



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the fifth periodic report of Kazakhstan*

1. The Committee considered the fifth periodic report of Kazakhstan (CEDAW/C/KAZ/5) at its 1724th and 1725th meetings (see CEDAW/C/SR.1724 and CEDAW/C/SR.1725), held on 24 October 2019. The list of issues and questions raised by the pre-sessional working group is contained in CEDAW/C/KAZ/Q/5, and the responses of Kazakhstan are contained in CEDAW/C/KAZ/Q/5/Add.1.

A. Introduction

2. The Committee welcomes the submission by the State party of its fifth periodic report. It also welcomes the State party's follow-up report to the previous concluding observations of the Committee (CEDAW/C/KAZ/CO/3-4/Add.1) and its written replies to the list of issues and questions on the fifth periodic report, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its multisectoral delegation, which was headed by the Chair of the National Commission on Women's Affairs and Family and Demographic Policy under the President of Kazakhstan, Gulshara Abdykhalikova, and included representatives of the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of National Economy, the Ministry of Labour and Social Protection of the Population, the Ministry of Health, the Ministry of Education and Science, the Ministry of Information and Social Development, the Supreme Court, the Presidential Administration, the Office of the Prosecutor General, the National Commission on Women's Affairs and Family and Demographic Policy, the Agency for Civil Service Affairs and the Permanent Mission of Kazakhstan to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2014 of the State party's combined third and fourth periodic reports (CEDAW/C/KAZ/3-4) in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its seventy-fourth session (21 October–8 November 2019).



(a) Law on the victim compensation fund (2018), which provides for compensation for victims, including women, who have suffered moral, physical or material harm as a result of a crime;

(b) Law on mandatory social health insurance (2015), which provides for mandatory health insurance, including for women, to be launched in 2020.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) Gender-responsive budgeting integration plan (2020–2025), adopted in 2019;

(b) National plan for the period up to 2025 to ensure the rights and improve the livelihoods of persons with disabilities, which includes measures to promote the reproductive rights of women with disabilities, adopted in 2019;

(c) Since 2018, the progressive equalization of the retirement of men and women at the age of 64 years, to be achieved by 2028;

(d) Action plan to prevent and combat crimes related to trafficking in persons (2018–2020), adopted in 2018;

(e) Forum for rural women to increase the social activities of rural women and promote entrepreneurship by women, held in 2018;

(f) Standard procedure for providing special social services to victims of domestic violence, adopted in 2016;

(g) State programme known as “Densaulyk”, aimed at protecting maternal and child health;

(h) Programme entitled “Women in business”, conducted jointly with the European Bank for Reconstruction and Development, which is focused on providing concessional credit to businesses run by women;

(i) Action plan for the implementation of the Committee's concluding observations on the combined third and fourth periodic reports, adopted in 2015.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party ratified the Convention on the Rights of Persons with Disabilities, in 2015.

C. Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of *de jure* (legal) and *de facto* (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

D. Parliament

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see [A/65/38](#), part two, annex VI). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

E. Principal areas of concern and recommendations

Applicability of the Convention

9. The Committee welcomes the fact that the Convention has been increasingly invoked by courts in civil, criminal and administrative proceedings as a result of strengthened judicial training. However, it notes with concern the following:

(a) According to the 2017 amendments to article 4 of the Constitution, international treaties ratified by the State party, while still prevailing over its laws, are no longer directly applicable, the procedure and conditions for their application being determined by law;

(b) There is a contradiction between the amendments to article 4 of the Constitution and the laws on international treaties and on legal acts, which are aimed at determining the applicability of the Convention, insofar as those laws provide for the direct applicability of international treaties except when such treaties require the adoption of implementing legislation;

(c) Provisions of the Convention have not been incorporated into legislation and there is a lack of clarity as to when the specific implementing legislation will be enacted, which may undermine the principle of legal certainty and adversely affect the enjoyment by women of their rights.

10. The Committee recommends that the State party ensure the applicability of the Convention in the light of the 2017 constitutional amendments and ensure that the Convention can be invoked in all types of court proceedings in relation to women's rights. It recommends that the State party incorporate the Convention into its national legislation, build the capacity of the judiciary and legal professionals to apply the Convention and raise public awareness, in particular among women, of how to invoke it. The Committee also urges the State party to harmonize its legislation on the applicability of international treaties.

Legal framework and definition of discrimination

11. The Committee notes that gender-based discrimination is prohibited by law in the State party, including through the law on State guarantees of equal rights and equal opportunities for men and women, also known as the law on gender equality. It also notes that a new bill on family and gender policy will encompass direct and indirect discrimination. However, the Committee remains concerned about the following:

(a) The current definition of discrimination does not include intersecting forms of discrimination;

(b) The legal framework on discrimination is fragmented and does not provide effective protection against discrimination in fields such as employment or in cases of gender-based violence;

(c) The law on gender equality does not establish liability in cases of violations of its provisions and lacks an effective monitoring mechanism.

12. The Committee recommends that the State party:

(a) **Adopt comprehensive anti-discrimination legislation and measures to prohibit direct and indirect discrimination, as well as intersecting forms of discrimination, in the public and private spheres, and to include all internationally recognized prohibited grounds of discrimination against women;**

(b) **Expedite the adoption of the bill on family and gender policy and ensure that its provisions comply with the Convention and do not restrict women's rights to the family sphere;**

(c) **Ensure that the law on gender equality is effectively implemented, that it provides for sanctions in cases of violations, that it is regularly monitored with the participation of a wide range of civil society organizations, including those focusing on women's rights, and that the monitoring results are made public and widely disseminated.**

Access to justice and legal complaints mechanisms

13. The Committee notes that a major legislation overhaul initiated in 2016 has led to the strengthening of the court system, increased transparency in court procedures and the development of an e-justice system, with around 70 per cent of lawsuits now being submitted electronically, which has facilitated access to justice in rural areas. It also welcomes the establishment of a working group to develop a legal mechanism for implementing treaty bodies' recommendations on individual communications. However, the Committee is concerned about the following:

(a) Lawsuits initiated by women account for a minority of proceedings and mainly relate to securing the payment of alimony, while the percentage of court applications from women in civil cases has declined since 2012 ([CEDAW/C/KAZ/5](#), para. 66);

(b) Women are reluctant to seek justice in cases of gender-based violence and institutionalization owing to stigma, persistent gender stereotypes and the prevalence of substituted decision-making;

(c) The remedy provided under article 145 of the Criminal Code for violations of the right to equality is ineffective and does not cover intersecting forms of discrimination, such as discrimination based on sexual orientation and gender identity;

(d) The Committee's views on communication No. 45/2012 ([CEDAW/C/61/D/45/2012](#)) have not been implemented.

14. The Committee recommends that the State party:

(a) **Identify, analyse and address the factual barriers to access to justice for women, including through judicial training and awareness-raising campaigns to eliminate judicial gender bias and persistent gender stereotypes;**

(b) **Ensure that article 145 of the Criminal Code encompasses intersecting forms of discrimination, such as discrimination based on sexual orientation and gender identity, and ensure that all women, including disadvantaged groups of women (see para. 48 below), are aware of this provision and other remedies available in the case of a violation of their rights and that they have effective access to legal aid and can seek redress and compensation;**

(c) **Ensure that the Committee's views on communication No. 45/2012 are duly implemented.**

National machinery for the advancement of women

15. The Committee commends the State party for financing gender equality initiatives and introducing a gender-responsive budgeting integration plan for the period 2020–2025. The Committee is, however, concerned about the following:

(a) The substitution of the State party's gender equality strategy for the period 2006–2016 with the concept for family and gender policy for the period up to 2030, which, by combining gender equality and family issues, reinforces traditional stereotypes about women's roles and responsibilities in the family, and which reportedly has been met with strong opposition in society;

(b) The lack of information about the outcome of the first action plan to implement the concept for family and gender policy (2017–2019).

16. The Committee recommends that the State party:

(a) **Ensure that the second action plan to implement the concept for family and gender policy, covering the period 2020–2022, refocuses the State party's conceptual framework on the advancement and empowerment of women and that it pursue a robust gender equality policy;**

(b) **Ensure that the second action plan includes long-term and short-term indicators and provides for adequate human and financial resources, that its implementation is regularly monitored, with the participation of a broad range of civil society actors, and that its results are evaluated and used to inform subsequent policy action;**

(c) **Consider developing and adopting a stand-alone gender equality strategy.**

Civil society organizations

17. The Committee welcomes the increase in grants made available to civil society organizations, including those working on gender issues. However, it is concerned about the overall limited cooperation of the State party with civil society and about the cases of registration being denied to feminist organizations promoting women's human rights and the rights of lesbian, bisexual and transgender women and intersex persons for reasons of non-compliance with "spiritual and moral values, culture, prestige and the role of the family", as stated in one such decision. In this context, it also notes that the vision for the development of civil society for the period up to 2025 is pending approval.

18. The Committee recommends that the State party take advantage of the adoption of the vision for the development of civil society for the period up to 2025:

(a) **To enhance cooperation with civil society organizations, in particular those working on women's rights, to ensure that they play a strong role in the area of the advancement of women and are meaningfully involved in policymaking and law-making processes;**

(b) **To review the law on charities to remove disproportionate restrictions on the registration of civil society organizations and ensure that such organizations, including feminist organizations promoting women's human rights and the rights of lesbian, bisexual and transgender women and intersex persons, are able to exercise their rights to freedom of expression, assembly and association without undue interference.**

National human rights institutions

19. The Committee notes that, by virtue of the 2017 constitutional amendments, the Commissioner for Human Rights (Ombudsperson) is elected by the Senate. It welcomes the appointment in September 2019 of an Ombudsperson mandated, *inter alia*, to receive and investigate complaints about violations of women's rights. However, the Committee is concerned that the Office of the Ombudsperson is reportedly understaffed and has no provincial offices, which severely limits access to the Office outside the capital.

20. The Committee recommends that the State party:

(a) **Ensure that the Ombudsperson acts effectively and independently, in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the "Paris Principles"), including by allocating adequate human, technical and financial resources to the Office of the Ombudsperson;**

(b) **Strengthen the presence of the Office of the Ombudsperson outside the capital, including in rural areas.**

Temporary special measures

21. The Committee notes that the new bill on family and gender policy will provide for the definition of "temporary special measures", including "gender quotas", to be included in laws, as well as for the establishment of a mechanism to monitor the implementation of the measures. It notes with concern, however, the following:

(a) The goal of 30 per cent representation of women in decision-making by 2016, which was set in the previous gender equality strategy, has not been achieved in all sectors and regions of the State party, and the full realization of the goal has been postponed to 2030 in the concept for family and gender policy for different areas;

(b) There is a lack of information about specific temporary special measures that the State party intends to take to achieve 30 per cent, and ultimately 50 per cent, representation of women.

22. The Committee recommends that the State party:

(a) **Review the bill on family and gender policy to ensure that it defines "temporary special measures" and "gender quotas" in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures;**

(b) **Introduce temporary special measures as a necessary strategy to accelerate the achievement of substantive equality for women in all areas of the Convention in which women are underrepresented;**

(c) **Establish a mechanism to monitor the implementation of temporary special measures and assess their impact;**

(d) **Allocate sufficient resources for the implementation, monitoring and impact assessment of such measures.**

Stereotypes and harmful practices

23. The Committee commends the State party for favouring the involvement of fathers in childcare, including through the promotion of paternity leave. However, it is concerned about the following:

(a) Reportedly, fathers often prefer boys to girls, which may affect girls' self-esteem and self-confidence and hinder their transition into an active and participatory adult life;

(b) Discriminatory gender stereotypes limit women's roles to domestic work and childcare, undermining the empowerment of women in the economic, social and political spheres;

(c) Despite being prohibited by law, child and/or forced marriage is prevalent in the State party and is viewed with a high degree of social tolerance.

24. The Committee recommends that the State party:

(a) **Design, adopt and implement a comprehensive strategy and conduct campaigns to raise public awareness about discriminatory stereotypes regarding the roles and responsibilities of women and men in society and the family and promote positive portrayals of women as active participants in social, economic and political life, with the participation of relevant ministries, civil society, community and religious leaders, academic institutions, the business sector and the media;**

(b) **Ensure that educational policies and practices in all schools, as well as teacher training practices, are aimed at consolidating progress in combating discriminatory gender stereotypes and child and/or forced marriage, including by promoting equally shared domestic and parental responsibilities and by raising awareness about the negative impact of gender stereotypes and child and/or forced marriage on the education of women and girls, their health and their enjoyment of other rights;**

(c) **Ensure that cases of child and/or forced marriage are effectively investigated and that perpetrators are prosecuted and adequately punished and that women and girls in forced marriages have access to protection, including shelters, and support services;**

(d) **Take specific measures to promote the equal sharing of domestic and childcare responsibilities, as well as responsible fatherhood, including by encouraging fathers to use their paid paternity leave and by monitoring the practice.**

Gender-based violence against women

25. The Committee notes the 2014 amendments to the law on domestic violence of 2009 that provide for restraining and protection orders and social assistance to victims of domestic violence. It also takes note of the State party's intention to adopt the bill on countering domestic violence and to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. However, the Committee notes with concern the following:

(a) The decriminalization, in 2017, of intentional infliction of minor injury (art. 108 of the Criminal Code) and of battery (art. 109), the criminalization of which had been used to prosecute cases of domestic violence, and the fact that such acts are currently considered to be mere administrative offences, which contradicts the spirit of the Convention and weakens the protection of women from gender-based violence;

(b) The lack of revision of the definition of rape (art. 120 of the Criminal Code), which continues to be based on penetrative vaginal intercourse and requires the element of violence or threat of violence rather than the lack of consent (see [CEDAW/C/KAZ/CO/3-4](#), para. 19 (d));

(c) Domestic violence, which remains severely underreported, is still considered a private matter in the State party;

(d) Eviction orders for perpetrators to leave the family home are executed only if that person has no other residence;

(e) The reports that police officers attempt to reconcile victims with perpetrators of domestic violence;

(f) The lack of shelters for women and girls who are victims of gender-based violence and the denial of access to such shelters to women living with HIV/AIDS;

(g) The lack of training on the prevention and detection of, as well as of a victim-centred response to, all forms of gender-based violence, for the authorities concerned;

(h) The subjection of women with disabilities, in particular those living in institutions, to forced sterilization and forced abortion, police violence against women in prostitution, the mandatory gender reassignment surgery for transgender women for the purpose of legal gender recognition and the limited access to justice for the victims of those forms of gender-based violence.

26. Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:

(a) **Review its current legislation, including the Criminal Code, the Code of Administrative Offences and the law on domestic violence, to ensure that domestic violence is specifically criminalized, can be prosecuted ex officio and is sanctioned with appropriate penalties commensurate with the gravity of the abuse;**

(b) **Revise article 109 of the Criminal Code to base the definition of rape on the absence of consent and align it with the Convention and the Committee's jurisprudence under the Optional Protocol;**

(c) **Review the bill on countering domestic violence with a view to ensuring its compliance with the Convention, in order to effectively prevent and combat all forms of gender-based violence against women and protect victims;**

(d) **Encourage the reporting of all forms of gender-based violence against women and girls, including domestic and sexual violence;**

(e) **Ensure the timely and effective issuance, implementation and monitoring of eviction orders and the timely and effective implementation and monitoring of rehabilitation programmes for perpetrators;**

(f) **Ensure that all cases involving gender-based violence against women are effectively investigated and that perpetrators are prosecuted ex officio and punished with appropriate sanctions, give priority to criminal proceedings over reconciliation and ensure that police officers who fail to take action or deter victims from filing complaints are held accountable;**

(g) **Strengthen the availability and accessibility, through funding from the State budget, of long-term and short-term shelters, medical and psychological care and legal assistance, in urban and rural areas, to all women who are victims of, or who are at risk of, gender-based violence, regardless of whether they are living with HIV/AIDS or are engaging in prostitution;**

(h) **Provide mandatory training on the prevention and detection of, as well as a gender and victim-centred response to, all forms of gender-based violence, paying particular attention to protecting confidentiality, and align the standard**

procedure for providing special social services to victims of domestic violence with international standards;

(i) Ensure that forced sterilization and abortion are criminalized and perpetrators prosecuted, abolish mandatory gender reassignment surgery, in law and in practice, identify and eliminate the barriers preventing victims from gaining access to justice in rural and urban areas and ensure that all victims have access to effective reparation, including compensation;

(j) Ensure that all institutions in which women with disabilities live are effectively monitored by independent authorities in order to prevent violence and abuse;

(k) Accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Trafficking and exploitation of prostitution

27. The Committee notes the criminalization of trafficking in persons, the adoption of a new anti-trafficking action plan covering the period 2018–2020, the adoption of a standard procedure for providing special social services to victims of trafficking, the establishment of a victim compensation fund and various initiatives to prevent trafficking. However, it notes with concern the following:

(a) The lack of measures to identify, refer and protect victims of trafficking, especially foreign women, at an early stage;

(b) The low investigation, prosecution and conviction rates in trafficking cases;

(c) The lack of shelter, medical, social and legal services, rehabilitation and reintegration programmes for victims of trafficking, in particular women living with HIV/AIDS, and budgetary allocations for such assistance;

(d) The lack of measures, in schools and at the community level, to prevent trafficking;

(e) The social stigma and widespread discrimination, including gender-based violence, experienced by women in prostitution, including at the hands of the police;

(f) The reported refusals to register complaints by women in prostitution of cases of violence;

(g) The absence of exit programmes for women wishing to leave prostitution.

28. The Committee recommends that the State party:

(a) Build the capacity of the judiciary and law enforcement officers to identify, refer and protect victims of trafficking, especially foreign women, at an early stage;

(b) Effectively investigate and prosecute trafficking cases, especially cases of trafficking in women and girls, and impose on perpetrators sentences commensurate with the gravity of the crime;

(c) Ensure access to integrated support, rehabilitation and reintegration programmes for women and girls who are victims of trafficking, regardless of whether they are living with HIV/AIDS, and ensure that such programmes are not conditional on cooperation with the police and prosecutorial authorities;

(d) Intensify awareness-raising in schools and at the community level with a view to preventing trafficking;

- (e) **Register, investigate and prosecute cases of gender-based violence and discrimination against women in prostitution and bring perpetrators to justice, and end the practice of forced HIV testing;**
- (f) **Conduct awareness-raising campaigns to challenge the stereotypical perceptions of women in prostitution and related stigma;**
- (g) **Provide exit programmes and alternative income-generating opportunities for women wishing to leave prostitution.**

Participation in political and public life

29. The Committee welcomes the increased representation of women in the judiciary and at different levels of the executive branch and the increased participation of women in political parties. The Committee is concerned, however, about the following:

- (a) The postponement to 2030 of the full realization of the State party's goal of 30 per cent representation of women in decision-making posts, in contrast with its previous gender equality strategy, which included a goal of 30 per cent representation by 2016, and target 5.5 of the Sustainable Development Goals aimed at achieving parity in decision-making;
- (b) The severe underrepresentation of women at the ministerial level, in the foreign service, in the armed forces and in local administrations;
- (c) The low representation of women in the Senate (10.6 per cent), which is presided over by a woman, and at the head of local representative bodies (*maslikhat*);
- (d) The low representation of women in the governing bodies of political parties;
- (e) The lack of disaggregated data on the political participation of women;
- (f) Regional discrepancies in the political representation of women;
- (g) Discriminatory gender stereotypes hindering the participation of women in political and public life.

30. The Committee recalls its previous recommendation ([CEDAW/C/KAZ/CO/3-4](#), para. 23) to accelerate the full and equal participation of women in decision-making positions of elected and appointed bodies, in particular in ministries, the Senate, the foreign service, the armed forces and local administrations and representative bodies. It also recommends that the State party:

- (a) **Review the concept for family and gender policy with a view to setting 50 per cent quotas for the representation of women in all areas of life;**
- (b) **Introduce incentives for political parties to promote women in senior positions and governing bodies within their party structures and for increasing the visibility of women candidates during election campaigns;**
- (c) **Provide training to women on political leadership, campaigning and negotiation skills;**
- (d) **Ensure the collection of data, disaggregated by age, ethnic group and region, on the participation of women in political and public life;**
- (e) **Take effective measures to address regional disparities in the political representation of women, including by encouraging their active political participation;**

(f) **Raise awareness among political leaders and the general public that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of the human rights of women.**

Women and peace and security

31. The Committee notes that the State party has experienced significant economic growth in recent years, that it has taken a leading role in promoting regional stability and cooperation and that it was the first State in Central Asia to be elected to the Security Council. However, the Committee is concerned that the State party has not implemented its commitments to finalizing a national action plan for the implementation of Council resolution 1325 (2000) on women and peace and security and to earmarking 15 per cent of its official development assistance for gender mainstreaming.

32. **The Committee recommends that the State party:**

(a) **Establish a clear time frame and allocate the resources necessary to finalize the national action plan to implement Security Council resolution 1325 (2000) on women and peace and security, in cooperation with representatives of women's organizations, and ensure that it takes into consideration the full spectrum of the women and peace and security agenda of the Council, as reflected in Council resolutions 1820 (2008), 1888 (2009), 1889 (2009) and 2122 (2013);**

(b) **Earmark 15 per cent of its official development assistance for gender mainstreaming.**

Nationality

33. The Committee is concerned that the following legislative gaps create a high risk of statelessness for women and girls in the State party:

(a) Births may not be registered unless parents provide identity documents;

(b) Following the loss of nationality through marriage, legislation does not allow the reacquisition of nationality in cases of dissolution or non-occurrence of marriage;

(c) Legislation requires economic self-sufficiency or property ownership to acquire or reacquire nationality;

(d) The 2017 constitutional amendments permit the deprivation of nationality of individuals who have committed terrorist crimes and/or caused other grave damage to vital interests of Kazakhstan.

34. **The Committee recommends that the State party:**

(a) **Revise the Code on Marriage and Family and relevant regulations to ensure that all children are registered at birth and are provided with birth registration certificates, regardless of their parents' legal status or nationality;**

(b) **Review the law on citizenship and other relevant laws and regulations to allow for women to reacquire their nationality in cases of dissolution or non-occurrence of marriage and to lift the requirements of economic self-sufficiency or property ownership to acquire or reacquire nationality;**

(c) **Provide safeguards against the arbitrary deprivation of nationality with a view to preventing statelessness, including the right to lodge an appeal**

with suspensive effect and the availability of effective remedies, which should include the possibility of restoring nationality.

Education

35. The Committee commends the State party for its efforts to increase access for women and girls to all levels of education. It notes that the percentage of children not enrolled in secondary education is below 1 per cent, according to official data, and welcomes the initiation, in 2017, of mandatory monitoring of school enrolment. Nevertheless, the Committee is concerned about the following:

- (a) The reported school dropouts among married adolescent girls, in particular in rural areas;
- (b) The reinforcement of gender stereotyping through school curricula, in the absence of education on gender equality and systematic education on sexual and reproductive health and rights;
- (c) The fact that the high level of girls who received education does not lead to corresponding employment for women;
- (d) The underrepresentation of women at the decision-making level in the management of the education system.

36. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee recommends that the State party raise awareness of the importance of education for girls at all levels as a basis for their empowerment and take advantage of the adoption of the new education programme:

- (a) **To pursue its efforts to prevent child marriage and overcome school dropouts among adolescent girls and ensure that young mothers can return to school following childbirth with a view to completing their education, obtaining certification and gaining access to higher education and/or gainful employment in line with their career aspirations;**
- (b) **To develop and integrate into school curricula: (i) inclusive and accessible content on gender equality, including women's rights, portrayals of outstanding women in public life and material on gender stereotyping and gender-based discrimination, and (ii) age-appropriate education on sexual and reproductive health and rights, including comprehensive sexuality education for adolescent girls and boys, paying particular attention to responsible sexual behaviour;**
- (c) **To introduce age-appropriate gender-sensitive content into teaching curricula and textbooks and undertake gender training for teaching personnel at all levels of education;**
- (d) **To ensure that girls and women benefit from their education in gaining access to employment and decision-making positions, including by matching curricula with current demands, combating discriminatory stereotypes and strengthening career guidance;**
- (e) **To ensure that women are represented on an equal basis with men in decision-making processes and the management of the education system.**

Employment

37. The Committee welcomes the progress made by the State party in promoting access for women to employment. It also notes that discrimination in the workplace

is prohibited under article 6 (2) of the Labour Code. However, the Committee is concerned that the following factors impede the full achievement of equality at work:

- (a) The reports of discrimination in employment and sexual harassment in the workplace, exacerbated by persistent gender stereotypes;
- (b) The significant gender pay gap (34 per cent) and the horizontal and vertical segregation in the labour market, including the list of 191 prohibited occupations for women, the concentration of women in traditional and low-paid sectors of the economy and a glass ceiling that precludes most women from reaching senior management positions;
- (c) The restriction of women's rights to the family sphere, the lack of opportunities for the reconciliation of professional and family life and the insufficient efforts to promote and ensure the equal sharing of domestic and childrearing responsibilities between women and men;
- (d) The limited access to employment and social security schemes for disadvantaged groups of women, such as migrant women, women domestic workers, rural women and women with disabilities.

38. Recalling that progress in employment should go hand in hand with the empowerment of women and equality at work, the Committee recommends that the State party refocus its employment policy on gender equality and ensure that it is based on results, measurable indicators, partnerships with the private sector and opportunities for professional training in all areas, including innovative sectors and the information and communications technology sector. It also recommends that the State party:

- (a) **Ensure that the prohibition of discrimination in the workplace under article 6 (2) of the Labour Code covers indirect discrimination and can be effectively enforced in the public and private sectors;**
- (b) **Urgently prohibit sexual harassment in the workplace and strengthen the role of the Ethics Commissioner in protecting women from discrimination and sexual harassment in the workplace, including through its complaints mechanism, and ensure the enforcement of decisions of the Commissioner, raise women's awareness of this mechanism and encourage them to make use thereof;**
- (c) **Eliminate occupational segregation, both horizontal and vertical, and close the gender pay gap, including by regularly reviewing wages, and conduct a study to measure the impact on women of the new system of remuneration;**
- (d) **Repeal the list of prohibited occupations for women and facilitate access for women to such occupations, and ensure that any restrictions are applied individually and not across the board to all women;**
- (e) **Promote a positive image of women in business and professional life to delink women's rights and family rights;**
- (f) **Ensure that flexible working arrangements, such as part-time work and telecommuting, are available for women and men and promote the equal sharing of domestic and childcare responsibilities (see para. 24 (d) above);**
- (g) **Ensure access to maternity protection, facilitate the return to work of young mothers and monitor the career and wage progression of young mothers returning to work;**
- (h) **Improve access to employment and training opportunities and to social security schemes for disadvantaged groups of women, such as migrant women, women domestic workers, rural women and women with disabilities.**

Health

39. The Committee commends the State party for enacting a strong legal framework for health protection and its considerable progress in the reduction of maternal mortality. However, it is concerned about the following:

(a) The high prevalence of early pregnancy and the high abortion rates among girls and young women aged 15–18 years, the latter of which are considered to be a principal cause of maternal mortality in the State party;

(b) The limited access to affordable contraception, as free contraceptives are provided only to selected high-risk groups;

(c) The age restriction imposed on adolescents to have access to health services, including abortion and mental health care, without parental consent;

(d) The limited accessibility of and the limited counselling provided in health centres for young people;

(e) The limited access to health care for and the discrimination and violence faced by women living with HIV/AIDS, women with disabilities and women using drugs, including in prisons.

40. The Committee recommends that the State party take advantage of the adoption of the new health-care development programme for the period up to 2025:

(a) To provide free or subsidized contraceptives to vulnerable groups in urban and rural areas, including sexually active adolescents, poor women, women with disabilities and women living with HIV/AIDS;

(b) To raise public awareness about modern forms of contraception and ensure that abortion is not used as a contraceptive method, including through sexuality education and media campaigns;

(c) To reduce from 18 to 16 years the age required for adolescents to have access to health services, including abortion and mental health services, without parental consent, including by reviewing and adopting the new draft health code;

(d) To improve the quality and accessibility of health services provided by health centres for young people, including by strengthening the skills of the staff and their capacity to deliver gender-sensitive and youth-friendly services and guarantee confidentiality and privacy, and expand the coverage of such centres to rural areas and villages and maintain State funding;

(e) To eliminate discrimination, violence and stigma against women living with HIV/AIDS, women with disabilities and women using drugs, including in institutions or prisons, and ensure that they have access to adequate health services, including sexual and reproductive health services and HIV and drug treatment.

Economic empowerment and social benefits

41. The Committee welcomes the strategic development plan for the period up to 2025, but is concerned that the State party's development efforts have not translated into substantive equality for women with increased social and economic benefits. In particular, it notes with concern the following:

(a) The lack of access to social security benefits and childcare allowances for unemployed women and women employed in the informal sector;

(b) The low social benefits and the lack of high-quality rented accommodation provided to large families living in poverty;

(c) The low percentage of female ownership of land, with only one in five peasant and farm households headed by women;

(d) The lack of temporary special measures to promote entrepreneurship by women and the lack of information on the impact of existing initiatives, such as the Damu project fund and the “Women in business” programme, on women’s purchasing power and social and economic standing and on the benefits of such initiatives for women;

(e) The insufficient efforts to promote and support the participation of women and girls in sports.

42. The Committee recommends that the State party:

(a) **Ensure access to social protection schemes for all women, including unemployed women and those employed in the informal sector;**

(b) **Review its social protection and housing scheme with a view to reducing feminized poverty, consider developing a housing or home ownership scheme for large families living in poverty and ensure the availability of pathways for poor women wishing to graduate out of State welfare;**

(c) **Take targeted and time-bound measures to empower women in agriculture, including by strengthening their participation in management and decision-making with a view to increasing the number of peasant and farm households headed by women;**

(d) **Drawing on the conclusions of the studies conducted in the State party (see [CEDAW/C/KAZ/5](#), para. 114), introduce incentives and temporary special measures, including business facilitation grants, incubation schemes, financial inclusion services and other stimulus packages, to promote entrepreneurship by women, expand their economic opportunities and boost their contribution to the economic life of the country, specifically in the oil and gas and construction sectors;**

(e) **Promote the participation of women and girls in sports and stimulate investment by corporate organizations to better support women and girls in sports.**

Rural women

43. The Committee remains concerned that rural women, who account for 49 per cent of the rural population, lack access to safe drinking water, health care, income-generating opportunities and information, including through the Internet, and that their participation in decision-making is limited.

44. The Committee recommends that the State party:

(a) **Strengthen access for rural women to safe drinking water, health care, formal employment and entrepreneurship, and ensure that the specific needs of rural women are met and that they are aware of the opportunities and benefits available to them, including through the Internet;**

(b) **Ensure the equal participation of rural women in decision-making and involve them in the design, development, implementation, monitoring and evaluation of all relevant policies and strategies, including the green policy.**

Marriage and family relations

45. While noting the importance attached to the family in the State party, the Committee notes with concern the following:

- (a) The vast majority of men support polygamy, which remains widespread despite its prohibition by law, and attempts to legalize it;
- (b) The high prevalence of child marriage, especially unregistered religious marriages;
- (c) The prevalence of bride kidnapping, which leads to child and/or forced marriage, and the exemption from criminal liability under article 125 of the Criminal Code (on abduction) in cases of the voluntary release of the abductee;
- (d) The lack of data on the prevalence of polygamy, child and/or forced marriage and bride kidnapping.

46. **The Committee recommends that the State party intensify its efforts:**

- (a) To eliminate polygamy, including by effectively enforcing its prohibition, promoting and encouraging the official registration of marriages and raising public awareness of the risks of polygamous and unregistered unions in case of the dissolution of marriage;**
- (b) To prevent and eliminate child and/or forced marriage and bride kidnapping through coordinated action by the competent authorities, civil society, schools and religious and community leaders, including by:**
 - (i) Adopting and enforcing a statutory ban on the religious registration of marriages of girls under the age of 18 years, adequately punishing those who perform such marriages and promoting and legally requiring the official registration of marriages;**
 - (ii) Revising article 125 of the Criminal Code so that it does not exempt the perpetrator from criminal liability in cases of the voluntary release of the victim;**
 - (iii) Ensuring that cases of child and/or forced marriage and of bride kidnapping are investigated and prosecuted and that perpetrators are punished with appropriate sanctions;**
 - (iv) Strengthening awareness-raising campaigns on the negative effects of child and/or forced marriage on the health and well-being of women and girls and their access to education and employment, and on the risks of unregistered unions in case of the dissolution of marriage;**
 - (v) Establishing mechanisms to detect cases of child and/or forced marriage and bride kidnapping;**
 - (vi) Systematically collecting data on the number of complaints, investigations, prosecutions, convictions and penalties imposed with regard to the prohibition of child and forced marriage and bride kidnapping;**
- (c) To collect data, disaggregated by age, gender and region, to assess the prevalence, incidence and geographical coverage of child, forced and polygamous marriage and bride kidnapping.**

Disadvantaged groups of women

47. The Committee is concerned about reports that women with disabilities, lesbian, bisexual and transgender women and intersex persons, refugee women, asylum-

seeking women, stateless women and women with undetermined citizenship continue to experience multiple and intersecting forms of discrimination.

48. The Committee recommends that the State party:

(a) With regard to women with disabilities:

- (i) Improve access to employment, entrepreneurship and training opportunities for women with disabilities;**
- (ii) Ensure that women with disabilities have access to the special social services that they require;**
- (iii) Effectively address the unmet need for family planning among women with disabilities;**
- (iv) Ensure that women with disabilities have the right to bring their pregnancy to term and that gynaecological consultations, medical examinations, family planning and adapted support during pregnancy are available and accessible;**
- (v) Raise awareness of HIV and sexually transmitted infections in accessible formats;**
- (vi) Criminalize forced sterilization and forced abortion;**
- (vii) Ensure that women with disabilities have the opportunity to exercise their legal capacity, enjoy access to justice and are guaranteed protection of their right to free and informed consent to any medical intervention;**
- (viii) Investigate, prosecute and convict cases of forced abortion and sterilization;**

(b) With regard to lesbian, bisexual and transgender women and intersex persons:

- (i) Review the legislation, including article 257 (13) of the Code on Marriage and Family, to remove sex reassignment surgery from the list of requirements for gender recognition;**
- (ii) Ensure that its health-care policies and HIV programme take into account the needs of transgender women;**
- (iii) Criminalize offences based on sexual orientation and/or gender identity as a stand-alone crime and consider “sexual orientation and gender identity” as aggravating circumstances if they are used as a motive for committing a crime;**
- (iv) Revise articles 121 to 123 of the Criminal Code to remove the reference to “lesbianism”;**
- (v) Investigate reports of threats and blackmailing against lesbian, bisexual and transgender women and intersex persons and prosecute the perpetrators and bring them to justice, as appropriate;**
- (vi) Ensure that lesbian, bisexual and transgender women and intersex persons are not prosecuted merely on the ground of their real or assumed sexual orientation or gender identity;**

(c) With regard to asylum-seeking women, refugee women, stateless women and women with undetermined nationality:

- (i) Provide asylum-seeking women, refugee women, stateless women and women with undetermined nationality, including those temporarily**

residing in the State party, with health insurance and basic health services, including prenatal and postnatal care, and ensure that they have access to employment, education and the registration of civil acts;

(ii) Strengthen its procedures for identifying asylum seekers and determining asylum status, which should be gender-sensitive, age-sensitive and culturally sensitive, in order to ensure the systematic and early identification of women and girls who are victims of or who are at risk of gender-based violence and provide appropriate assistance to such women and girls;

(iii) Accelerate the regularization of stateless women and women with undetermined nationality and their children;

(iv) Ensure the collection of data, disaggregated by age and gender, on stateless persons and persons with undetermined nationality;

(v) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Amendment to article 20 (1) of the Convention

49. The Committee encourages the State party to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

50. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the realization of the rights enshrined in the Convention in the context of the 25-year review of the implementation of the Declaration and Platform in order to achieve substantive equality between women and men.

Dissemination

51. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official languages of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.

Ratification of other treaties

52. The Committee notes that the adherence of the State party to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which it is not yet a party.

¹ The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Follow-up to the concluding observations

53. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 26 (b), (c) and (i) and 38 (d) above.

Preparation of the next report

54. The Committee requests the State party to submit its sixth periodic report, which is due in November 2023. The report should be submitted on time and cover the entire period up to the time of its submission.

55. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents ([HRI/GEN/2/Rev.6](#), chap. I).
