs and the National Statistical Committee were collecting sex-disaggregated data on domestic violence.

7. The strategic direction of gender policy was determined by the National Plan of Action for Achieving Gender Equality for the Period 2002-2006, developed by the National Council on Women, Family and Gender Development within the framework of the Beijing Platform for Action. The National Plan of Action provided for improved measures to establish gender equality, observing a gender balance at all levels of decision-making, a gender component in the calculation of economic development, consideration of gender issues in health care, gender parity in education and culture and reducing all forms of violence against women.

8. Its implementation would be pursued in all ministries, Government departments, committees and regional and municipal authorities. The National Council on Women, Family and Gender Development

was conducting training courses, seminars, round-table discussions and conferences with representatives of all Government and non-governmental agencies to promote awareness and implementation of the National Plan of Action.

9. Increasing the representation of women in State authorities and decision-making bodies was a priority. Although women accounted for 52 per cent of the electorate, they were poorly represented in political life, especially at national level. A Presidential decree of August 2002 on the further improvement of the framework policy for recruiting women leaders for the State administration provided for a balanced approach to attracting men and women into the Government service. The law on State guarantees to safeguard gender equality had introduced gender quotas limiting appointments to the Constitutional Court, the Supreme Court, the Central Commission for Elections and the Holding of Referenda and the Chamber of Accountancy to no more than 70 per cent of each sex.

10. In the still-developing system of political parties, women were underrepresented, leading 5 out of the 43 registered parties. Women were present on the governing bodies of only about half of those parties. None of the parties viewed women as a political force with initiative and an independent capacity to act. Equal rights for women on the labour market and in employment were regulated by the Labour Code, the Labour Protection Act and the Promoting of Employment Act. Women carried out 43.2 per cent of paid labour, but were paid 63.1 per cent of men's salary. Traditional employment patterns for men and women persisted; women tended to work in low-paid jobs. Work carried out at home was recognized as social or industrial employment, but household work and unpaid agricultural work were not included in the gross national product and did not confer entitlement to pensions and employment advantages.

11. The Constitution, national legislation and the regulations governing educational institutions established equal rights in education, irrespective of gender. Women had a slightly higher level of education than men. In the national plan of action for "education for all", adopted on 30 July 2002, the Government had guaranteed that all children, irrespective of gender, but especially girls, vulnerable children and children from ethnic minorities, would have access to free, compulsory education by 2015. The Constitution and national legislation guaranteed men and women equal

rights to medical care. Funds for health care came from the national budget, compulsory medical insurance, payments by individuals and other sources. Every year since 2001, the Government had approved a programme of State guarantees regarding health and medical assistance, which provided for free and universal basic medical care. Unfortunately, funding for that programme of State guarantees was sporadic and insufficient.

12. The programme of State guarantees established that women should receive free emergency care and pre- and post-natal care. Pre-natal care covered 85 per cent of women. The "Zhan-Enye" programme for the period 2003-2006 aimed to provide assistance during pregnancy and confinement, supply post-natal care, give access to modern family-planning methods and improve the legal basis for protecting mothers and children. Women's access to contraception was 26.6 per cent in 2002. The number of abortions in 2002 was 10.8 per thousand women of childbearing age. Abortions could be performed legally by licensed public and private facilities. Infant mortality at under one year of age was 21.2 per thousand live births and was declining. However, the method of counting live births, and therefore calculating infant mortality, did not meet international standards, making the figures artificially low. In 2004, Kyrgyzstan would introduce the methods recommended by the World Health Organization. Maternal mortality remained high, at 53.5 per thousand for every 100,000 live births.

13. The number of people registered as having HIV/AIDS in Kyrgyzstan was 482 at 1 December 2003. Of that number, 44 were women, 7 of whom had given birth during the reporting period. In 2001, the Government had approved the Plan for Implementing the State Programme on Preventing HIV/AIDS and Infections Transmitted Sexually and by Injection for 2001-2005, financed by the Joint United Nations Programme on HIV/AIDS (UNAIDS). Kyrgyzstan's AIDS centre had also received funding from the Global Fund to fight AIDS, Tuberculosis and Malaria.

14. The rural inhabitants of Kyrgyzstan represented 65 per cent of the total population, with women accounting for 63.7 per cent of that number. Poverty rates were 51 per cent in the rural population and 41.2 per cent in the urban population; extreme poverty rates were 15.6 per cent in the rural population and 9.6 per cent in the urban population. There were no special measures to improve the situation of women living in

rural areas, but the Government's Comprehensive Development Framework for the Kyrgyz Republic to 2010 provided for action to decentralize government functions, improve the social development of rural areas and improve physical infrastructure and economic growth.

15. Gender stereotypes were ingrained, and persisted especially in the household. In 2002, 3,297 crimes against women had been recorded, but figures regarding domestic violence were far from reflecting reality, especially since many women victims did not approach the law-enforcement agencies about their situation. Crisis centres had reported dealing with 5,000-6,000 women per year, half of whom had been victims of domestic violence. Law-enforcement agencies investigated all cases of bride theft and polygamy that were reported to them. Thus, there had been criminal prosecutions for bigamy, for entering into de facto marital relations with persons under the minimum age for marriage and for forced marriage. A regional campaign, sponsored by the United Nations Development Fund for Women (UNIFEM) under the banner "A Life Free of Violence: It's Our Right" had been conducted in 2001 and 2002, and the National Council on Women, Family and Gender Development had organized a television talk-show to coincide with the worldwide "Sixteen Days of Activism Against Gender Violence" campaign. In partnership with UNIFEM, the National Council had also conducted a project entitled "On the pathway to non-violence" involving media representatives.

16. Trafficking in women and children was a growing threat. A Presidential decree of 21 April 2002 had approved a Programme of Measures for Combating the Illegal Export of and Trafficking in Persons. In April 2003, a law had been passed for the ratification of Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, and for the signing by Kyrgyzstan of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. In August 2003, the law on incorporating amendments and additions into certain legislative acts had increased penalties for human trafficking to up to 20 years' imprisonment. A regional conference on combating such trafficking had been held in Bishkek from 2 to 4 December 2003, with the support of the

International Organization for Migration (IOM). It had been attended by representatives of all the countries of Central Asia, and of the Russian Federation and Ukraine. While Kyrgyzstan had made progress in implementing the Convention, much remained to be done. Barriers to equality included growing levels of poverty and unemployment, the low level of social support, the low level of participation in decision-making, the poor state of women's health and the low level of awareness of women's rights. Legislation must also be improved.

18. **Ms. Gaspard** said that the introduction of new legislation to promote gender equality was positive, but the gender implications of all items of legislation should be examined. She wondered whether the public was aware of the new legislation, particularly the law on social and legal protection from violence in the family, proposed by popular initiative. To give a clearer picture of existing discrimination, for example in employment and salary levels, the next periodic report should provide sex-disaggregated data.

19. She asked if the gender quotas limiting appointments to the Constitutional Court, the Supreme Court, the Central Commission for Elections and the Holding of Referenda, and the Chamber of Accountancy to no more than to 70 per cent of each sex were binding, or whether they were more like incentives. Lastly, the next periodic report should indicate the percentage of men and women in each of the State bodies targeted by the law on State guarantees to safeguard gender equality.

20. **Ms. Shin** asked how widely the Government had publicized its ratification of some thirty human-rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, as well as the Committee's concluding comments on Kyrgyzstan's initial report. As the representation of women in political life seemed weak, she wondered whether the Government was contemplating the use of temporary special measures in the form of quotas for elected posts, not simply the appointments covered by the 70-per-cent quota to which Ms. Gaspard had referred. The existence of legislation to combat domestic violence was positive, but she wished to know how offenders were punished. Similarly, she wondered what convictions had resulted from investigations of bride theft, which in any event, was an inappropriate term

since what it actually involved was abduction, kidnapping and enslavement.

21. **Ms. Morvai**, referring to the plan for implementing the national "Human Rights" programme for the period 2002-2010, which provided for the establishment of international cooperation to combat trafficking in women and children, said that the Kyrgyz Government was to be commended for placing that phenomenon in the broader context of sexual exploitation and for recognizing the link between trafficking and pornography, prostitution and sex tourism. It should ensure that regional cooperation in that area was based on the same principles, since its approach was one that other countries would do well to emulate. Lastly, it should strive to find donors that shared its values. For example, it might wish to approach the Swedish International Development Agency, the Government of Sweden having done pioneering work to combat trafficking in persons.

22. **Ms. Tavares da Silva** asked whether non-governmental organizations had been involved in preparing the second periodic report, as the Committee had recommended in its concluding comments on the initial report (CEDAW/C/KGZ/1); whether the concluding comments and recommendations had been widely disseminated; if any follow-up mechanism had been established; and whether the National Council on Women, Family and Gender Development monitored the observance of other international instruments on women's rights besides the Convention.

23. She expressed concern that, in the section of the second periodic report dealing with the definition of discrimination against women, a law on the protection of the rights of minors was cited. As the report itself acknowledged, the gender neutrality of laws actually placed women at a disadvantage. In that connection, it would be helpful to know whether any gender analysis of current Kyrgyz legislation had been conducted and why no use was being made of temporary special measures, which would counteract such a disadvantage.

24. Noting with satisfaction the adoption on 12 March 2003 of the law on the bases for State guarantees to safeguard gender equality, she asked what the reaction to the law had been and whether it had yielded any positive results. A number of independent sources referred to a reassertion of traditional attitudes towards women in Kyrgyzstan, as demonstrated by the incidence of polygamy, bride theft

and forced early marriage. She pointed out that, while legislative measures to combat those phenomena were welcome, it was also necessary to change public perceptions.

25. **Ms. Kangelieva** (Kyrgyzstan) said that a certain proportion of the population was very familiar with the law on social and legal protection from violence in the family, since it had been adopted on the basis of a popular initiative. Non-governmental organizations had been instrumental in campaigning for the law and, following its adoption in March 2003, the Secretariat of the National Council on Women, Family and Gender Development had worked with representatives from all levels of local government to raise public awareness of its provisions, as well as with law enforcement agencies.

26. The possibility of introducing gender quotas was the subject of an ongoing debate. Public opinion on the issue was divided, and some women feared being stigmatized. Their opposition could be attributed to experiences during the 70 years of communist rule. Under the Soviet regime, 30 per cent of decision-making positions had been reserved for women, but women themselves had come to regard the quotas as largely symbolic.

27. While there were currently no gender quotas, the law on the bases for State guarantees to safeguard gender equality stipulated that the Zhogorku Kenesh could recommend no more than 70 per cent of persons of one sex for appointment as judges of the Constitutional and Supreme Courts, officials of the Central Commission for Elections and the Holding of Referenda and auditors of the Chamber of Accountancy. Also, a Presidential decree on the further improvement of the framework policy for recruiting women leaders for the State administration of the Kyrgyz Republic had been issued. Pursuant to the decree, a number of women had been appointed to posts in local government. Currently, women were deputy governors in six of the country's seven regions, and there was one woman governor.

28. Following the consideration of the initial report of Kyrgyzstan, the then national machinery for the advancement of women, the State Committee for the Family, Women and Youth, had organized a series of round tables and seminars to raise awareness of the Committee's concluding comments and recommendations, which had been published in the

mass media, while the President of the State Committee had appeared on national television many times. Also, a plan for the implementation of the recommendations had been drawn up.

29. In 1998, gender analysis of eight laws had been undertaken. However, only 2 of the 84 recommendations made had been noted, most likely because gender analysis of legislation was not a legal requirement. Accordingly, the National Council had recommended that the Government and the Zhogorku Kenesh should amend their rules of procedure to make gender analysis of draft laws initiated by the executive and those considered in the legislature mandatory. It had further recommended that a mechanism should be created for interaction with the Ombudsman of the Kyrgyz Republic with a view to the conduct of gender analysis of existing laws. She noted, in that connection, that the National Council's recommendations had the status of directives. The Council's Secretariat had already established a gender analysis commission, which was currently studying Government projects and programmes.

30. **Mr. Baialinov** (Kyrgyzstan) said that the measures for dealing with domestic violence ranged from protection orders, which were a preventive measure, to criminal prosecution of the offender, who could be tried for a number of offences. The data on polygamy and bride theft in the second periodic report related to cases that had been heard before a court. Regrettably, those cases represented only the tip of the iceberg since offences were often not reported to the law enforcement authorities. Also, under the Constitution of Kyrgyzstan, direct interference by the State in citizens' private lives was not permitted. That provision was an obstacle to efforts to combat those phenomena.

31. He welcomed the Committee's suggestions concerning the expansion of regional cooperation to combat trafficking in women and children. His Government was already working to that end. At its initiative, a meeting of the Coordinating Council of Prosecutors-General of the Countries of the Commonwealth of Independent States (CIS) had been held in Bishkek in September 2003. The participants had agreed to combine their efforts in order to combat trafficking in persons and illegal migration more effectively. Currently, a draft convention for the suppression of trafficking in persons was being

prepared for signature by the CIS Council of Heads of State.

32. **Ms. Schöpp-Schilling** said that, while the constitutional prohibition on interference by the State in private and family matters was commendable, it should not be construed as permitting discrimination against women. The Government should reflect further on that matter. She expressed satisfaction that article 6 of the new law on the bases for State guarantees to safeguard gender equality prohibited both direct and indirect discrimination. However, without a definition of indirect discrimination, the prohibition was meaningless. She was also concerned that, while article 6 stipulated that temporary special measures were not discriminatory, the Government had not utilized that provision to introduce such measures.

33. She noted, in that connection, that women were disproportionately affected by unemployment. The Government should therefore ensure that they received a greater share of resources for retraining and business creation. Given the large number of jobless women, it was surprising that only 1 in 10 received unemployment benefits. She asked why no women appeared to have availed themselves of the opportunity provided under the law on the basis for State guarantees to safeguard gender equality to seek legal redress when their rights were violated.

34. It would be helpful to know whether women were aware that such recourse existed, if they were entitled to legal aid, and whether non-governmental organizations could bring cases on their behalf. Lastly, she expressed concern that, while article 8 of the law described certain common-law norms and traditions as barriers to the attainment of gender equality, it did not state explicitly that they were discriminatory.

35. **Ms. Gabr** said that, while the State party was adopting laws to protect women's rights, it did not appear that those laws were being adequately utilized, perhaps because of women's lack of awareness of them. She expressed concern that the mass media, including one State-run television channel, were perpetuating stereotypes about women and asked how the Government intended to combat that trend. Noting the presence of extremist ideas in certain sections of Kyrgyz society, she urged the Government to work with imams and the Islamic university to ensure that Islamic doctrine was interpreted in such a way as to

empower women and allow them to play their rightful role in society.

36. **Ms. Khan** said that traditional practices such as bride theft and polygamy could not be regarded as part of culture. Both were criminal acts. Bride theft, which proceeded by way of abduction and rape, was a violation of women's rights under article 6 of the Convention, while polygamy violated women's equal right to enter into marriage. The State party should ensure that those issues were addressed under the relevant articles in all future reports.

37. **Ms. Saiga**, noting that the law on the bases for State guarantees to safeguard gender equality was called upon to establish progressive democratic relations between men and women based on national traditions, asked what those traditions were. Given that the law covered a wide range of areas, including economic and social relations, and provided for sanctions against companies, institutions and organizations that violated it, it was not clear why the Government maintained that political parties, as independent entities, could not be subject to quotas to increase women's representation.

38. **Ms. Kangelieva** (Kyrgyzstan) said that new legislation on gender equality covered both overt and covert gender-based discrimination, defined as discrimination that did not directly specify gender. Non-governmental organizations were cooperating closely with Government machinery for the protection of women's rights, inter alia, through gender analysis of legislation, reports, round tables and seminars. In many instances, non-governmental organizations themselves were carrying out the measures set forth in the national plan of action for the advancement of women. She drew attention to the alternative report to the second periodic report by the Kyrgyz Republic, which described the many ways in which her Government and non-governmental organizations were working hand in hand towards gender equality.

39. **Ms. Kudaiberdieva** (Kyrgyzstan) said that there had in fact been three religiously oriented programmes on State television, which raised the question of a re-emergence of patriarchy and the supporting role of women in the family. However, her Government was currently cooperating with the main Muslim leaders in Kyrgyzstan on campaigns to raise awareness about reproductive health and family planning. It had also established training programmes for clerics to spread

information in their sermons about reproductive health and family planning along Islamic lines. She drew particular attention in that regard to a joint programme with the religious authorities of Kyrgyzstan to combat HIV/AIDS.

40. **Ms. Alysheva** (Kyrgyzstan) said that the period between 1999 and 2002 had witnessed a yearly expansion of State-sponsored educational, vocational training and professional development programmes in which women accounted for about half of the participants. As part of its overall strategy to combat poverty, her Government had particularly encouraged the growth of small independent enterprises through the extension of microcredits, more than half going to women, which were also steadily increasing from year to year. Together with many international organizations, her Government had also organized a broad range of public works as temporary employment for unemployed citizens, in which about one third of the participants were women. Finally, national legislation provided for various entitlements, including a lump-sum monthly allowance for impoverished families and a monthly social allowance.

41. **Ms. Kourbanova** (Kyrgyzstan) said that the Kyrgyz Government, particularly the Ministry of Education and Culture, was working with non-governmental organizations, including her own, the Diamond Association, to help in the difficult task of overcoming gender stereotypes, which required sustained and long-term efforts. She drew attention to a joint study by the National Council for Women, Family Affairs and Gender Issues and the United Nations Development Programme (UNDP) on the difficulties that the Ministry faced in implementing the National Plan of Action for Achieving Gender Equality and eliminate gender stereotypes in the educational system.

42. Non-governmental organizations had trained teachers, parents and students in the capital, Bishkek, and surrounding region in reproductive health and women's issues, with particular emphasis on the negative effects that some traditions and customs had had on women's rights. With regard to legislation on gender equality and respect for national traditions, she stressed that the Constitution of the Kyrgyz Republic guaranteed the protection of those traditions so long as they did not violate human rights. The legislation also referred to customs that infringed on gender equality and could cause discrimination. Moreover, legislation on social and legal protection from violence in the

family also protected against traditions and cultural practices that might be harmful to family relations.

43. **Mr. Baialinov** (Kyrgyzstan) said that non-governmental organizations did indeed have the opportunity to bring gender discrimination suits before Kyrgyz courts, although such cases were isolated. He cited as an example legal action taken by the human rights organization Freedom House on behalf of women who had allegedly been wrongfully placed in psychiatric institutions. Recalling that Kyrgyzstan was a party to the Convention, he said that, with respect to polygamy, his Government had overturned a decision by a drafting committee of the Criminal Code, on which there were many women, which excluded polygamy from crimes that were punishable by law. Nevertheless, he acknowledged that, as in many countries, including the United States, polygamy remained a problem. With regard to the controversial issue of bride stealing, he said that that centuries-long custom had become mere play-acting, a ritual that involved the mutual consent of both parties. Although it might not be in keeping with modern times, it made no sense to criminalize the practice.

44. **Ms. Popescu Sandru** said that, as a citizen from a former socialist country, she understood why people from such countries, particularly women, might be reluctant to endorse any scheme that ensured social promotion based solely on quotas rather than merit. Nevertheless, she encouraged the Kyrgyz delegation to pursue implementation of its quota system, in accordance with article 7 of the Convention, to promote greater participation of women in public life. She asked whether there were seminars and training programmes for capacity-building of women interested in holding political office. More information would be welcome on the degree of cooperation between the women's organizations of the political parties and non-governmental organizations and women's associations to raise awareness and increase the chances of women candidates. Lastly, she wondered to what extent the media covered the activities of successful women leaders.

45. **Mr. Flinterman** said that it was a pity that no reference had been made in the list of issues and responses to questions to general recommendation No. 23 on the role of cultural traditions and religious beliefs, which tended to confine women to private spheres of activity and exclude them from active participation in public life. From what he had heard

during the meeting, Kyrgyzstan was no exception to that rule. He noted that no provision in the new electoral law had been made to reserve places on the ballot for women and wondered why the Government had taken no steps to identify and implement temporary special measures to ensure their equal representation in Government.

46. He saw a contradiction between the Kyrgyz Constitution, which rightly prohibited State interference in the activities of political parties, and the point made in the main report and the delegation's introductory statement that, first, because the party system was at a formative stage, parties could not be used for the advancement of women and, secondly, women were still viewed as objects whose lives must be improved from the outside rather than through their own civil initiatives. He wondered whether the Government of Kyrgyzstan would be willing to comply with general recommendation No. 23, which urged States to adopt effective measures to overcome obstacles to women's full participation in political life. Finally, he was surprised to learn, in paragraph 20 of the delegation's responses to the list of issues and questions, that women candidates seeking a judge's post were obliged to pass a qualifying exam under the same conditions as men. Given the crucial role of women judges for gender equality, he requested further clarification on the decline of women in the judiciary and why women would do worse than men on such examinations.

47. **Ms. Šimonović** commended the Kyrgyz Government for its adoption of a new law on gender equality, which she hoped would redress the low level of women's participation in the State administration and representation in diplomatic posts. More information would be welcome on the specific temporary measures that had been taken to ensure gender equality in political life.

48. **Ms. Kangelieva** (Kyrgyzstan) said that, with respect to increasing the participation of women in public life, her Government had taken part in an international conference sponsored by the Organisation for Security and Cooperation in Europe (OSCE) and the Konrad Adenauer Foundation on gender equality in Central Asia. With the support of UNDP and other international organizations, the National Council for Women was conducting training seminars and round-table discussions with federal and local authorities with a view to increasing participation in policy-making,

developing gender indicators, enhancing capacity-building and raising the status of women and sensitivity to women's issues. The Council had travelled to various regions to develop regional women's organizations and involve women more deeply in dialogue and decision-making. A congress had been convened for the first time in 2003, gathering together the regional councils for the purpose of laying the basis for further work. The Council had also held a forum on the promotion of opportunities for women in business and entrepreneurship, sponsored by UNIFEM and OSCE.

49. Her Government was also working actively with the media to raise awareness about the advancement of women through seminars and various competitions and awards for the best articles on women's rights and success stories. Both State and independent television stations had programmes that specifically addressed women's issues. In general, the media had responded positively to the need for enhancing the status of women and involving them more in decision-making. Concerning the representation of women in Government and diplomatic missions, although their numbers were small — only 10 per cent of officials in the Ministry of Foreign Affairs were women — two women occupied high-level embassy posts, in Switzerland and Turkey. Women also represented the Kyrgyz Republic at high levels throughout the United Nations. Although much remained to be done to increase women's role in decision-making, she was confident that her Government's policies, of which gender questions were an integral part, would contribute to the achievement of gender equality in that regard.

50. **Mr. Baialinov** (Kyrgyzstan) said that for the qualifying exam for judge's posts the questions were published at least one month prior to the examination itself and were in no way geared to favour one gender over another. Subsequent examinations followed different procedures. With regard to whether his Government planned to implement the Committee's recommendations for temporary special measures, he considered that it had already demonstrated its will to promote gender equality by incorporating such measures into its legislation.

51. **Ms. Kangeldieva** (Kyrgyzstan) said that, despite the reservations on the part of some people to quotas that she had mentioned previously, her Government would be actively pursuing the Committee

recommendation to change its electoral laws, including allowing for quotas on women's participation in elections.

52. **Mr. Belmihoub-Zerdani**, referring to article 4, paragraph 1, of the Convention, strongly urged the State party to take appropriate measures to enhance the status of women. The delegation should indicate what progress had been made with respect to the country's structural adjustment programme and external debt, since those factors had a considerable impact on the situation of women. She wondered whether appointments by decree ensured that there was an equitable representation of all the country's diverse ethnic groups in public administration and elsewhere; if the State granted subsidies to political parties, especially those with more women members; and whether the five political parties led by women enjoyed special treatment.

53. **Ms. Kapalata** welcomed the considerable interaction between the Government and non-governmental organizations, which played a very important role in the advancement and protection of women's rights in the Kyrgyz Republic. It was regrettable, however, that very little progress had been made with respect to the implementation of articles 7 and 8 of the Convention. It was unacceptable that Kyrgyzstan, which had ratified the Convention, should have only one woman ambassador and one consul general. In that regard, she requested information on what action the Government was taking to enhance the participation of women in the diplomatic service. She hoped that, in its next report, the delegation would provide more information on the concrete steps that the Government was taking to further enhance women's participation in the diplomatic service.

54. **Ms. Patten** said that she was extremely concerned about women's declining participation in political and public life. The Presidential Decree of August 2002, which had ostensibly been adopted with the aim of providing guarantees for the representation of women at higher levels of decision-making, blatantly denied women access to top positions, since it restricted them to deputy-level positions. Such restriction was discriminatory and in contravention of article 7. The delegation should clarify its answer to question 18 of the list of issues with regard to the introduction of gender quotas and explain the meaning of "scientific circles". It should also indicate the actions being taken by the Government to eliminate

negative traditional, social and cultural stereotypes, which were hampering women's participation in social life at all levels of decision-making, and explain Kyrgyzstan's strategy for creating an enabling environment.

55. **Ms. Morvai**, referring to article 9 of the Convention, wondered whether women had equal rights with men to transmit nationality to their children or spouses. She would appreciate more information on the new law on State guarantees to safeguard gender equality. In that regard, she wondered whether reference had been made to the Convention in any court cases and whether any ongoing training was being provided to members of the judiciary and law enforcement community on the Convention and the Optional Protocol.

56. **Ms. Kangeldieva** (Kyrgyzstan) noted that, because of the huge external debt, the Government had difficulties in making budgetary provisions for gender policy. Indeed, one of the main impediments to gender equality was budgetary constraints. As far as ethnic minorities were concerned, everyone was equal under the Constitution. While the representation of ethnic groups at decision-making levels was taken into account, much still remained to be done with regard to women's representation and the rights of minority women. The Government did not provide subsidies or grants to political parties.

57. **Ms. Kudaiberdieva**, responding to a question about how the Government worked with the media, said that the National Council was working on a draft law concerning violence against women, which included a provision on relevant training for the media. In June 2003, a three-day seminar on the gender aspects of political issues had been convened and attended by 75 media representatives. The most important aspect of the National Plan of Action for Achieving Gender Equality was educating the media about gender sensitivity; and a relevant education campaign had targeted heads of households. Furthermore, meetings were planned with the media to develop a gender strategy.

58. **Ms. Kangeldieva**, referring to a question about the representation of women in the diplomatic service, noted that following independence, most diplomats had been inherited from the former Soviet Union; the higher levels of staff had consisted mostly of men. Currently, Kyrgyzstan's Consul General in Istanbul was

a woman. After independence, Kyrgyzstan began to train its own diplomatic personnel, including women, and it had now opened a diplomatic academy, which she hoped would be helpful in advancing the representation of women in the diplomatic service.

59. **Mr. Baialinov** (Kyrgyzstan), responding to a number of questions about nationality, acknowledged that there was an imbalance in the law on nationality with respect to the gender of the parents and their legal right to transmit nationality to their children. Concerning the labour code, he noted that international law, including the Convention, was part of domestic legislation in Kyrgyzstan. Where there was a conflict between domestic and international law, international law took precedence. With regard to the court system, the training of judges and law enforcement personnel was being provided with assistance from international organizations and individual Governments, including that of the United States of America. He was aware of the conflicts between domestic and international laws, especially with regard to the right to nationality. In that regard, case law and precedence were not recognized in Kyrgyzstan.

60. **Ms. Kudaiberdieva** (Kyrgyzstan) said that Kyrgyzstan had acceded to the Optional Protocol to the Convention in 2002, and the National Council had convened a round table to publicize that event as well as the Convention. The Government would do more to publicize those two legal instruments in future.

61. **Mr. Baialinov** (Kyrgyzstan), in reply to the question about the Government's action to put an end to harmful traditional practices, pointed out that, under the Constitution, traditional practices that were not harmful were supported by the State. If, however, such practices were contrary to human rights and freedoms and in conflict with the gender-based approach, then the State would not support them.

Articles 10 to 14

62. **Ms. Manalo**, referring to the delegation's statement that abortion was legal under certain circumstances, asked whether it continued to be used as a means of family planning and whether any specific measures had been adopted to discourage women from using that practice. In that regard, she would welcome statistics showing that shift. With regard to the cyanide spill which had occurred in one of the regions of Kyrgyzstan, she wondered what definitive steps had

been taken by the authorities to prevent similar spills, which adversely affected women's health and the environment. The delegation should indicate what concrete steps had been taken to facilitate fair compensation for damage to people's health and to the environment.

63. Turning to employment, she noted two instances where international financial institutions had attempted to privatize the health sector. Instead of providing employment, that privatization effort had led to the massive dismissal of many medical doctors, most of whom were women, and of technical medical personnel. How had the Government helped those people, especially women, to cope with the initial adverse effects of the privatization exercise and had the situation been brought to the attention of the appropriate United Nations authorities, especially the United Nations Special Rapporteur on the right to health? The delegation should explain what remedies the authorities had put in place in that regard.

64. Stressing the need for rural women to receive equal treatment in land reform, she noted that a new law passed in Kyrgyzstan in 2001 allowed the owner of a plot of land to sell it only in its entirety with a certificate of title. Since husbands alone usually held such certificates of title, a woman who had separated from her husband could not sell or exchange her share of the land or any portion thereof. That was discriminatory to the woman, as was the fact that only one heir could inherit land. Moreover, given the possibility that when a woman separated from her husband she might have to pay a tax on her share of the plot, she often became indigent and economically dependent. The Committee would like to know how the Government was going to redress the plight of Kyrgyz women in that regard.

65. **Ms. Achmad** expressed serious concern about continuing stereotypes in education and the media. According to the report, stereotypes in education also resulted in stereotypical treatment of women in employment. In that regard, she wondered the extent to which a study undertaken by the United Nations Development Programme (UNDP) reflected the role of higher education institutions to eliminate stereotypical attitudes. Unless studies were undertaken to clearly identify the causes of stereotypes, it would not be possible to evolve a good strategy to eliminate them. Did the Government attach importance to studies and research on the causes of stereotypical attitudes?

Noting that 80 per cent of the media was owned by the private sector, she asked for more information on any strategy developed to enhance the media's role in monitoring progress achieved as well as obstacles encountered in eliminating stereotypes.

66. **Ms. Schöpp-Schilling** wanted to know to what extent the health dimension was considered in efforts to develop gender indicators for domestic violence. While she welcomed the State party's positive response to the amendment to article 21, that was not sufficient. The Government needed to ratify the amendment, since ratification by two thirds of the States parties was needed for it to enter into force. Furthermore, she was deeply concerned about the impact of the health sector reform and wondered whether the Kyrgyz Government realized that it had resulted in severe indirect discrimination against women, both as providers and beneficiaries of health care. Indeed, since 70 per cent of the country's medical personnel were women, who had now lost their jobs, and there were nearly 10 per cent more females than males in the country, women were more adversely affected by the reform than men. She wanted to know what action the Government was taking to reintegrate the dismissed medical personnel. Lastly, she was shocked to hear that the proportion of underweight girls was bigger than that of boys — another indication of the inferior status of the girl child vis-à-vis the boy child.

67. **Ms. Patten** commended the Government for recognizing that a successful transition to a market economy depended on reforms in the agricultural sector and for promptly enacting the Law on Management of Agricultural Lands. A large section of the population, including women, had actually benefited from land ownership. However, since its enactment in 2001, it had quickly become apparent that the Law had clearly not taken into account the gender dimension and the implications of its implementation. It included several provisions that impeded the equal enjoyment by women of their land rights. The current practice of land disposition was reinforcing discriminatory traditional practices and adversely affecting the economic situation of women. She wished to be enlightened on the Government's strategy in that regard and wanted to know about any plans to review and amend the Law in the near future to remove those discriminatory provisions.

The meeting rose at 1 p.m.