



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 758th meeting (Chamber A)

Held at Headquarters, New York, on Tuesday, 16 January 2007, at 3 p.m.

Chairperson: Ms. Gabr (Vice-Chairperson)

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In the absence of Ms. Šimonović, Ms. Gabr, Vice-Chairperson, took the Chair.

The meeting was called to order at 3 p.m.

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

Second periodic report of Kazakhstan (continued) (CEDAW/C/KAZ/2; CEDAW/C/KAZ/Q/2 and Add.1)

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

Articles 7 to 9 (continued)

2. **Ms. Jarbussynova** (Kazakhstan) said that, while some gender-based stereotypes persisted in Kazakhstan, women and men had equal rights to represent their Government at the international level. She herself had served as the Permanent Representative of Kazakhstan to the United Nations for four years, and there were currently two female Ambassadors-at-Large in the Ministry of Foreign Affairs. Women occupied 30 per cent of the diplomatic positions in that Ministry and also represented their Government in a number of international organizations.

Articles 10 to 14

3. **Ms. Simms** wondered whether the apparent feminization of the teaching profession was due to the low salaries offered in the education sector. While the Kazakh Government's efforts to introduce gender sensitization programmes in higher education institutions were commendable, such programmes must also be offered to children of primary school age in order to ensure that stereotypes were eliminated before they took root.

4. She expressed concern about the topics covered during moral and sex education months, and asked why those courses were offered only to girls. Excluding boys from such activities served to perpetuate the notion that women alone were responsible for maintaining society's moral fibre, even though men's behaviour towards women was often violent and dangerous.

5. **Ms. Pimentel** commended the Government on the incorporation of gender perspectives into university

courses and enquired whether similar measures would be taken at all levels of the education system. She would be grateful for further information about the Concept of Moral and Sex Education, and was particularly interested to know whether that Concept respected the choices made by each individual, regardless of sexual orientation.

6. It was clear from the report that career choices continued to be affected by gender stereotypes. Had the State party introduced any measures to encourage girls to pursue non-traditional occupations? Referring to table 9 (page 35 of the report), she asked about the steps taken to increase the number of female professors in higher education institutions.

7. Turning to the issue of women's health, she enquired whether the Government was monitoring the results of its efforts to prevent the transmission of HIV/AIDS from mother to child. In the context of those efforts, which included the provision of free contraceptives and abortions to infected women, how were patients' human rights protected?

8. The State party should also detail the measures taken to provide universal access to family planning services and raise awareness of the harmful effects of abortion and its consequences. Lastly, she would be grateful for additional information about the health-care legislation referred to on page 6 of the report, in particular its impact on women and girls.

9. **Ms. Schöpp-Schilling** asked about the time frame for the proposed reform of Kazakhstan's pension legislation, and enquired whether that reform would equalize the retirement ages for women and men.

10. She was particularly concerned about the significant wage gap between women and men, and asked whether the anticipated reform of Kazakhstan's labour laws would include provisions designed to remedy that situation. Article 11 of the Convention enshrined the right to equal remuneration and equal treatment in respect of work of equal value. Extensive research on that issue had been carried out in the United States of America and Europe, and she would be pleased to provide the State party with additional information in that regard. In her opinion, salaries tended to be lower in female-dominated sectors because of shortcomings in the way women's work was evaluated, and she urged the Government to review the wage structure of the so-called "light industry" sector.

11. Referring to article 14 of the Convention, she would have liked to receive more detailed information about the number of female landowners. She was curious about the types of businesses run by rural women and the availability of markets for their products and/or services. The report should have provided more extensive data on elderly women, with particular reference to their health and income situations.

12. **The Chairperson**, speaking as a member of the Committee, pointed out that Kazakhstan's market economy was disadvantageous for the most vulnerable segments of the population. The National Commission for Women and the Family must address the issue of women's employment clearly and comprehensively, not only in the context of the reform of labour laws.

13. She enquired about the impact on female employment levels of the transfer of responsibility for social security benefits from employers to the State. She also wished to know whether the outcome of medical examinations could adversely affect women's job prospects.

14. **Ms. Naubetova** (Kazakhstan) agreed that gender-based stereotypes persisted in the education sector. However, school textbooks used by first and second graders had been revised to eliminate such stereotypes, and career guidance was available to all female students. In recent years, there had been significant increases in the number of women obtaining first degrees and doctorates in scientific and technical subjects and in the number of women entering non-traditional professions, such as the oil and gas industry.

15. Kazakhstan's policy on gender education was evolving rapidly, as evidenced by the publication of appropriate teaching aids and textbooks, and the Government had every intention of broadening the scope of that policy over the coming years.

16. **Ms. Dikanbayeva** (Kazakhstan) said that while there were, indeed, substantial shortcomings in the health-care situation in Kazakhstan, many changes had taken place. There was now a legal basis for the protection of equal rights and freedom of choice and health, enshrined in the administrative code and other instruments. A new law had been adopted on reproductive rights, which guaranteed such rights for all citizens. The law governing health care was in no way discriminatory against women, because it referred

to the protection of the health of all citizens of Kazakhstan, men and women alike. In the case of adolescents, gynaecological centres had been set up in medical units for diagnoses and pregnancy tests. The 2005-2010 health development programme earmarked almost one third of funds to the development of prophylactic measures devoted to active work and lifestyle, and those measures were producing results, especially for schoolchildren.

17. The most important thing was to provide universal access to family planning and information on abortion and the use of contraceptives. The Government had set up secure telephone lines for free consultation on matters of family planning. Most basic contraceptives were provided free of charge; however, women seeking a more expensive contraceptive not supplied by the State had to pay for it.

18. While acknowledging that sexually transmitted diseases, drug-related diseases, HIV/AIDS and tuberculosis were still rampant in the country, she said that a law on the prevention of HIV/AIDS had been passed and a programme of measures implemented, including measures to prevent the transmission of HIV/AIDS from pregnant mothers to their children. For example, hostels had been set up to provide medical care, treatment and supervision to pregnant women and children infected with the disease.

19. With regard to the wage differential between men and women in the health and medical sector, she said that it was based not on gender, but on the physical and psychological burden faced by workers, with the highest wages going to neurosurgeons, heart surgeons and oncologists. With respect to elderly women, there was a law on reproductive rights and medical care based on the principles of fairness and accessibility, regardless of age or gender. Hence, children and elderly women were guaranteed general medical care and assistance in outpatient and in-hospital situations. Specialized care was provided by university clinics and science centres and the quarantine system was paid for by all through the State budget.

20. **Ms. Kurmangaliyeva** (Kazakhstan), addressing issues related to women in rural areas, said that men and women had equal rights to own, dispose of and inherit land. According to the latest data, more than half land users in rural areas were women. They were engaged, inter alia, in cattle breeding and agricultural development, some of them even headed businesses.

21. **Ms. Grybenko** (Kazakhstan), replying to questions about women and the labour market, said that the issue of employment must be addressed at both the macro and the micro levels. On the macro level, the Government felt that there were several problems starting with the imbalance between supply and demand, with unemployment on the one hand and unfilled vacancies on the other. The others were how to develop labour resources and how to attract foreign workers to the national labour market.

22. The Government was trying to develop labour resources and increase the professional qualifications of women so as to improve their employment prospects. The three-year employment programme for 2005 to 2007 was based on non-discrimination against women. Vocational training was being provided through State vocational education and on-the-job training. Four new training centres would be opened, including one in an area of the country where there was a surplus of female workers.

23. On the micro level, efforts had been made to reduce obstacles to the acceptance and use of female labour. Under the prevailing law, employers paid not according to ability to work but according to vocational training. Although women were allowed to take maternity leave, when they did so they stopped contributing to the pension fund. Under the new system women on maternity leave would continue contributing to the pension fund and would therefore not be penalized.

24. While acknowledging that there was a wage differential between men and women, she said that steps were being taken to reduce it and gains had indeed been made. It was important to note that comparisons might be difficult because wage differentials depended on the areas of activity involved and the qualifications required. Many efforts had been made to standardize work and wages and to respect the principle of equal pay for work of equal value. The issue of pensions was under constant examination and it was possible that the pensionable age for women would soon be the same as that for men.

25. **Ms. Dairiam** welcomed the assertion in the report that women had equal access to health services, but asked whether that was enshrined in the law and whether there was any monitoring to ensure that it was real, especially in the presence of user fees or other impediments. Noting that the use of contraceptives,

including intra-uterine devices, was quite high and that a wide range of contraceptives were not readily available due to the complexities of the procurement system, she asked whether the Government ensured that women had access to contraceptives suitable for their age and whether it monitored cases of pelvic inflammation and other side effects arising from the use of intra-uterine devices.

26. She also asked whether the Government had developed profiles of women seeking abortion, based on level of education, social and economic standing, urban or rural residency, etc., and whether it had studied the consequences of the high prevalence of pregnancy and abortion among teenagers. Finally, she sought confirmation whether measures had been taken to raise the awareness of teenagers of the impact of pregnancy and abortion on their development and schooling, and whether support mechanisms had been established.

27. **Mr. Tutkushev** (Kazakhstan) said that women's access to medical care was formally equal to that of men, but some differences still existed in practice. Funding to ensure equal access had been increased, especially for women of reproductive age. The abortion rate had decreased, as contraceptives were increasingly available, but among teenagers it was still high. The Government had introduced awareness campaigns for teenagers to explain the risks of early sexual activity and the possible impact of abortions on fertility. Some schools had introduced programmes on reproductive behaviour, adapted to the age of the pupils, but parents were often hostile to such programmes.

28. **Ms. Dikanbayeva** (Kazakhstan) said that family planning had been part of national policy since 2002. Women received appropriate counselling and care in polyclinics all over the country. Courses on family planning had also been established for male spouses. Teenagers received specific counselling with regard to reproductive health.

Articles 15 and 16

29. **Mr. Flinterman** said, with regard to article 16, that information had reached the Committee concerning religious or traditional marriages in Kazakhstan. He asked whether such marriages existed, how widespread they were and what their legal status was. Furthermore, were women protected in such marriages, in particular in the event of dissolution?

30. **Ms. Halperin-Kaddari**, noting that, although Kazakhstan had a formal legal system with civil laws governing marriage and the family, the society seemed still quite traditional and patriarchal, requested information on the economic consequences of the dissolution of marriages, especially the division of property, and, in particular, how intangible assets, such as work benefits, pension rights, life insurance, human capital and so forth, were treated in a divorce. With particular regard to informal cohabitation without marriage, she asked what protections each partner, especially a non-wage-earner, had. The report stated that child custody and child support were determined by courts in divorce cases. She requested more information about the rules that the courts followed in such cases.

31. **Ms. Shaikenova** (Kazakhstan) said that in order for legal protections to apply in a marriage the marriage must be legally registered and recognized. Property acquired during the marriage was considered jointly owned and was divided accordingly. Property owned before the marriage remained the property of the owner. In the absence of a valid legal arrangement by divorcing spouses, the courts decided child custody and support according to the best interests of the children. The parent not receiving custody was required to contribute to the support of the children. In civil marriages the division of property was handled by the courts in accordance with the norms of civil law.

32. **Mr. Kustavletov** (Kazakhstan) said that while traditional or religious marriages existed they were by no means widespread; such unions had not been recognized during the Soviet period. Marriage should, in principle, be based on a voluntary union between equals who took decisions jointly. A union resulting from the use of deceit or force was illegal.

33. **The Chairperson** invited members of the Committee to ask follow-up questions on the report and responses submitted by the delegation.

34. **Ms. Saiga**, noting that the report referred to a new system of social insurance, presumably State-funded, that was being considered, in particular for the payment of maternity leaves, requested more information on how the employer-paid and State-paid systems would coexist. The report mentioned the equal rights and responsibilities of both parents for childcare, but also referred to the responsibilities of other relatives such as grandparents, which seemed unusual.

She asked whether the rights of parents to retain their employment was part of family law or of the labour code. Noting that Kazakhstan was moving towards equality of men and women in terms of the age of retirement, she asked whether any information had been gathered from women about their attitudes on having to work longer before retirement.

35. **Ms. Shin** noted that once a law was in place, there was always a need to check that it was, in fact, being implemented. Although the delegation had stated that women had no problem asserting their right to own land it was a fact that, in the process of privatization of former collective farms, only people with agricultural experience were entitled to own the land. Accordingly, there was no genuine equality of rights for women. Moreover, even when adopted, the new law on equal rights and equal opportunities, under which a 30 per cent quota would be applied to all elected and appointed positions, would not solve all the problems. Consequently a real effort should be made to change gender stereotyping in the public consciousness; one way would be to have men participate in housework and in the raising of children.

36. Finally, noting that maternal mortality rates remained high and that there were problems in other areas, such as employment and education, she said that it would be necessary to assess what impact such programmes were having on the lives of women.

37. **Ms. Schöpp-Schilling** said that she did not have a clear picture how Kazakhstan intended to achieve its goal of 30 per cent participation of women in political institutions and asked whether the plan was that the political parties themselves would establish quotas. She had carried out research in the European Union on that issue, and it was very clear that, unless there was a compulsory quota, the desired result would not be achieved. Voluntary goals and targets were never met.

38. She clarified that when she had spoken earlier about equal pay, she had meant equal pay for types of work that, while possibly very different, were of equal value, such as that of a librarian and an engineer. There must be neutral criteria for determining the worth of particular types of work, and she suggested that Kazakhstan should amend its Labour Code accordingly.

39. **Ms. Halperin-Kaddari** said that she did not have a clear idea of the legal definition of marital property. Was it only tangible property, such as the family

dwelling, or did it include intangibles such as future pension rights or life insurance entitlements accrued during the working career? She wished to know what protection was provided for women in that regard.

40. She pointed out that the system of parental leave benefits seemed to reiterate stereotypes about the respective roles of men and women: for example, when a child was ill, it was the mother, not the father, who received an allowance.

41. Referring to the matter of underage marriages, she pointed out that whereas, under the law, the minimum age for marriage was 18, statistics had been provided on the age group 16 to 19. She asked how many in that group were, in fact, under the age of 18, and what was being done to enforce the law.

42. **Ms. Dairiam** noted that her question concerning teenage pregnancies and the rate of abortions had not been answered. The report contained a lot of information on what the State was doing in terms of laws, policies and programmes, but little data about their impact. Such data would be helpful in order to determine whether the Convention was affecting women's lives in practice and, if so, to what extent. Finally, she asked for clarification on whether religious marriages were legal, and whether their legal status depended on whether or not they had been contracted by mutual consent.

43. **Ms. Grybenko** (Kazakhstan) said that with regard to family assistance in Kazakhstan, changes had been made not only in terms of State support for women but also with regard to creating appropriate conditions for children. In the past there had been one allocation for childbirth and special support for women who had lots of children. There was now one allocation for children up to the age of 1 year, and another one, for less well-off families, up to age of 18.

44. Noting the concerns expressed by the Committee about the division of responsibility within the family, and taking its recommendations into account, Kazakhstan had prepared a draft labour code under which the employer was required, without reducing wages, to give leave to a parent until the child reached the age of 3. The parent could be either the mother or the father.

45. With regard to insurance, she explained that there was a system of multilevel insurance and social provision, with the different components being funded from different sources. On the one hand there was a special solidarity allocation payment, which provided

food aid for the needy or disability payments; that allocation was funded from the State budget. There was now also a system of compulsory social insurance, funded from taxes paid by corporations; 3 per cent of the tax revenues was paid into the State social insurance fund, which protected against disability or unemployment, and also provided child benefits. Finally, there was personal insurance, to which both employer and employee contributed directly, although that system had not yet reached the desired scale.

46. There were no plans, as yet, to raise the pensionable age for women although a proposal to that effect had been made. The issue was being studied, with technical assistance from international organizations.

47. **Mr. Kustavletov** (Kazakhstan) said that religious marriages were not recognized under the law, and therefore were not permitted. Compelling a partner to enter into a religious marriage constituted an offence under the law.

48. The marriageable age was 18, but it could be lowered to 16 with the consent of the parents. The division of marital property was subject to mutual agreement; any proposal from one spouse required the agreement of the other. Intangibles such as pension accumulation were not subject to division.

49. **Ms. Dikambayeva** (Kazakhstan) said that abortions equated to 14 per cent of the total number of pregnancies. That was the only figure available, for, given their nature, gynaecological clinics did not provide statistical data on abortions. As a cause of maternal mortality, abortion had dropped from first place to third.

50. The law provided for equal access to medical care for men and women. According to the data, 98.7 per cent of women of reproductive age had undergone gynaecological examination in 2005. There was also a system for monitoring the provision of medicines to pregnant women, as well as the provision of iodine and other substances purchased out of the State budget.

51. **Ms. Samakova** (Kazakhstan) assured the Committee that the goal of 30 per cent of decision-making positions to be held by women would definitely be fulfilled since it had been decreed by the President of Kazakhstan. She thanked the members of the Committee for sharing their insights and said that her Government would continue working to improve the situation of women.

The meeting rose at 5.10 p.m.