



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

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**Committee on the Elimination of Discrimination
against Women**
Twentieth session

Summary record of the 409th meeting

Held at Headquarters, New York, on Friday, 22 January 1999, at 3 p.m.

Chairperson: Ms. Gonzalez

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The meeting was called to order at 3.10 p.m.

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

Initial report of Kyrgyzstan (CEDAW/C/KGZ/1)

1. *At the invitation of the Chairperson, Ms. Ismailova (Kyrgyzstan), took a place at the Committee table.*

2. **The Chairperson** invited the experts to continue to pose questions to the representative of the Government of Kyrgyzstan.

Article 1

3. **Ms. Schöpp-Schilling** asked whether the Constitution of Kyrgyzstan defined discrimination and whether efforts were being made to promote greater awareness of discrimination, including unintentional discrimination, among members of the judiciary, civil servants and other government officials. She would also welcome additional information on the State Committee for the Family, Women and Youth (para. 66), including its mandate, staffing and budget, and how its role differed from that of the State Commission for the Family and Women (para. 44). Lastly, it would be useful to clarify for the experts how it was proposed to ensure uninterrupted funding for the Regional Centres for Women's Initiatives (para. 67) and whether, given the importance of the work carried out by those Centres, it was proposed to include provisions for their funding in the national budget.

4. **Ms. Hazelle** said that she would welcome additional information on the terms of reference and objectives of the State Committee for the Family, Women and Youth and on the Regional Centres for Women's Initiatives. It was a matter of some concern that, owing to the lack of financial resources, the staff of the regional administrations worked on a voluntary basis. Such a situation called into question the Government's commitment to address effectively the problem of the dramatic decline in the situation of women during the transitional period (para. 66).

5. **Ms. Kim Yung-chung** said that she, too, was concerned that the staff of the regional administrations were not remunerated for their work. It would be useful to know whether the Regional Centres for Women's

Initiatives coordinated their activities with those of other women's organizations.

Article 2

6. **Ms. Hazelle** noted that paragraph 74 of the report (CEDAW/C/KGZ/1) contained a list of measures being taken under the national programme "Ayalzat" to cope with violence against women. It would be useful to know what specific action had been carried out under the programme, whether mechanisms were in place to monitor the results and which government ministry was responsible for the overall implementation of the programme.

7. On the issue of violence against women, it would be helpful to have statistical data on the incidence of domestic violence against women as well as information on any legislation on such violence that might be in force. The Committee might wish to know, for example, whether penalties for domestic violence against women were provided in the Criminal Code or in other domestic laws. Given the patriarchal nature of the society, it was particularly important to sensitize the staff of law enforcement agencies to the need to promote gender equality. She welcomed the establishment of the two rape crisis centres (para. 75), but regretted the report's silence on whether other types of services, such as counselling, shelters and court protection orders, were also provided to rape victims.

8. **Ms. Goonesekere** said that she would welcome additional information on the institutional machinery for the elaboration of policy in the field of women's rights, particularly the accessibility of that machinery and its interface with law enforcement agencies. It would also be interesting to know what types of sentences had been handed down to persons convicted of crimes against women.

9. **The Chairperson**, speaking in her capacity as an expert, sought clarification of the reference to lesbianism as a violent action of a sexual nature, in paragraph 75 of the report.

Article 3

10. **Ms. Ouedraogo** asked what were the specific objectives of the national programme "Ayalzat", what if any mechanisms existed to evaluate its results and to what extent women were involved in the elaboration of the programme. She would also welcome information on the relationship between the Ministry responsible

for the advancement of women and women's non-governmental organizations.

11. **Ms. Ferrer** said she would welcome additional information on the Women's Democratic Party, including its objectives, membership and relationship with other mechanisms for the advancement of women.

12. **Ms. Feng Cui** asked what had been the impact on Kyrgyz women of the economic, political, social and cultural changes brought about by the country's transition towards a market economy. It would also be useful to know how it was proposed to implement the measures for the eradication of poverty set out in Presidential Decree No. 34 of 11 February 1998 (para. 76).

13. **Ms. Kim Yung-chung** asked what had been the results of the seminar on women and trade unions (para. 76) in terms of preparing women for leadership positions.

Article 4

14. **Ms. Abaka** noted that a system of quotas was merely one of the temporary special measures that could be adopted for accelerating de facto equality between men and women and did not absolve the State party from the requirement to fully implement the provisions of article 4 of the Convention. Turning to the provisions of the Labour Code, she wondered whether some employment-related policies designed to protect women were not in fact paternalistic and counter-productive.

Article 5

15. **Ms. Corti** said that she was appalled at the prevalence of sexual violence against women in Kyrgyzstan. It was vitally important for the Government to launch an effective public awareness campaign aimed at changing the current stereotype of women as sexual objects and to provide assistance to rape victims.

16. **Ms. Ferrer** asked for an explanation of the increased incidence in Kyrgyz society of violence against women and for an indication of how effectively the relevant legislation was being enforced. She failed to understand why efforts to eradicate gender stereotypes had proved so counter-productive and why the Government sought to promote the husband's status as the family's breadwinner (para. 87). The Committee

would welcome information on educational and other programmes for combating such stereotypes, including details of any programmes specifically related to the girl child. She also asked why the proposed amendment to the penal code on sexual harassment had been rejected (para. 82).

17. **Ms. Schöpp-Schilling** asked why lesbianism was criminalized in Kyrgyzstan and how a sexual orientation could be equated with "a violent action of a sexual nature".

Article 6

18. **Ms. Khan** welcomed the State party's ratification of a wide range of international instruments. Kyrgyzstan's prompt submission of its periodic report (within only one year of ratifying the Convention) was indicative of a serious commitment to women's rights.

19. The recent increase in prostitution and trafficking might be explained by the adverse impact on women's lives of the economic transition, the existence of a vast rural and poor population and the increase in migration of labour (both external and internal). Existing national mechanisms for arresting the growth in trafficking appeared to be insufficient to deal with the phenomenon. She wondered whether efforts had been made to uncover any complicity on the part of law-enforcement agencies and to determine whether international gangs and immigrants were involved in the sex trade. The Committee would welcome information on cooperation activities with bordering countries and programmes targeted at those women most vulnerable to the sex trade.

20. Gang rape was an issue of particular concern to the Committee in view of the long-term psychological trauma. Data on numbers of cases of gang rape detected would be useful, as would further information on the nature and extent of rehabilitation facilities available to victims.

21. The overall increase in alcohol and substance abuse was undoubtedly related to the increase in violence against women. She asked whether rural women had equal access to awareness and support programmes.

22. The Committee would also welcome information on punitive measures for dealing with the phenomenon of polygamy, a phenomenon which had presumably

resurfaced following independence. It would like to know why society was now permitting that practice.

23. **Ms. Acar** said she failed to understand how the decree providing for the timely return of all tourists within 12 days (para. 91) was supposed to control prostitution. It would appear to represent an infringement of the right to free movement.

24. **Ms. Goonesekere** maintained that the report gave scant attention to the issues of sex tourism and de facto polygamy, which were typically related. Sentencing for trafficking seemed highly lenient in Kyrgyzstan, and few local sex crimes appeared to have been prosecuted (para. 90). She wondered how effective a regulatory measure the licensing of tourist agencies had proven to be and what support systems were available to victims of trafficking.

Article 7

25. **Ms. Corti**, welcoming the participation of women in all sectors of the economy, cited the very high participation of women in culture as particularly laudable for a newly independent State. Women were, however, insufficiently represented in legislative decision-making posts; that was one of the most important problems the country must tackle.

26. **Ms. Myakayaka-Manzini** expressed concern about the practice of men voting on behalf of their wives or daughters; that surely constituted a violation of each individual's right to vote. It would be useful to have a description of the process for reporting obstructions of the right to vote, as well as data on the number of cases reported to date.

27. It was unclear from the report where the debate on a quota system for enhancing the participation of women in political decision-making was actually occurring, and whether women were participating in that debate. She would welcome information on any measures that had been taken by parliamentary committees to ensure that decisions affecting women could be informed by the views of women outside parliament, as well as additional information on the country's political system.

28. **Ms. Khan** expressed concern that women were employed in stereotyped sectors of the economy and filled only 13 per cent of managerial positions. If women were competent enough to write the speeches and reports for the men who were in charge (para. 80),

she asked what factors explained their decreasing participation in decision-making. She wondered whether there had been a change in social or religious attitudes, or whether women had merely found themselves more burdened with family chores owing to the decreased availability of child care facilities.

29. Information on affirmative measures being carried out to further the goals of the "Ayalzat" national programme would also be useful. She asked whether any research had been conducted to determine why public opinion was split over quotas. The public must be made aware that temporary measures for redressing inequality and eliminating discrimination were in no way intended to maintain unequal or separate standards for men, and that a quota system in a democratic society, unlike its Communist counterpart, was designed to ensure equality of access for women with competence.

Article 11

30. **Ms. Acar** asked how many men actually took the parental leave to which they were entitled under Kyrgyz law. Women risked being discriminated against with regard to retirement if the time they took off work to raise children was deducted from their overall length of service.

31. **Ms. Schöpp-Schilling** asked why women tended to take complaints of discrimination to their trade unions and whether it was that they feared for their jobs if they approached the courts. Any information on compensation provided in proven cases would be appreciated, as would details of whether any definition of unintentional discrimination had been incorporated into the country's labour legislation. Women's organizations in Kyrgyzstan might be advised to acquaint themselves with European labour legislation and with the 25 relevant cases which had come before European courts.

32. Kyrgyzstan might also need to conduct a review of its protective legislation to ensure that it did not unwittingly discriminate against women. In a free market economy, too much protective legislation could cause employers to fear constraints if they hired women. She asked whether legal experts had made any proposals to amend labour legislation.

Article 12

33. **Ms. Abaka** asked whether the Government had an overall health policy and, if so, whether that policy was gender-sensitive. She also requested further information on the compulsory measures for the prevention of HIV/AIDS (para. 131).

34. She was concerned about the fact that, although rural women made an important contribution to the economy, particularly in the area of food production, there were far fewer medical practitioners, hospitals and marriage counsellors in rural than in urban areas. It was urgent to address that situation, which constituted a clear discrimination in access to health.

35. According to paragraph 134 of the report, immunization against viral hepatitis and meningitis was available only against payment. While she realized that the Government faced serious problems during the period of transition and that much of the population was living in poverty, the health of a country's people was necessary to its development and was an issue which could not be deferred. Inoculations for such highly contagious diseases should be provided as part of the primary health care system.

36. While she welcomed the liberal abortion legislation, she did not understand the references in paragraph 135 to "mini-abortion", "artificial abortion" and "abortion for medical or social causes" and asked for an explanation of those terms. She wondered why illegal abortions continued to take place, why there were so many cases of post-abortion septicaemia and whether abortion was readily available in rural areas. She asked whether there was any way to monitor whether the availability of abortion had resulted in an increase or decrease in the actual number of abortions performed. In Sweden, for example, abortion was readily available but was on the decline owing to easy access to contraception.

37. She hoped that family planning offices would soon be established in rural areas (para. 136). Noting the statement in the report that reproductive health policy was aimed at maintaining optimal birth intervals of 2.5 to 3 years (para. 136), she said that the idea that birth spacing was the primary goal of reproductive health policy was a common misconception; the treatment of infertility should also be an important priority. She was pleased that the Government was working to reduce maternal mortality and wondered whether there were any programmes to address the

issue of nutritional deficiency, which was a common cause of maternal mortality.

38. The Government had established many programmes to combat substance abuse. However, poverty was a frequent cause of that problem, and she suggested that temporary special measures should be taken in that regard under article 4 of the Convention. Lastly, she asked how many men and women were affected by tuberculosis, which was on the rise in Kyrgyzstan as in many countries, and whether any study had been carried out to determine whether there was a link between that disease and HIV/AIDS, with which it was often associated.

39. **Ms. Goonesekere** said that the high percentage of deaths from post-abortion septicaemia was a serious problem which required attention. She was also concerned at the many occupational health hazards faced by women, despite the Labour Code's many provisions for their protection. The report contained no information on the impact of environmental damage on women's health; in that regard, she asked whether new investors were required to provide an environmental impact assessment for their proposed activities.

Article 13

40. **Ms. Schöpp-Schilling** said that she was concerned about the statement in paragraph 76 of the report that most women of working age were involved in so-called "shuttle" commerce involving long trips for commercial purposes, a practice which was said to be difficult, dangerous and largely unsuccessful. She asked whether those women were primarily unemployed urban dwellers or displaced rural workers and what their skills and backgrounds were. She also wondered whether such workers needed a permit and whether they were harassed by the police if they had none, whether they paid taxes, whether there were any large-scale national programmes to retrain such women for posts in the market economy and how many women were involved.

Article 14

41. **Ms. Myakayaka-Manzini** said that the fact that many women from rural regions, where poverty was greatest, were moving to urban areas in search of work and a better standard of living was a natural phenomenon which occurred in most countries where there were great inequalities between urban and rural

areas. The Committee had received independent reports that such migrants were not considered to be legal residents of the cities to which they had moved and were denied access to social services, housing and schooling. Such practices had been ineffective in other countries and, in any case, constituted a serious infringement of the right to freedom of movement.

42. She asked how many women had benefited from the programme to provide loans to women entrepreneurs and what the impact of that programme had been. She also requested information on the availability of child-care services in rural areas and wondered whether working actually benefited women or merely added to their burden.

43. **Ms. Taya** said that, in May 1998, an accident involving a sodium cyanide spill had injured hundreds of workers on a gold mine project, many of them women. The Kyrgyz authorities' statement that environmental damage had been minimal conflicted with the reports of non-governmental organizations. Moreover, the local population, including the victims, had been refused access to the data on which the Government's conclusions were based. She asked for more information in that regard and urged the Government to provide the victims with substantial assistance in claiming compensation from foreign investment companies. The initial estimate of US\$ 4 million damage from that accident had been reduced to US\$ 1.6 million through negotiation with the company, without consultation with the victims. Individual claims had subsequently been invalidated although the Constitution guaranteed the right to judicial protection. She noted that article 14 (a) of the Convention guaranteed rural women the right to participate in the elaboration and implementation of development planning at all levels and asked why the victims had been denied judicial recourse.

44. **Ms. Ouedraogo** said that the Committee needed more detailed statistics, especially as Kyrgyzstan was reporting for the first time under the Convention. In particular, she asked for more detailed information on rural women's access to drinking water, electricity and decent housing. She wondered whether the Government had a systematic policy aimed at reducing the burden on rural women and including the provision of appropriate technology. The fact that women working in the tobacco industry had a high incidence of chronic poisoning and infection and toxæmia in late pregnancy and that their children suffered from low

birth weight and hypertonia (para. 142) suggested that rural women, many of whom were illiterate, were not being provided with the information which they needed to protect themselves and their children. She wondered why the many national women's groups were not addressing that problem and whether the Government had established a specific family programme through which such information could be disseminated.

45. The Government was endeavouring to address the problem of rural poverty, but a more systematic approach was needed. She suggested that a study should be carried out to identify those in need of assistance and that a special facility should be established to give women access to credit on flexible terms of repayment. She also asked for more information on the type of work done by women engaged in so-called "shuttle" commerce and wondered why they continued to engage in such work if, as the report stated, it was largely unproductive.

46. **Ms. Ismailova** (Kyrgyzstan) thanked the Committee members for their comments and said that the presentation of the initial report was an important step in the elimination of discrimination and the promotion of women in Kyrgyzstan.

The meeting rose at 5 p.m.