



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

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**Committee on the Elimination of Discrimination
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**Responses to the list of issues and questions with regard to
the consideration of the second periodic report**

Kazakhstan*

* This document is being issued without formal editing.



Responses to questions from the pre-session working group for the thirty-seventh session of the United Nations Committee on the Elimination of Discrimination against Women on the second periodic report by Kazakhstan on the elimination of all forms of discrimination against women

Constitution, laws and national machinery

Question 1. The report states that “according to article 4 of the Constitution of the Republic of Kazakhstan, all international agreements ratified by the Republic of Kazakhstan become a part of prevailing law and are subject to mandatory enforcement” and that “the concept of ‘discrimination’ given in article 1 of [the] Convention can be used in judicial practice”. In its concluding comments in 2001, the Committee requested information on remedies available to women for violation of their rights protected by the Convention. Please provide information as to whether any court cases have been filed by women who faced discrimination and the outcomes of those cases, as well as what administrative or other remedies are available to women victims of discrimination.

Response: Under article 14, paragraph 2, of the Constitution of the Republic of Kazakhstan, no one may be subjected to any kind of discrimination on the basis of origin, social status, job-related status, property-related status, sex, race, nationality, language, religion, beliefs, place of residence, or any other circumstance.

Women have a status in Kazakhstan’s legal system that is equal to that of men. They can file actions in court on their own behalf and represent the interests of other parties in court, that is, be plaintiffs and defendants.

Under part 2 of article 14 of the Criminal Code of the Republic of Kazakhstan, persons who have committed a crime are equal under the law, regardless of gender, origin, social status, job-related status, property-related status or other circumstance. This norm is constitutional because it is based on article 14, paragraph 1, of the Constitution of the Republic of Kazakhstan.

Moreover, the term is used in the following laws.

Under the law on employment of the Republic of Kazakhstan of 23 January 2001, in the area of employment the State guarantees its citizens protection against all forms of discrimination and ensures them equal opportunities for acquiring professions and jobs.

Under the law on labour in the Republic of Kazakhstan, discrimination is prohibited in the area of labour, that is, all individuals have equal opportunities to exercise their labour rights. No one’s labour rights can be restricted, and no one can be afforded any advantages in terms of the enjoyment of those rights as a function of gender, age, race, nationality, language, property-related status, job-related status, place of residence, religion, beliefs, citizenship, membership in public associations, or other circumstances unrelated to the job qualifications of the employee or to the results of the employee’s work.

The law on migration of the Republic of Kazakhstan of 13 December 1997 prohibits all discrimination on the basis of origin, social status, job-related status, property-related status, gender, race, nationality, language, religion, beliefs, place of

residence or any other circumstance. Other legal and regulatory acts contain similar provisions.

With regard to information on court cases filed by women who faced discrimination and the outcome of those cases, as well as the legal remedies available to women victims of discrimination, we can report that no such cases were considered by the local courts in the first six months of the current year.

Question 2. Please provide information on the status of the draft law on equal rights and equal opportunities, and give details on its contents and enforcement mechanisms.

Response: In accordance with the 2006-2008 Plan of Measures for Implementing the Strategy for Gender Equality in the Republic of Kazakhstan for 2006-2016, the concept of a draft law on equal rights and opportunities for men and women is scheduled to be considered by the Interdepartmental Commission on Draft Legislation in December 2006.

The draft law provides for the establishment of State guarantees of equal rights for men and women and equal opportunities for them to exercise the rights and freedoms proclaimed by our Constitution and for setting out the procedure for exercising those rights and freedoms.

The draft law will define the concept of “discrimination”.

An equal rights commission will be established to promote and monitor enforcement of the law. Governance and economic activities as well as private activities will come within its purview.

Question 3. The report states that while gender analysis of legislation is being performed, it must be performed in a more systematic and integrated fashion. Please provide information on the steps taken to accomplish this.

Response: By order of the National Commission on Family Affairs and Gender Policy, under the President of the Republic of Kazakhstan, the Women’s Rights Centre, a public association, carried out a gender analysis of the draft Labour Code introduced into Parliament by the Government.

A series of amendments and additions are proposed regarding the payment of social allowances by the State rather than by employers, who otherwise are reluctant to hire women, and numerous benefits for women and youth, the provision of which under market conditions has an adverse effect on their competitiveness in the job market, as well as other items.

Five hundred copies of a document entitled “Leadership on the advancement and protection of gender equality through the law”, prepared by the UNDP Regional Bureau for Europe and the CIS, have been printed. It has been sent to Parliament and the Government as well as the appropriate ministries and departments and has also been posted on the Internet website of the National Commission on Family Affairs and Gender Policy under the President of the Republic of Kazakhstan.

The National Commission at its meeting also reviewed the work of the Ministry of Justice in adopting gender-based approaches when drafting and assessing legislation and regulations of the Republic of Kazakhstan.

It was recommended that, beginning in 2007, the Ministry of Justice should plan measures to carry out a gender analysis of laws and regulations currently in force and being drafted, and that the Ministry of Education and Science should examine the question of incorporating courses on the gender analysis of legislation into law school curricula.

Question 4. Please provide further details on the implementation of the Concept of Gender Policy and the National Plan of Action for the Improvement of the Status of Women and the mechanisms for monitoring and evaluating their implementation and effectiveness.

Response: The National Plan of Action for the Improvement of the Status of Women in the Republic of Kazakhstan, containing 105 measures, has on the whole been carried out. The National Plan as well as the Concept of Gender Policy of the Republic of Kazakhstan have not been in effect since January 2006. This is related to the fact that a Strategy for Gender Equality in the Republic of Kazakhstan for 2006-2016 was elaborated on the basis of that concept and approved by presidential decree.

The Plan of Action for its implementation in 2006-2008 was approved by Government resolution. It contains 45 major measures for the political and economic advancement of women, the protection of the reproductive health of women, men and adolescents and to combat violence against women and children.

These measures will be implemented by government bodies and funded by the national budget, and will involve non-governmental and international organizations.

Question 5. Please provide details of any complaints related to violations of women's rights that have been received and resolved by the Human Rights Representative (Ombudsman).

Response: (a) On 8 June 2005, the Human Rights Representative received a complaint from Ms. L. K. Baitegulova concerning the conduct of bailiffs who had failed to execute in timely fashion a court order to collect alimony from Mr. N. K. Temirkhanov. It was ascertained that there were two outstanding enforcement actions against N. K. Temirkhanov, both for alimony, one in favour of L. K. Baitegulova and the other in favour of Ms. L. T. Temirkhanova. Ms. Temirkhanova personally wrote out a statement requesting that her complaint be disregarded in view of an agreement with L. K. Baitegulova on cancellation of the debt. As a result of the review, the enforcement action for collection of the debt in favour of L. K. Temirkhanova was resumed. Disciplinary proceedings were initiated against senior bailiff A. S. Imandusanov of the Territorial District of Sarkand, who committed the violation.

(b) On 9 September 2005, the Human Rights Representative received a complaint from Ms. E. V. Leonova, a stateless person who was a permanent resident of Kazakhstan. The complaint pertained to the inordinate length of time taken by officers of the Astana migration police to review her own and her daughter's application documents for citizenship of the Republic of Kazakhstan.

After the Human Rights Representative approached the migration police, the matter was resolved favourably. E. V. Leonova and her daughter are now citizens of the Republic of Kazakhstan.

(c) On 18 April 2006, Ms. V. L. Pavlyuk requested assistance from the Human Rights Representative to have her daughter, Angelina Nagornaya, returned to her care,

since the decision on the matter by the Akkol District Court of the Akmolinsk region had remained unexecuted for a lengthy period. Once the Human Rights Representative had addressed the appropriate inquiry to the Committee on Court Administration of the Supreme Court of the Republic of Kazakhstan, the under-age daughter was returned to her mother.

(d) The complaint lodged by Ms. L. M. Pai (on 3 May 2005) on the violation of her right to health care also had a positive outcome. For the past few years, the complainant had been a patient of the Demeu Family Medical Clinic. Unsatisfied with the quality of the care that she was receiving, she requested that the Astana Health Department transfer her to another clinic, as a result of which she was sent to Polyclinic No. 6. The Polyclinic refused to register her, however, on the grounds that it did not have proper instructions from the Department. When she again sought medical care at the Demeu Clinic, the complainant was refused medical treatment because she was no longer registered there. As a result, according to the complainant, she was unable to receive the necessary treatment for four months.

The matter was resolved as a result of the Representative's inquiry to the Astana akimat (city administration), and Ms. Pai is now receiving medical services at Municipal Polyclinic No. 6.

Question 6. In its concluding comments in 2001, the Committee recommended that the Government assess the resources of the national machinery for the advancement of women and provide it with the necessary human and financial resources to allow it to provide leadership in the implementation of policy for the advancement of women. Please describe the measures taken to strengthen the national machinery.

Response: Since January 2006, the powers of the National Commission for Women and the Family have been expanded. It has been renamed the "National Commission on Family Affairs and Gender Policy under the President of the Republic of Kazakhstan". The Commission is chaired by an adviser to the President of Kazakhstan.

The Commission's main activities are aimed at achieving gender equality in Kazakhstan. Its 26 members comprise parliamentary deputies, representatives of State bodies, academics, community leaders and directors of major companies and non-governmental organizations from all of the country's regions.

At the local level, commissions on family affairs and gender policy operate under the authority of the akims (administrative heads) of regions, the cities of Astana and Almaty, and districts, cities and towns, and are headed by deputy akims.

A secretariat comprising nine staff members of the Office of the Prime Minister provides the National Commission with technical support.

Question 7. The report states that gender-issue coordinators have been appointed in all government bodies. Please provide information on their work, their levels of authority and their impact.

Response: There are 16 gender-issue coordinators, comprising deputy ministers, heads of department and directors of ministerial and departmental agencies. They cooperate closely with the National Commission and are responsible for the development and implementation of gender policy within their respective areas of competence.

For example, Ms. K. Z. Kozhakhmetov, gender-issue coordinator of the Ministry of Education, took part in the work of the Central Asian Republics and Kazakhstan (CARK) Education Forum. She led a thematic group on girls' education and gender, and presented Forum participants with a teaching methodology on gender awareness for pupils in secondary schools.

The gender-issue coordinator for the Ministry of Internal Affairs and Deputy Chairman of the Administrative Police Committee, Mr. G. A. Alpysbaev, is responsible for issues relating to development of the normative legislative framework for the protection of the rights and freedoms of women and children. The Ministry of Internal Affairs is currently amending the Code of Administrative Offences of the Republic of Kazakhstan to provide for liability for unlawful acts in the area of family and domestic relations. While this form of violence is the most common, legislation dealing with it is insufficient.

Question 8. Please provide information on the implementation and outcomes of the programmes under the Programme of State Support of Non-Governmental Organizations of the Republic of Kazakhstan for 2003-2005 and the Concept for State Support of Non-Governmental Organizations of the Republic of Kazakhstan.

Response: The Programme of State Support of Non-Governmental Organizations of the Republic of Kazakhstan for 2003-2005, approved by decision of the Government, has been implemented.

As a result, the Concept for State Support of Non-Governmental Organizations was approved in 2002.

A law on State social contractual awards was adopted in 2005.

Rules of conduct for NGOs have been drawn up, and three competitions have been held for the implementation by NGOs of social projects. Three hundred and ninety-three NGOs from all regions of Kazakhstan took part, and 503 project proposals were submitted.

Ninety projects were awarded an overall sum of 81.1 million tenge. They included "Support for the innovative Programme for Reducing Poverty", "Creation of a training centre for rural women", "Start your own business", "Provision of organizational, technical and information support for the work of NGOs in rural areas" and "Establishment of a legal service for socially vulnerable sectors of the population".

Two Civil Forums were held in 2003 and 2005, with the participation of the President of Kazakhstan.

Six manuals have been developed and published, including "State support for regional NGOs: development trends" (2003, for government agencies); "State social contractual awards: from ideas to implementation" (2005, an examination of the problems of State support for the non-governmental sector); "Non-governmental organizations of the Republic of Kazakhstan: information guide"; and a compendium entitled "State and NGOs after the Civil Forum".

Special seminars have been held to further train public officials in issues relating to cooperation with the non-governmental sector.

Most of the targets and objectives set out in the Concept for State Support of Non-Governmental Organizations have now been met. Conditions have been created to

encourage civil initiative, and a system for coordination and cooperation among State bodies and NGOs has been established, comprising, inter alia, councils for coordination and cooperation with NGOs under the authority of central and local executive bodies.

Experience gained through work with NGOs to address social problems receives broad media coverage in 53 newspapers and magazines and through the news agencies Khabar and Kazinform and the national television channel “Kazakhstan”.

From 2003 to 2005, more than 1,000 publications, special features and various articles and broadcasts in the national mass media alone reported on the activities of NGOs in implementing social projects.

Question 9. Please indicate the impact on women of the Programme for Reducing Poverty in the Republic of Kazakhstan in 2003-2005, referred to on page 14 of the report, and also provide information on the gender indicators included in the Strategic Plan of Development of Kazakhstan up to 2010.

Response: All the measures set out under the Plan of Action to Implement the Programme for Reducing Poverty have been carried out.

On average, indicators of living standards in Kazakhstan have been brought into line with — and in some individual areas even exceed — those of a number of Eastern European countries.

In 2002, the income of 24 per cent of the population was below the minimum subsistence level. The Programme aimed to reduce that figure to 20 per cent in 2005. In fact, it was brought down to 9.8 per cent.

The reduction in extreme poverty has been borne out by trends in indicators of the depth and acuteness of poverty. For example, in 2002, indicators for depth and acuteness of poverty stood at 6.1 per cent and 2.2 per cent, respectively, whereas in 2005 they fell to 1.7 and 0.5 per cent, respectively.

One of the targets set out under the Programme was to increase per capita GDP to \$2,028 in 2005. In fact, according to a preliminary estimate, that figure reached \$3,703.

Per capita income has increased considerably each year. For example, the index of real income increased from 110.5 per cent in 2003 to 113.8 per cent in 2004 and 112.1 per cent in 2005, while corresponding figures for the index of real earnings were 107 per cent, 114.6 per cent and 112.0 per cent.

In 2002, 8.9 per cent of the economically active population were unemployed. The Programme aimed to reduce that level to 8.1 per cent in 2005. According to preliminary estimates by the Statistics Agency, that target was met.

In order to increase employment, local authorities also organized public works. Over the three-year period, more than 400,000 unemployed persons — or 49 per cent of jobseekers — took part in public works.

In addition, 5,200 posts were created in the social sector in 2005, to which 5,400 unemployed persons were recruited from target groups. In order to create the posts, 124 million tenge (\$918,518) was allocated from local budget resources in 2005.

Over the three-year period, some 80,000 unemployed persons were provided with vocational training and retraining, which considerably increased their competitiveness in the labour market.

One of the Programme's objectives was to develop microcredit lending with a view to increasing self-employment and raising income levels. To that end, a law on microcredit organizations was adopted in 2003. As a result, whereas the Programme had aimed to issue 71,200 microcredit loans from all sources of financing within the three-year period, 74,600 microcredit loans were awarded from 2003 to 2004 alone.

As a result of small enterprise development, 1.5 billion tenge (\$11 million) were allocated from the national budget from 2004 to 2005 to supplement the statutory fund of the Small Enterprise Development Fund, which is a public company. The Fund was used to finance projects worth a total of 1.2 billion tenge (\$8.8 million) in all 60 of the country's small cities as part of implementation of the Programme for Developing Small Cities.

Social welfare and social assistance services for Kazakh citizens are constantly being improved. At present, the average pension is 12,000 tenge (\$90), which represents an increase of 67 per cent as compared to 2003.

As a result of the measures being taken, State disability, survivors' and old-age benefits have also been increased. For example, the average State social benefit of 4,537 tenge (\$34) in 2003 had risen to 6,722 tenge (\$49.70) by the end of 2005, i.e., an increase of almost 150 per cent.

Since 1 January 2005, special State benefits awarded to veterans and disabled veterans of the Second World War have increased to 15 times the monthly calculation index (\$115), while the amount received by those decorated with orders and medals for valiant and selfless service during the years of the Second World War has increased to the value of the monthly calculation index (equivalent to \$7.60).

Rearguard workers during of the war who were not awarded orders or medals for valiant service and who worked in the rear for at least six months are now eligible to receive a special State benefit equivalent to the monthly calculation index.

One-off compensation payments have been awarded to the victims of mass political repression and those of nuclear tests at the Semipalatinsk nuclear test site. For example, a total of more than 1 billion tenge (\$7.4 million) was awarded to such victims in 2005.

The improvement in living standards in Kazakhstan is further illustrated by the fact that the number of beneficiaries of targeted social assistance fell from year to year during the period of the Programme's implementation. For example, in 2005, targeted social assistance was given to 505,000 low-income citizens, 355,000 fewer than in 2003. As a result, expenditure on targeted social assistance fell to 5.1 billion tenge (\$38 million), as compared to 7.4 billion tenge (\$55 million) in 2003.

The Programme for Reducing Poverty in the Republic of Kazakhstan in 2003-2005 aimed to reduce infant mortality from 19.0 to 18.6 per 1,000 live births and maternal mortality from 62.5 to 50.6 per 100,000 live births within the three-year period. As a result of the measures taken, infant mortality fell to 15.2 cases per 1,000 live births and maternal mortality to 40.2 cases per 100,000 live births in 2005, thus meeting the targets established under the Programme for these indicators.

A law on State benefits for families with children has been adopted. In addition to the provision, in force since 2003, whereby families receive a one-off payment equivalent to 15 times the monthly calculation index (\$115) on the birth of a child, the law provides for two new types of benefits: a childcare allowance, payable for the first year of the child's life, of 3 to 4.5 times the monthly calculation index, irrespective of the family's income, and a benefit for children under 18 of low-income families with an average per capita income lower than the cost of a food basket. These benefits are already being paid.

Political participation and decision-making

Question 10. The report states that it is "still too early to speak of genuine equality of women in the structures of power, especially in its higher echelons. Women ... constitute only 11.1 per cent of the total number of managers at the decision-making level." In its general recommendation No. 25 the Committee emphasizes that temporary special measures are part of a necessary strategy to accelerate the achievement of women's de facto equality, and should be distinguished from permanent, general social policies to improve the situation of women and girls. Bearing this difference in mind, please provide information on whether the Government has considered introducing temporary special measures in accordance with article 4, paragraph 1, of the Convention to improve women's participation in political and public life, particularly at senior levels, including in the Parliament of Kazakhstan, local government and other bodies, the foreign service and State executive agencies.

Response: In 2001, when the economic situation in Kazakhstan was rather difficult, the National Commission on Family Affairs and Gender Policy successfully put forward a proposal for allocating 150 million tenge to help women run their own businesses. The allocation appeared as a separate entry in the Law on the national budget for 2002.

A member of the *Majlis* [lower chamber] of the Parliament, V. I. Makalkin, then sought a ruling from the Constitutional Council on the legality of the decision, which he regarded as discrimination against men. The Constitutional Council of the Republic, relying on article 4 of the Convention, concerning temporary special measures of positive discrimination in favour of women, upheld the initiative of the National Commission and the proposal by the Government.

Question 11. Please provide information on women's participation in the judiciary, including on the number of women, compared with those of men, at different levels of the judiciary.

Response: As of 1 September 2006, there were 9,386 persons working in the judiciary in Kazakhstan, including 5,691 women, i.e., 60.6 per cent.

Women comprised 66 per cent of the staff of the Supreme Court, the Committee on Judicial Administration, and the offices of local courts and administrators. Of the 2,386 judges 1,063 (44.5 per cent) were women, and on the Supreme Court 30 of the justices were men and 16 were women.

Violence against women

Question 12. Please provide information on the status of the draft law on domestic violence.

Response: According to the schedule of draft legislation, the draft law on domestic violence will be submitted to the Government for consideration in January 2007.

The drafting process is complete, and the draft law is under review for agreement by the Ministries and agencies concerned.

The bodies responsible for implementing the legislation are the Ministry of Internal Affairs, the National Commission on Family Affairs and Gender Policy under the President of the Republic, and the Ministry of Justice.

Question 13. In its 2001 concluding comments, the Committee recommended gender training for all public officials, in particular law enforcement officials, the judiciary and health workers, to educate them about all forms of violence against women. The report mentions some training sessions, for example under a United Nations Development Fund for Women project. Please provide information on whether steps have been taken to carry this out in a systematic and sustained way.

Response: In order to provide sustained and systematic training for gender specialists, joint regional plans are drawn up each year for educational programmes for law-enforcement and judiciary personnel and the staff of health-care institutions working with women victims of violence. The plans are approved by decisions taken by the akims (administrative heads) of the regions and the cities of Astana and Almaty.

In 2006, 101 seminars and training sessions were due to be held, in conjunction with non-governmental organizations. Sixty-five have been carried out so far. The Aktyubinsk and Qostanay regions have hosted most of them, 20 and 11 respectively.

For example, in the city of Karaganda the Centre for Gender Information and Analysis conducted a seminar on “Legal, moral and cultural aspects of the problem of domestic violence”. The participants were staff members of the departments of the Ministry of Internal Affairs concerned with protecting women from violence, precinct police inspectors and senior personnel of the district police departments and of the Department of Justice, representatives of the Office for Human Rights and Law Enforcement, lawyers and psychologists working in crisis centres.

In the city of Pavlodar a seminar on “Observing human rights in police work” was held with precinct police inspectors, inspectors responsible for juveniles and personnel from the departments of the Ministry of Internal Affairs concerned with protecting women from violence.

In the city of Astana, there was a training seminar on “Conflict in the family” for 25 women victims of violence and personnel of departments concerned with protecting women from violence, and a seminar on “An interdisciplinary approach to working with adolescents and young people at risk” for 25 police officials responsible for juveniles.

A number of crisis centres have been set up in Kazakhstan for women and children who are victims of violence. There are now 26 centres of this kind located in almost all regions of the country. At the crisis centres, there are regular seminars for representatives of State agencies dealing with the problem of violence against women.

The question is now being aired whether State support should be provided for the crisis centres, through State grants for socially useful projects.

Question 14. Please provide details about the recommendations that have been adopted to improve judicial practice in respect of violence against women and their implementation.

Response: In the judicial system, women are equal to men.

In 2005, the Supreme Court conducted a survey of judicial practices in criminal cases involving kidnapping and trafficking in human beings for the purpose of exploiting them sexually, in employment or otherwise. The survey showed that judges have no difficulty in dealing with such cases and deciding them correctly.

However, to improve judicial practices recommendations have been developed calling for a regular survey of cases of this kind.

Trafficking in women

Question 15. The 2003 report of the Special Rapporteur on violence against women, its causes and consequences, states that Kazakhstan is a source, transit and destination country for women and men trafficked for purposes of sexual exploitation and labour. Please provide data on the number of women and girls who are trafficked to, from and through Kazakhstan.

Response: The principal countries of destination for citizens of Kazakhstan trafficked for purposes of sexual and other exploitation are the United Arab Emirates, Turkey, Israel, Greece, France and the Russian Federation.

According to the criminal proceedings which have been instituted since 2003, 70 women have been taken out of the country by deception for the purpose of sexual exploitation.

For instance, in 2003 T. V. Pasechnaya and E. V. Kim deceived six girls in the Almaty region into going with them, and took them to the United Arab Emirates. Two of the girls were minors.

In Almaty, M. E. Kulpeisova and G. E. Sarsenbaeva, under the pretext of offering legal employment, arranged for three citizens of Kazakhstan to travel to Istanbul (Turkey), where they were sexually exploited.

In 2005 and 2006 criminal proceedings were instituted concerning the removal of eight Kazakh minors from the town of Satpaev in the Karaganda region, through the Kyrgyz Republic, to the United Arab Emirates, for the purpose of sexual exploitation. The girls were returned to their home country by means of bilateral intergovernmental agreements.

Twenty-three women, citizens of Uzbekistan, were found to have been illegally brought into Kazakhstan to work as prostitutes.

In June 2006 two women from the South Kazakhstan region and one from Uzbekistan were arrested for illegally bringing four girls, citizens of Uzbekistan, across the State border from Uzbekistan to Kazakhstan, promising them work in Kazakhstan. When they arrived in the city of Atyrau they were forced to work as prostitutes.

Question 16. The report states that “recommendations have been adopted to improve national law for protecting victims of trafficking inside and outside the country, assisting them in repatriation, and reintegrating them into society”. Please

provide details on these recommendations and their implementation, and the support and assistance programmes that are available for victims of trafficking.

Response: The law on tourist activities in the Republic of Kazakhstan was supplemented to include a prohibition against tourist activities for the purpose of organizing the unlawful departure of Kazakh citizens for permanent residence abroad or employment abroad, or bringing foreign workers into the Republic of Kazakhstan who are not covered by the corresponding quotas.

An addition has been made to article 128 of the Criminal Code providing for liability not only for recruiting people but also for transporting people through or out of the country for the purpose of exploitation.

In 2005, Kazakhstan acceded to the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and against the Smuggling of Migrants by Land, Sea and Air.

A government-approved Plan for Suppressing, Averting, and Preventing Crimes Linked to Trafficking in Persons for 2006-2008 is being implemented.

The Plan provides for a section on suppressing, averting and preventing crimes involving trafficking in persons to be added to the course on “Fundamentals of law” in higher educational institutions; for drafting international agreements with countries affected by the smuggling and transit of victims of human trafficking on legal assistance with criminal cases and extradition, cooperation in the area of migrant labour and combating organized crime; for providing financial assistance to Kazakh citizens who have been smuggled into foreign States or who are victims of other crimes or find themselves in circumstances beyond their control; and for the opening of a temporary-residence centre for victims of human trafficking.

In accordance with an OSCE recommendation, a scheme for cooperation between the Ministry of Internal Affairs and non-governmental organizations working to counteract human trafficking is in operation.

The relevant units of the Ministry of Internal Affairs have made arrangements for ongoing cooperation with the International Organization for Migration.

Together with non-governmental organizations, bodies of the Ministry of Internal Affairs hold lectures, talks and training sessions with students at higher educational institutions, colleges and other academic institutions on the genuine risk of becoming a victim of trafficking.

Broadcasts on the problem of trafficking are made every month in the media using graphic examples. Pamphlets and brochures on human trafficking are published and distributed to the public through non-governmental organizations, crisis centres and public associations.

With the help of internal affairs agencies, a confidential help line service has been set up in all non-governmental organizations offering psychological and legal support to victims of violence and trafficking.

Question 17. The 2003 report of the Special Rapporteur on violence against women, its causes and consequences states that “corruption as an aspect of trafficking is reportedly a problem at many levels”. What is being done to ensure the

effectiveness of law enforcement and the prosecution and conviction of traffickers? Please provide information on the number of perpetrators who have been prosecuted and convicted in this respect.

Response: A law amending and supplementing certain enactments of the Republic of Kazakhstan regarding the suppression of trafficking in persons was adopted.

Under that law, amendments and supplements have been introduced into all articles of the Criminal Code that deal with crimes involving trafficking in persons (articles 113, 125, 128 and 133). The constituent elements of offences in that category have been broadened substantially, and the penalties stiffened.

For the first time, the Criminal Code provides for liability for the unlawful removal of organs and tissue from a human cadaver (article 275.1).

Given the transnational nature of these crimes, it was necessary to widen the international legal basis in that area. Such a basis has been fully established between Kazakhstan, Turkey and the Russian Federation, and the three States are cooperating effectively. Collaboration with the competent bodies of the Russian Federation takes place within the framework of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 22 January 1993. The 15 August 1995 Agreement between the Republic of Kazakhstan and the Republic of Turkey on Legal Assistance in Criminal Matters and Extradition of 15 August 1995 is being fully implemented.

The Office of the Prosecutor-General has drawn up a draft treaty between the Republic of Kazakhstan and the State of Israel on legal assistance in criminal matters and extradition and a draft agreement between the Republic of Kazakhstan and the United Arab Emirates on mutual legal assistance in criminal matters and extradition. Both drafts have been sent to the contracting States for approval. Treaties on legal assistance with France and Greece are currently being drafted and will be sent to the appropriate governmental bodies for approval in the near future.

Procedural recommendations have been formulated on methods for uncovering, suppressing and investigating crimes involving human trafficking and are being given practical application in the work of prosecutors' offices and law enforcement and other competent agencies.

In the first half of the current year, agencies of the Prosecutor-General's office, the Ministry of Internal Affairs, National Security and the Financial Police monitored the media for advertisements (or information) about employment abroad for girls and women.

Certain organizations that had government licences from the Ministry of Labour and Social Protection were found to be in breach of the requirements on qualifications in relation to the recruitment of foreign workers and the transporting of workers out of Kazakhstan to other countries. In this connection, Irida LLP (Qostanay region) was operating without any specially trained legal experts or computer technicians, in breach of the requirement under paragraph 20 of the regulations on the licensing of the recruitment of foreign workers in Kazakhstan and the transporting of workers abroad, which were approved by a Government decision. As a result, the Ministry of Labour and Social Protection is examining the question

of revoking the license of Irida LLP. The Government license of DOC-3000 LLP in the Pavlodar region, which was issued in 2001, was revoked on similar grounds.

Also in the Qostanay region, All Mar Line LLP was providing intermediary services without authorization documents and recruiting people to work for businesses in the Republic of Korea. Administrative proceedings were brought against the company. It was found administratively liable and ordered to pay a fine equal to 25 times the monthly calculation index (26,000 tenge or \$220). In addition, the Prosecutor's Office in the city of Qostanay filed a suit in municipal court seeking an order to have All Mar Line LLP pay the State 403,000 tenge (\$3,400), which it received as a result of unlicensed activities.

In the Aqtöbe region, the El Arna national television channel broadcast an advertisement in which Asa LLP offered its services in finding jobs for Kazakh citizens in South Korea. The company is currently being investigated by the Aqtöbe regional department of the National Security Committee.

According to statistics, a total of 13 crimes involving human trafficking were recorded in Kazakhstan in 2005, a decrease of 13% from 2004. Four of those cases have gone to court, proceedings have been terminated in two criminal cases and three cases have been suspended.

In addition, internal affairs agencies recorded 478 crimes against women and children. As a result of their investigations, criminal charges were laid against Z. S. Orazaliev, an employee of the Ministry of Defence, who in September and October 2004 sent three women (Ms. Zagrycheva, Ms. Krik and Ms. Tretyakova) to Turkey to provide sexual services. D. V. Brindukov, who in November 2004 in Petropavl (North Kazakhstan region) recruited U. I. Mozgel to provide sexual services, was sentenced to 11 years of imprisonment to be served in a strict-regime correctional colony.

In the first half of 2006, 11 crimes were recorded under article 128 of the Criminal Code on the recruitment and transport abroad or transit of persons for purposes of exploitation. Of those, one criminal case has gone to court, and the proceedings in another criminal case involving five crimes have been suspended and the case transferred to the Russian Federation for criminal prosecution.

Fifty-five crimes have been recorded under article 125 of the Criminal Code on kidnapping; 84 under article 126 on illegal deprivation of freedom; four under article 133 on trafficking in minors; eight under article 270 on recruitment for prostitution; 215 under article 271 on organizing or maintaining dens of prostitution and procurement; and one under article 330.3 on repeated breaches of the regulations on the recruitment and employment of foreign workers in the Republic of Kazakhstan.

Under a law passed amending and supplementing certain enactments on combating trafficking in persons of 2 March 2006, amendments and supplements have been incorporated into article 56 of the Administrative Violations Code.

In particular, if during administrative proceedings a person who may be subject to the administrative punitive measure of deportation informs the authorities that he or she has been the victim of an act that is deemed a serious or very serious crime under the Criminal Code, the proceedings are adjourned until a decision is reached on that person's statement or petition, in accordance with the procedure

established under article 185 of the Criminal Procedure Code of the Republic of Kazakhstan.

Stereotypes and education

Question 18. The report states that “young girls choose the field of education for a career (86%), whereas young boys choose electrical engineering (94%). That indicator points to the existing stereotype of gender roles in Kazakhstan society”. What measures have been taken to encourage women to pursue non-traditional studies and careers?

Response: In order to encourage women to choose non-traditional areas of specialization, goal-oriented career guidance is provided to students.

The Scientific Research Institute for Social and Gender Research under the Kazakh State Women’s Pedagogical Institute carried out the project “Feminization of the Field of Education in the Republic of Kazakhstan: Solutions and Problems”. The project constitutes a definite contribution to research into the reasons for the feminization of the field of education in Kazakhstan, the study of the impact of feminization on the socialization of the younger generation, the definition of a strategy for solving the problem, and the formulation of targeted recommendations.

Question 19. Table 9 indicates that in 2003/2004, professors in institutions of higher education were 18.6 per cent women and 81.4 per cent men. What measures have been taken to increase the number of women professors in such institutions?

Response: Women have the same opportunities as men for receiving a postgraduate education and pursuing academic activities.

There is a positive growth dynamic in the number of women professors in the Republic’s institutions of higher education.

	2005		2006	
	Total	Women	Total	Women
Total number of personnel in higher education,	42 333	26 023	43 382	27 050
Including:				
Doctors of Science	2 728	585	2 869	605
Candidates of Science	12 350	6 085	12 773	6 470
Professors	2 801	592	2 884	603
Assistant professors	7 528	3 382	7 349	3 369

Employment

Question 20. As indicated in the report, the gap between women’s and men’s salaries continues to be significant. The report states that “the reason is that women, as a rule, work in lower-paying positions, even in such traditionally women’s sectors as health care and education”. In its 2001 concluding comments, the Committee recommended wage increases in female-dominated sectors in order to decrease the wage differentials between those and male-dominated sectors. Please provide information on the steps taken to implement the Committee’s recommendation.

Response: The salaries of employees in the field of education are increasing systematically. They rose by 23 per cent in 2004 in comparison with the previous year, and increased by 32 per cent in 2005. They are projected to climb further by 30 per cent in 2007.

A differentiated salary system is to be introduced in the health-care sector, which is expected to raise the average salary of doctors (taking into account a 30 per cent salary increase in 2007) by 68 per cent, and of average medical employees by 55 per cent.

As from 2007, the average salary for doctors in the higher category will amount to 46,000 tenge or \$392 (at the current time, 24,000 tenge are equivalent to \$192); for category 1 doctors — 46,000 tenge or \$341 (22,500 tenge equal \$164); for category 2 doctors — 45,000 tenge or \$333 (21,500 tenge are equivalent to \$159); for non-categorized doctors — 36,000 tenge or \$266 (20,000 tenge equal \$150).

Introducing the differentiated salary system will cost more than 12 billion tenge (\$89 million).

There are plans to introduce a fixed income-tax rate of 10 per cent for all individuals in 2007. In order to maintain the income level of the low-paid category of workers, it is proposed to exclude from their taxable income the minimum wage instead of the monthly calculation index, which is in use at the present time.

There are plans to lower the social tax on average by 30 per cent in 2008, which should be an incentive for employers to increase employees' salaries, including women's salaries.

In addition, measures are being taken to increase women's involvement in entrepreneurial activities, where salaries are higher than those of doctors and teachers.

The National Commission on Family Affairs and Gender Policy submitted a proposal to lower the fee rate on loans issued by the Small Business Development Fund from 12 per cent to 7-8 per cent. The proposal is under consideration by the Government.

Considerable attention is also being given to developing microcredit, where women have been particularly prominent. A draft law has been drawn up on introducing amendments to the current law on microcredit organizations. If it is adopted, the number of loan recipients will significantly increase (up to 90 per cent of the rural population) and the size of loans will be enlarged.

A draft law on equal rights and opportunities contains provisions obliging employers to carry out special programmes to close the salary gap between women and men by equalizing their vocational training and eliminating low-qualified and low-paid jobs.

Question 21. The report states that "unemployment, as before, has a female face". Please provide information on the status of the draft Labour Code, which envisages vocational training, retraining and job placement measures, and also indicate the steps taken by the Government to review the structuring of the social benefits system and of protective legislation with a view to reducing the barriers

against the participation of women in the labour market, as recommended by the Committee in its 2001 concluding comments.

Response: The draft Labour Code of the Republic of Kazakhstan is currently under discussion in Parliament (its adoption is planned for this year); it provides for direct and specific labour norms relating to women.

The use of women's labour in arduous work (particularly arduous work), work with harmful (particularly harmful) and (or) hazardous (particularly hazardous) working conditions is prohibited.

Assigning pregnant women to night work, overtime work, or work on weekends or holidays or sending them on business trips or to work on a rotating basis is not permitted.

A part-time work schedule may be established on the basis of a written application by a pregnant woman.

An employer is obliged, in accordance with a medical report, to transfer a pregnant woman to other work where there are no adverse production factors and to maintain her salary calculated according to the average pay for the previous work.

In order to protect mothers and children, the draft Labour Code provides women with leave for pregnancy and childbirth lasting 70 calendar days prior to childbirth and 56 calendar days thereafter (70 in the case of difficult childbirth or the birth of two or more children). The leave is calculated in total and provided to women in full, regardless of the number of days actually taken before childbirth and with the payment during the said periods of a pregnancy and childbirth allowance by the employer, irrespective of length of service in the organization.

In addition to leave for pregnancy and childbirth, women may, upon application, also be granted additional leave without pay in order to care for a child up to the age of three. During the period of additional leave, her job (position) is maintained. Such leave may be used in full or in part at any time.

For women with children up to one and a half years of age, provision is made for special breaks during work for child nursing; employers are not permitted to terminate work contracts with pregnant women or women with children under the age of one and a half years.

These provisions of the draft law, if adopted, will significantly increase the legal and social guarantees of women in employment.

Health

Question 22. The report states “we need to intensify efforts to provide universal access to family planning services, as well as to raise awareness — particularly among school children in higher grades and higher-level students — of the harm done by abortion and its consequences”. Please provide information on the steps taken to do this.

Response: The regulations for providing medical, prophylactic and gynaecological assistance to children and adolescents, which were approved by an order of the Ministry of Health (in 2005), were drawn up in order to ensure universal access to family planning services and raise awareness, particularly,

among school children in higher grades and higher-level students, of the harm done by abortion and its consequences.

In accordance with paragraph 14 of the regulations, girls from 15 to 18 years of age are given early diagnostic and prophylactic care and treatment for irregularities in the development of the reproductive system in the adolescent section of student medical centres; and prognoses of the onset of the reproductive function in connection with the characteristics of sexual maturation, medical examinations of girls who use modern contraception methods, rehabilitation following an artificial abortion, a choice of contraceptive devices, and continuity of treatment from children's polyclinics, women's consultation centres and gynaecological clinics are provided, and awareness-raising is conducted.

Question 23. The report refers on page 6 to new laws “geared to protecting the health of women and children”, including the laws on the medical and social rehabilitation of individuals addicted to drugs, on preventing and curbing smoking, on preventing iodine-deficiency disorders and on human reproductive rights and guarantees of their implementation. Please provide information on the implementation of these laws and their impact on women and girls.

Response: In the context of implementation of the law on the rehabilitation of individuals addicted to drugs, a special Committee to Combat Drug Trafficking and Control the Circulation of Drugs has been set up within the Ministry of Internal Affairs. It coordinates the activities of all ministries and departments dealing with issues of combating drug addiction and drug trafficking.

An Interdepartmental Commission for Coordination of Work to Prevent and Combat Drug Addiction and Drug Trafficking has been established and is now operating. Its membership includes representatives of State bodies and non-governmental associations.

In accordance with an order of the Minister of Health, the establishment of centres for the medical and social rehabilitation of drug addicts has been under way in all regions of the country since 2001. To date, 16 such centres have been opened, providing 605 beds. However, none have been opened in the Almaty, Akmola or Northern Kazakhstan regions, owing to lack of the necessary financial resources.

The purpose of the medical and social rehabilitation centres is to ensure the medical rehabilitation of individuals who enter the centres after receiving specific treatment for drug addiction or substance abuse.

The treatment methods carried out in hospital are provided by pharmacotherapy units or may take the form of psychotherapy, supportive therapy or social rehabilitation. The following forms of treatment are used: detoxification, physiotherapy treatment, systemic and symptomatic treatment, individual and group psychotherapy, and pharmacotherapy for accompanying somatic complaints.

Under the law on preventing and curbing smoking, an age requirement has been introduced for entitlement to obtain tobacco products, and information about the harmful effects of tobacco is being disseminated throughout the country.

Kazakhstan signed the World Health Organization (WHO) Framework Convention on Tobacco Control in 2004, undertaking to implement a package of essential measures at the national level.

Bearing in mind the negative impact of micronutrient (iodine and iron) deficiencies on women's reproductive health, the provision of preparations containing iron and iodine to all pregnant women free of charge has continued in 2006. In the first half of the year, 117,425 pregnant women received them.

The Asian Development Bank project for the improvement of nutrition for indigent women and children, initiated by the National Commission on Family Affairs and Gender Policy, is being implemented. It has provided for a fundamental solution to the problem of preventing iodine deficiency and iron-deficiency anaemia among women and children, through the production in Kazakhstan of iodized table salt and the enrichment of flour with iron preparations and vitamin and mineral complexes. For the purposes of implementing the project, laws on the prevention of iodine-deficiency disorders and on the quality and safety of food products have been elaborated and adopted, together with a decision of the Government approving the Regulations for the Mandatory Fortification (Enrichment) of White Flour Produced on the Territory of the Republic of Kazakhstan.

All salt produced in Kazakhstan is now iodized. Flour fortification is carried out at 4 of the 16 major mills, producing 90 per cent of the country's flour. The question of fortifying flour at all these mills is being resolved.

Because of the low health index of women of childbearing age, free medical examinations have been offered in 2006 to women aged 15 to 49 and children under 18, with subsequent treatment for those found to have a health complaint.

In the first half of 2006, more than 40 per cent of women were examined; 22 per cent were found to have a disease, about 10 per cent were registered with clinics and 40 per cent were cured.

Two million children received preventive examinations; 29 per cent were found to have a disease, 50 per cent were cured and 12 per cent were registered with clinics.

More than 188,000 children under 5 were provided with outpatient medication for the most common diseases. The list of diseases was drawn up in line with WHO recommendations.

In the first half of 2006, 62,207 children and adolescents who were registered with clinics were provided with outpatient medication for chronic diseases.

Question 24. The report states on page 53 that "the main obstacles facing rural inhabitants are remoteness of rural offices from the central rayon hospital, the small assortment of contraceptives in the pharmacy network and the low level of awareness and lack of attentiveness of the people with regard to their health". What steps have been taken by the Government to address these obstacles, in particular in respect of rural women?

Response: With a view to implementing the decision of the Government of the Republic of Kazakhstan of 2005 on measures to improve primary health-care for the population of the Republic of Kazakhstan, a timetable has been agreed for bringing the existing network in the regions into line with the new primary health care standards. The standardization of the whole primary health-care network is to be carried out and the primary health-care service separated from hospitals and granted independent legal status by 1 January 2008.

In the second quarter of 2006, the level of supplies of medical equipment and articles for medical use in primary health-care facilities quadrupled in the case of paramedical stations and midwife stations and doubled in the case of family health outpatient clinics in comparison with the same period the previous year, to reach 54 per cent, 71 per cent and 85 per cent respectively.

Provision of telephone services to medical organizations has increased and currently stands at 92 per cent for rural and rural district hospitals, 93 per cent for family health outpatient clinics, 52 per cent for midwife stations and 32 per cent for paramedical stations.

During the public campaign “Promotion of a healthy lifestyle”, 118,718 events took place during the second quarter of 2006 on various aspects of healthy living (lectures, discussions, publication of information and education materials, visits to preschool institutions, schools, etc.), which reached 1,796,400 people. These included 83,900 events aimed at the rural population, which reached 1,078,200 rural people. Guidelines have been elaborated and approved on countering behavioural factors that contribute to the risk of disease and the major socially significant illnesses through primary health care.

By a directive of the Prime Minister of the Republic of Kazakhstan aimed at strengthening intersectoral cooperation on establishing a healthy lifestyle, an Action Plan for a Comprehensive Approach to Establishing a Healthy Lifestyle has been approved. Under the Action Plan, booklets, leaflets and posters have been produced on the prevention of iron-deficiency conditions, nutrition and breastfeeding, and material on nutritional principles has been published in the journals “Health” and “Current issues relating to healthy lifestyles, disease prevention and health promotion”.

Question 25. Please indicate any progress made towards acceptance of the amendment to article 20, paragraph 1, of the Convention.

Response: Kazakhstan supports the entry into force of the amendment relating to the duration of the meetings of the Committee on the Elimination of Discrimination against Women.

Indeed, if the Committee considers 40 to 50 reports at its sessions each year, then the two weeks specified in article 20 of the Convention may be insufficient. This issue is currently undergoing interdepartmental review.
