

## QUICK GUIDE TO ADDRESS WOMEN'S ISSUES DURING THE UNIVERSAL PERIODIC REVIEW ON KAZAKHSTAN

These Guides include:

- A list of issues mentioned in the National Report, the Compilation of official UN Documents and the Summary of Other Stakeholders Submissions, with references to the particular paragraphs in which they can be found.
- A reference to "gaps", that is, issues on which the National Report should/could have applied a gender perspective but failed to do so.
- In those cases in which the Sexual Rights Initiative has submitted reports, we have included an Annex with our recommendations.
- In all cases we have included suggested questions and recommendations

References in the two working languages of the Council (English and French) have been kept in their original language.

Issues are highlighted. References from the National Report are *in Italics*.

Recommendations - including those from UN treaty-monitoring bodies, are at the end of the document.

All women's rights issues (included sexual rights' issues related specifically to women) are referred to in this Guide. Other sexual rights issues are referred to in the Sexual Rights Guides for each state under review

CEDAW ratified. OP-CEDAW ratified with reservations (Articles 8 and 9)<sup>1</sup>. Rome Statute not ratified. Palermo Protocol ratified.

### Gaps

The National Report should/could have applied a gender perspective -that is, make reference to how the issue affects women and men in particular ways- but failed to do so in the following sections: Droit à la vie (34-40), Droit au respect de la vie privée (41-42), Protection contre la torture, la violence et les autres traitements cruels ou dégradants (50-56), Situation dans les établissements pénitentiaires (57-61), Droit à la liberté et droit à l'inviolabilité de la personne

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#### <sup>1</sup> Article 8

1. If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.
2. Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.
3. After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.
4. The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.
5. Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.

#### Article 9

1. The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.
2. The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such an inquiry.

(62-64), Liberté d'expression (65-72), Droit d'association (73-76), Droit de circuler librement et droit de choisir son lieu de séjour ou de résidence (77-81), Droits des migrants et des réfugiés (82-87), Lutte contre la traite des êtres humains (88-92), Liberté de pensée, de conscience et de religion (93-101), Droit à la liberté de réunion et d'association pacifiques (102-104), Droit à un environnement sain (111-117), Droit à l'éducation (118-128), Droit à un logement convenable (129-133), Droit de recevoir gratuitement une assistance juridique de qualité (134), Éducation aux droits de l'homme (135-138), Droits de l'enfant (146-155), Protection de la santé (156-164), Protection des personnes handicapées (167-175), Lutte contre le chômage (176-179), Lutte contre la corruption (180-183), Justice (184-187)

ISSUE	N Report	Compilation	Summary
Abortion			Predominant contraceptive method (42)
Early / forced marriage		Marriages without documentation (23)	
Equality and Non discrimination	Discrimination is a penal offence (49)		
Maternal mortality /maternal health	Especial programme (145). Free medicines for pregnant women (159)		
Participation in public and political life	Low increase in public participation (142) Lack of representation in public and economic fields. Draft bill to establish a gender quota for government posts (143)	Low rates in decision-making positions (28)	Low parliamentary representation (10)
Patriarchal attitudes/stereotypes		Deep-rooted stereotypes reflected in family and in educational, labour and public fields (7)	Social stereotypes. Stigma on unmarried women and married women hold in violent relationships (10)
Ratification of Rome Statute			Requested, enacting domestic legislation (1)
Reproductive health/rights		Lack of quality maternal health services. Teenage pregnancy. High abortion rate (33)	Low levels of awareness (42)
Right to education	Free and compulsory primary and secondary education (118)	Achievement of MDG 2. (35)	
Right to work		Unemployment. No legislation on equal pay for equal work (31)	Wage gaps. Secondary source of family incomes (10)
State Institutions/ Plans of Actions	National Women's Commission (139) National Plan. Forums (140). Strategy to promote sex equality. Loans for businesswomen. Research centre on gender issues (141)		
Trafficking of women/		Persistence of trafficking in women and girls.	

<b>Forced prostitution</b>		Corruption impede effective prevention (18)	
<b>Violence against Women /Gender Violence</b>	Serious incidence. Rape and murders. Draft bill (144)	High prevalence. Lack of legislation (16)	High number of women and girls' deaths. Impunity, inadequate proceedings, social tolerance (21)

## Abortion

JS1 noted that **abortion is still a predominant contraceptive method** (Para 42, Summary)

See Recommendations, JS1<sup>2</sup> (42)

## Early / forced marriage

() In 2009, UNHCR indicated continuing concerns relating to the issuance of marriage certificates for couples **without the necessary documentation** and residence registration (Para 23, Compilation)

See Recommendations, CEDAW (23)

## Equality and non-discrimination

*La discrimination est une **infraction pénale** (art. 141).*

See Recommendations, CEDAW (2)

## Maternal mortality/maternal health

*Un programme spécial visant à réduire la **mortalité maternelle et infantile est en cours d'exécution. Un centre scientifique national de la mère et de l'enfant et un centre national de réadaptation pour enfants sont en place** (Para 145, NR). L'État fournit gratuitement les médicaments nécessaires () **aux femmes enceintes**. (Para 159, NR)*

## Participation in public and political life

*Depuis le lancement de la Stratégie, la **proportion de femmes fonctionnaires est passée à 58 %**, et celle de femmes exerçant des responsabilités politiques à 7 %. Actuellement, 14 % des députés sont des femmes et cette proportion est de 17,1 % dans les assemblées représentatives locales (Para 142, NR). Les femmes demeurent **insuffisamment représentées dans les organes politiques et les entreprises**, malgré leur position assez élevée dans la société kazakhe. Dans le Plan d'action national 2009-2012 pour la défense des droits de l'homme au Kazakhstan, **il est proposé d'instituer un quota de 30 % de femmes dans les organes représentatifs nationaux** et d'accroître*

<sup>2</sup> JS1 Joint Submission by Almaty Helsinki Committee, Kazakhstan; Atyrau oblast Youth Resource Center, Kazakhstan; Kazakhstan Children's Fund, Kazakhstan; Kazakhstan International Human Rights and the Rule of Law Committee, Almaty, Kazakhstan; Committee for Monitoring Penal Reform and Human Rights, Kazakhstan; Crisis Center «Podrugee», Kazakhstan; Crisis Center «Zabota», Almaty, Kazakhstan; WLCI (Women's League of Creative Initiative), Almaty, Kazakhstan; International Fund for Freedom of Speech Protection «Adil Soz», Kazakhstan; International Journalism Center MediaNet, Kazakhstan; Amulet, Kazakhstan; Childhood, Kazakhstan; Childhood Without Borders, Kazakhstan; SF «Charter for Human Rights», Kazakhstan; OS «Women's Association for Development and Adaptation», Kazakhstan; OS «Namys», Kazakhstan; OS «Legal Center of Women's Initiatives Sana Sezim», Kazakhstan; OS of mothers of disabled children «Raduga», Kazakhstan; OS «SKO Center for Support to Women», Kazakhstan; SF «Aman Saulyk», Kazakhstan; SF of the Center for Development and Adaptation «Fenix», Kazakhstan; SF "Fund for Parliamentarism Development in Kazakhstan", Kazakhstan; RNIO (Republican Network of Independent Observers), Almaty, Kazakhstan; ROS FTUK (Kazakhstan Confederation of Trade Unions), Astana, Kazakhstan; Feminist League, Almaty, Kazakhstan; Center for Legal Policy research, Almaty, Kazakhstan; Center for Protection of Children and Family Support, Kazakhstan; Center for Legal Assistance to Ethnic Minorities, Kazakhstan; Green Salvation, Almaty, Kazakhstan; PRI\* (Penal Reform International), London, United Kingdom

la représentation des femmes dans les structures décisionnelles des organes exécutifs. Cette proposition est en cours d'étude au titre des travaux relatifs à un projet de loi sur l'égalité des droits et l'égalité des chances entre les femmes et les hommes, déposé à l'initiative de députés du Majilis. Ce texte sera adopté d'ici au 1er juillet 2010, conformément au plan d'action pour la mise en oeuvre de la déclaration de mission formulée le 1er septembre 2009 par le Chef de l'État à l'ouverture de la troisième session parlementaire de la quatrième mandature (Para 143, NR)

UNICEF highlighted the fact that women constitute 54 per cent of civil servants, but only 10 per cent of these women hold decision-making positions (Para 28, Compilation). JS1 indicated that despite the formal efforts, the position of women in Kazakhstan was in need of real support. Women's representation in the Parliament amounts only to 11.1 per cent (Para 10 Summary)

See Recommendations, CEDAW (28); JS1 (10)

### **Patriarchal attitudes/stereotypes**

In 2007, while noting the introduction of measures, The Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) continued to be concerned about the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society in Kazakhstan, which are reflected in women's educational choices, their situation in the labour market and their low level of participation in political and public life. The Committee was also concerned about persistent stereotypes found in school textbooks (Para 7, Compilation)

Joint submission by Labrys and Sexual Rights Initiative (JS4) noted that the gendered structure of Kazakhstan society emphasized motherhood and preserving the family as the key goal in women's lives, which put stigma on unmarried women and kept married women in violent relationships (Para 10 Summary)

See Recommendations, JS1 (10)

### **Ratification of Rome Statute**

JS1 called upon Kazakhstan to ratify () the Rome Statute of the International Criminal Court and enact implementing legislation (Para 1, Summary)

### **Reproductive health/rights**

UNICEF submitted that the quality of maternal and child health services is affected by system-wide weaknesses in norms, standards and practices (). In 2007, The Committee on the Rights of the Child (CRC) remained concerned at () the prevalence of teenage pregnancy, the high abortion rate () (Para 18, Compilation). JS3<sup>3</sup> referred to the Committee on the Rights of the Child's comment about low levels of awareness of sexual health (Para 42, Summary)

See Recommendations, CEDAW (13); CRC and CEDAW (13); JS1 (42)

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<sup>3</sup> JS3 Joint submission by Canadian HIV/AIDS Legal Network\*, Toronto, Canada; Equal to Equal, Almaty, Kazakhstan; Answer, Kazakhstan; Anti-SPID, Kazakhstan; Foundation Aman Sowlyk, Kazakhstan; GALA (LGBT), Kazakhstan; Amulet (LGBT), Kazakhstan; Credo, Kazakhstan; Centre for Information and Counselling on Reproductive Health "Tanadgoma", Georgia; HCLU (Hungarian Civil Liberties Union), Budapest, Hungary; IDPC (International Drug Policy Consortium), London, United Kingdom; IHRA\* (International Harm Reduction Association), London, United Kingdom; NZDF (New Zealand Drug Foundation), Wellington, New Zealand; and INPUD (International Network of People who Use Drugs)

## Right to education

*Le droit à l'éducation est garanti à chacun. L'enseignement primaire et secondaire du premier cycle est obligatoire et est dispensé gratuitement dans les établissements publics. Chacun a le droit, après avoir été dûment sélectionné par voie de concours, à un enseignement supérieur dispensé gratuitement par les établissements d'enseignements supérieur publics. (Para 118, NR)*

UNICEF reported that Millennium Development Goal 2 on education has been achieved, except for pre-primary education (Para 35, Compilation)

See Recommendations, UNICEF (35); CRC (35)

## Right to work

While noting some wage increases in female-dominated sectors, CEDAW expressed concern about the high level of unemployment among women and the absence of legislation providing for equal pay for work of equal value (Para 31, Compilation). The average salary of women made up 61 per cent of that of men. According to JS4, women's jobs are considered to be secondary sources of income both by the family and employers which contributes to their economic dependency on the men and extended family (Para 10 Summary)

See Recommendations, CEDAW (31); JS1 (10)

## State Institutions/Plans of Actions

*Les questions relatives aux droits des femmes relèvent de la Commission nationale des femmes et de la politique familiale et démographique près la Présidence de la République, instituée voilà dix ans (Para 139, NR). Le premier Plan d'action national pour l'amélioration de la condition des femmes au Kazakhstan a été adopté en 1999.() .Organisés régulièrement, les forums de femmes du Kazakhstan, dont le cinquième s'est tenu en 2009, permettent de débattre des problèmes du moment que soulèvent la mise en oeuvre de la politique nationale pour l'égalité des sexes (Para 140, NR). Le Gouvernement a adopté et applique la Stratégie 2006-2016 pour la promotion de l'égalité des sexes au Kazakhstan. L'entrepreneuriat féminin fait l'objet d'une promotion constante dans ce cadre. Des dizaines de milliers de femmes ont ainsi pu créer leur propre entreprise en bénéficiant de prêts avantageux. En 2008, 61 exploitations agricoles dirigées par des femmes ont bénéficié de prêts dans le cadre de mutuelles de crédit agricoles. Le fonds de soutien financier à l'agriculture a accordé à des femmes près de 10 000 prêts, d'un montant cumulé avoisinant 20 millions de dollars. Un centre de recherche sur les questions liées au genre a été créé. (Para 141, NR)*

## Trafficking of women/Forced prostitution

() CEDAW was concerned about the persistence of trafficking in women and girls, and The Committee on the Elimination of All Forms of Racial Discrimination (CERD) was concerned in particular that it affected non-citizens and ethnic minorities. CRC remained concerned in particular, about allegations of complicity by State officials in trafficking and that corruption impedes the effectiveness of prevention measures (Para 18, Compilation)

## Violence against Women/Gender Violence

*La lutte contre la violence, en particulier la violence domestique, est un problème d'actualité. Selon les données du Comité des statistiques judiciaires et des rapports spéciaux du Bureau du Procureur général du Kazakhstan, 567 viols et tentatives de viol ont été commis au premier semestre de 2009, contre respectivement 680 et 681 sur la même période en 2008 et 2007. Sur les 800 meurtres et tentatives de meurtre commis au cours des six premiers mois de 2009, 24 %*

*l'ont été contre des femmes, dont 37 mineures. Dans ce contexte, un projet de loi sur la lutte contre la violence domestique a été élaboré et soumis au Parlement (Para 144, NR)*

CEDAW expressed concern about the prevalence of violence against women. The Special Rapporteur on the question of torture noted that it is a widespread problem especially within the family and the fact that the draft law on domestic violence has not been adopted for many years (Para 16, Compilation). According to JS1, 570-590 women and girls die of domestic violence and twenty thousand women and girls become victims of rape or sexual assault, annually. JS1 noted that aggression in the family remained a problem, due to impunity, inadequate measures on the part of law enforcement bodies and community tolerance regarding violence against women (Para 21, Summary)

See Recommendations, CEDAW (16), Special Rapporteur on the question of torture (16); JS4 (21); JS1 (21)

## Suggested Questions and Recommendations

### CEDAW

- § To ensure that the draft law contains a definition of discrimination in line with article 1 of the Convention, encompassing both direct and indirect discrimination, and extending to acts of discrimination by public and private actors; and enacts it speedily (Para 2, Compilation)
- § The speedy enactment of the draft law (on domestic violence) (Para 16, Compilation)
- § To implement fully the laws on marriage and family, which set the age of marriage at 18 years for both women and men, and to adopt measures which are aimed at bringing religious and traditional marriages into line with the Convention (Para 23, Compilation)
- § To speedily adopt and implement the proposal for quotas aimed at having no less than 30 per cent of women in political institutions included in the draft law on equal rights and equal opportunities, and to take other sustained measures, including temporary special measures, to accelerate women's full and equal participation in elected and appointed bodies (Para 28, Compilation)
- § To enhance and monitor affordability and access to health-care services for women including in rural areas (Para 33, Compilation)
- § That efforts be strengthened to eliminate occupational segregation, both horizontal and vertical, and to adopt measures to narrow and close the wage gap between women and men. (Para 31, Compilation)

### CRC

- § That Kazakhstan ensure that compulsory education is free of cost and accessible for all, by undertaking targeted programmes addressing children living in rural and remote areas; children with special needs; refugee children; children of migrant workers; and children with HIV/AIDS, including in early childhood facilities; and improve the quality of education at all levels (Para 35, Compilation)

### CRC and CEDAW

- § The strengthening of measures to prevent unwanted pregnancies, especially among teenagers, making a comprehensive range of contraceptives more widely available, and increasing knowledge about family planning (Para 33, Compilation)

### Special Rapporteur on the question of torture

- § That Kazakhstan adopt a **law on domestic violence** in full compliance with international standards (Para 16, Compilation)

#### **UNICEF**

- § To improve the **quality of education** and the inclusion of **children with disabilities** (Para 35, Compilation)

#### **JS1**

- § That the **Law "On Equal Rights and Possibilities for Women and Men"** be adopted (Para 10, Summary)
- § That the **Law on Domestic Violence Counteraction** should be adopted and state centres to protect victims of domestic violence set up (Para 21, Summary)
- § That Kazakhstan makes a comprehensive range of **contraceptives widely available** and increase knowledge about **family planning** (Para 42, Summary)

#### **JS4**

- § That Kazakhstan design and implement an **awareness-raising program on violence against women as a human rights violation**, working at various levels (state officials, health and justice professionals, communities and women themselves) (Para 21, Summary)
- § To adopt a **gender neutral rape provision in the Criminal Code** (Para 21, Summary)

#### **SRI**

- § To implement national plans and programmes -in health and educational spheres- in order to improve information and facilities on reproductive health and contraception and to promote widely sex education, with special attention to young population requirements.
- § To take urgent measures to improve women's access to general and reproductive health care facilities and qualified medical assistance, in urban and rural areas.