

Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15(B) of resolution 5/1 of the Human Rights Council

I. Background and Framework

A. Scope of international obligations (international human rights legal obligations etc.)

- Kazakhstan has ratified major international treaties on women's rights, including the UN Convention on Elimination of All Forms of Discrimination Against Women and its Optional Protocol.
- In 2007, Kazakhstan adopted 3 MDG+ goals, including some new targets on MDG 3. These include ensuring adoption and implementation of measures aimed at increasing representation of women in legislative and executive bodies and the prevention and elimination of violence against women, and ensuring sustainable gender mainstreaming of national planning and budgeting, with particular focus on minimizing gender wage gaps.

B. Constitutional and legislative framework (charters, laws and regulations etc.)

- The Constitution and national legislation provide for equal rights for men and women.
- The draft Laws, 'On Equal Rights and Equal Opportunities of Men and Women' and, 'On Preventing and Combating Domestic Violence' were included into the Plan of Legislative Activities for 2009.

C. Institutional and human rights structure (institutions, bodies and committees etc.)

- There is a functioning National Commission on Women and Family-Demographic Policy under the President of the Republic of Kazakhstan, which was established by the Decree of the President of Kazakhstan in December 1998. The Commission has only consultative status, and has no separate budget.
- Commission on Human Rights has been established under the President of Kazakhstan by the Decree of the President of Kazakhstan on February 1994. Its major goal is to strengthen existing state and public mechanisms of human rights protection. There is no separate division within this structure that deals with specific target groups, e.g. women. Ombudsman's office has been established by the Decree of the President of Kazakhstan in August 2002.

D. Policy measures (national action plans, strategies and human rights education etc.)

- The Concept of Gender Policy in the RK was adopted in 2005 and in the same year, a decree of the President of the RK endorsed the National Strategy for Gender Equality for 2006-2016. The Government's mid-term Action Plan for the Strategy of Gender Equality for 2006-2008 has been completed. Currently, Action Plan to cover the next period is under finalization.

II. Promotion and protection of human rights on the ground

A. Cooperation with international human rights mechanisms

- The Government of Kazakhstan is actively participating in Beijing Platform for Action regional reviews every 5 years with reports on key achievement and progress towards Beijing Platform for Action implementation.
- The country is on track with most Millennium Development Goals (MDGs) and is now targeting at more ambitious "MDG-plus" goals such as halving poverty in rural areas, ensuring universal secondary education and ensuring gender mainstreaming in national planning and budgeting and increasing

women's representation in legislative and executive bodies. Last national MDG report dates back on 2007.

- The last country report to CEDAW has been reviewed at the 37th CEDAW session in 2007. Major concluding comments were targeting need for a wide-spread informational campaign on CEDAW provisions among rights-holders and duty-bearers, need for adoption of the draft laws on equal opportunities for men and women and combating domestic violence, urgent need to address problems related to gender stereotypes through reforms in educational system, concern on low authority, decision-making power and financial and human resources of the National Commission on women and socio-demographic affairs, special attention to existing inequalities between men and women in labour market, etc.

B. Implementation of international human rights obligations, including with regard to (nonexhaustive list): equality and non discrimination; right to life, liberty and security of the person; administration of justice and the rule of law; right to privacy, marriage and family life; freedom of movement; freedom of religion and belief, expression, association and peaceful assembly, and the right to participate in public and political life; right to work and to just and favourable conditions of work; right to social security and to an adequate standard of living; right to education and to participate in the cultural life of the community; minorities and indigenous peoples; migrants, refugees and asylum seekers; internally displaced persons; right to development; and the situation in or in relation to specific regions or territories.

Poverty & the Labour Market

- In 2007, the share of the population living below the poverty line was estimated at 13.8%. Poverty and vulnerability are heavily concentrated among the self-employed in the informal employment sector. Self-employment is more common among women: in 2004, 42.3% of women were self-employed, while among men, 36.8% were self-employed. In rural areas, the number of self-employed people is twice as high as in urban areas: in rural areas 59.2% of women and 51.5% of men are self-employed, while in the urban areas, the figures are 25.3% for women and 22.8% for men. Self-employed women work mainly in such sectors as trading at commodity and food markets, catering, household services, agricultural goods processing, etc. This proportion of population is not covered by social protection system (pensions, benefits and entitlements, maternity leaves, etc.). There is no specific policy to target this group.
- The employment level of the population in the country is growing: in 2004 it was 91.6%, which had risen to 92.2% in 2006, with a corresponding decrease in unemployment from 8.4% in 2004, to 7.8% in 2006. Among the unemployed, numbers of women and men are roughly equal.
- Considerable differences remain between men and women in the remuneration of labour. In 2006 the average salary for a man was 49,737 Tenge, compared to 30,984 Tenge for a woman; the ratio is 62.3% and has increased by 4% since 2004. The unequal level of pay is evident in all types of economic activity; men's pay is on average 1.3 to 1.7 times higher than that of women's. Even in sectors with a high share of female employment (health care, education and public administration), male labour is paid at a rate 18-28% higher than women's.
- The economic possibilities of men and women are to a great extent determined by professional segregation on grounds of gender. Horizontal professional segregation is characterized by the uneven distribution of men and women by economic sectors and by professions. The majority of women in employment are concentrated in areas with low wages: education, health care, social services, hotels and restaurants. The proportion of women in these spheres is between 70% and 80%.
- Vertical segregation is evidenced by the fact that men occupy 86% of senior management positions and deputy positions in local state structures. Positions of middle management are typically held by women.
- The average monthly pension of women (in the APS) is just above 80% of men's. The characteristics of the APS, together with the gender-segregated nature of the employment sphere, suggest the gender gap will widen further in the future.

Women in Decision-Making

- Representation of women in party lists - the number of women-deputies in the lower chamber of the Parliament - increased from 10.5% in 2004 to 15.9% in 2007.
- The law 'On Equal Rights and Equal Opportunities of Men and Women' is still draft.

Education

- There is no obvious gender inequality in general access to education. By the end of 2007, the level of access to education for girls was 0.955, which is slightly higher than the same indicator for boys (0.935).
- Segregation of students in the vocational training system is closely related to segregation in the labor market. Girls study the professions that are feminized in both the labor market and the employment sector. There are high percentages of girls in the pedagogic (76.4% of total students), economic (71%), and medical (66.7%) education institutions, as well as in the institutions related to culture and art (69.4%).
- A lack of gender sensitivity in school curricula and textbooks aggravates gender stereotypes in society.

Health

- Both infant and maternal mortality remain high for a middle-income country. Maternal mortality averages 45 per 100,000 live births according to official data
- About 40% of reproductive age women (15-49) suffer from iron deficiency anemia to various degrees.
- In 2006 there were 40,394 (28.6%) registered cases of crime against women; of those, 7,974 (26.2%) were serious or very serious crimes. Sexual violence against women makes up a very high proportion of the total number of crimes at 80.1%; however, official statistical data related to infringements of the law do not reflect actual cases of domestic violence.
- A special role in the protection of women from violence is played by non-governmental crisis centres that not only offer help lines, but also have special shelters for women who are victims of violence. Based on data related to clients of crisis centres, more than 90% of cases of violence against women are committed in the presence of adolescent children, which is equal to violence against the children themselves.
- There are no state-owned/funded crisis centers and shelters for victims of violence.
- The law 'On Preventing and Combating Domestic Violence' is still a draft.
- According to estimates the number of people living with HIV in Kazakhstan is around 16,000, which is almost twice as high as the number of registered cases. The dynamics of registration of detected HIV cases is characterized by growth in the number of new detected cases.
- HIV in Kazakhstan is mostly spread among injecting drug users. They make up 74% of all the HIV cases detected. The heterosexual transmission rate is growing, however, being 16.5% in 2006, while in 2001 it was 5%. Out of the total number of people living with HIV, males make up 75%; however, the number of women with HIV continues to grow with the majority of them having been infected by sex partners who are injecting drug users (in 2001 the proportion of women with HIV was 10%, while in 2007 it has already reached 26%).
- 50% of those in need of antiretroviral therapy in 2007 received it (352 out of 700). All pregnant women identified as HIV positive were given access to a complete programme of prophylaxis of HIV transmission from mother to child. All children born to mothers with HIV were on formula-based feeding.
- Existing gender stereotypes and differences in the country increase the vulnerability of women to HIV. According to data from a survey carried out among rural women, the initiative in all spheres, including the sexual sphere, belongs to men; a husband's adultery is not denounced by society, violence against women is prevalent in some villages of Kazakhstan, and the initiative on the use of condoms also belongs to men. Also, women less often get paid jobs compared to men, which reduces their access to health services and the corresponding early diagnosis of diseases.

III. Achievements, best practices, challenges and constraints

Examples of best practices which have emerged; acknowledgement of difficulties encountered by the State in the implementation of its human rights obligations.

Outlined above.

IV. Key national priorities, initiatives and commitments

Areas where further progress is required and proposed solutions and plans for overcoming obstacles; priorities; strategies recommended to address the challenges highlighted in the previous section.

Outlined above.

V. Capacity-building and technical assistance

Technical assistance provided and/or recommended by UN entities.

- UNIFEM Regional office is based in Kazakhstan and operates for the entire Commonwealth of Independent States (12 countries).
- Since starting its operations in the region in 1999, UNIFEM has provided technical and financial assistance to Kazakhstan within the framework of several regional projects, small-scale project and national initiatives, specific requests from women's networks and civil society, etc.
- **Gender Equality Strategy and Concept of Gender Policy:** UNIFEM has provided extensive technical and financial support for the development of the Gender Concept 2003-2004 and Gender Equality Strategy 2006-2016 by the National Commission on Family and Gender Policy. Both were successfully adopted, along with an action plan for the strategy. The strategy is fully funded by the Government. UNIFEM facilitated substantive work on defining gender priorities and development of a set of gender indicators, using the MDGs and CEDAW indicators as a conceptual framework. Goals, targets and indicators for monitoring the strategy are aligned with and reflect the national MDG targets and indicators.
- **5 and 10-year Review of Implementation of the Beijing Platform for Action:** UNIFEM supported the Beijing +5 and Beijing +10 review processes in Kazakhstan, as well as in the rest of the CIS, by organizing and supporting sub-regional Preparatory Workshops, by providing technical and financial support to NGOs for the ECE Regional PrepCom and the Global PrepCom, translating and disseminating information, etc. UNIFEM has also provided necessary substantive support for government delegations, including the National Commission, during these review processes. In addition, financial and technical assistance has been provided for the subsequent Commission on the Status of Women and the Millennium Summit in 2005. In 2009 UNIFEM will continue its support towards Beijing +15 review in Kazakhstan by supporting participation of non-governmental organizations in ECE and ESCAP regional prepcoms.
- **Women in the informal employment sector:** In 2008 at the request of the Ministry of Labour and Social Protection of the Republic of Kazakhstan and the National Commission on Women and Family-Demographic Policy, UNIFEM commissioned pilot research to explore the status and extent of the self-employed population in Kazakhstan. The researched has revealed that majority of the self-employed people engaged in the most insecure jobs are women, who are not covered by social protection and pension systems. This research is devised to initiate a dialogue on the status of self-employed women for development of specific recommendations to the National Strategy on Employment, which is planned to be organized by the mid of October 2009.
- **Women Labour Migrants:** Kazakhstan is covered by a UNIFEM inter-agency regional programme on tackling women labour migrants' rights. The programme is specifically aimed at supporting national efforts on improving the labor migration management system, based on observance of human rights and gender equality principles. In 2009, UNIFEM completed Needs Assessment of women labour migrants in 5 countries (Kyrgyzstan, Tajikistan, Uzbekistan (sending countries) and Kazakhstan, Russia

(receiving countries). In May 2009, a regional conference with the national partners from 5 countries will be held to discuss the outcomes of the regional research and develop a regional programme on promoting women's labour migrants rights.

- Besides this, in support to the current process of discussions around draft law on migration and per request from the Ministry of Labour and Social Protection of Kazakhstan, UNIFEM has approached CEDAW Committee members to provide international legal expertise of the draft law to ensure its compliance with CEDAW provisions.
- **Gender Budgets:** The National Commission on Women and Family-Demographic Policy (Women's National Machinery) initiated a project in 2007 and requested technical assistance from UNIFEM. The Project, 'Social (gender) Budgets in Kazakhstan', implemented by jointly by UNIFEM and the National Commission, aims to build the capacity of the National Commission, civil servants, members of parliament and women's NGOs in the application of gender analysis at all stages and in all aspects of the budgeting process. Within this project, gender analysis has been applied to two national budget and state programmes (On Education and On Small and Medium Entrepreneurship) and a gender budgeting guide for civil servants has been developed. A training manual on gender budgeting, to be used during training and re-training of civil servants, is also under development.
- **Gender equality and VAW legislation:** In close cooperation with and with support from the National Commission, UNIFEM is striving to advance the legislation on gender equality and domestic violence. UNIFEM is providing technical and financial support for the drafting process, the development of implementation mechanisms and subsequent lobbying efforts. Currently, domestic violence law has been approved by the Parliament in the first reading.
- **Safe City:** UNIFEM has secured the involvement of partners, both UN and local, in implementing a 2-years project aimed at supporting a systematic and well coordinated partnership between local authorities, central government, non-governmental institutions and citizens, aimed at developing and implementing locally-based measures for preventing violence in public spaces. The primary beneficiaries of the project will be citizens of Almaty: people employed in street markets, students of higher educational establishments and residents living near places of entertainment and leisure, with particular focus on women and girls (female students, labour migrants and refugees). They will benefit from the reduced risk of sexual harassment and assault, violence and discriminatory practices and from an increase in direct measures aimed at guaranteeing their safety and free access to information.
- **Aid Effectiveness and National Development Planning:** In cooperation with the National Commission on Women and Family-Demographic Policy, UNIFEM organized the regional consultation meeting, 'Gender Equality and Human Rights in National Development Planning and Budgeting in CIS countries: Towards Ghana 2008'. This consultation meeting, held in 2007, provided a senior-level forum for policy-makers and development practitioners to discuss challenges and opportunities arising through the process of making national development planning, aid, and development effectiveness gender-responsive, based on the experience of CIS countries. Participants discussed and adopted the 'Almaty Declaration' as a contribution from the Commonwealth of Independent States to the High Level Forum on Aid Effectiveness. This declaration adds significant momentum to the work on National Development Strategies and to the second generation of Poverty Reduction Strategies in the CIS, reinforcing both development partners' and countries' commitments to aligning development planning and budgeting processes with nationally agreed gender priorities, and expanding intra-regional cooperation within the CIS region.
- Kazakhstan has also been a part of several regional projects, such as Support for CEDAW Implementation and Monitoring in the CIS, the Regional Public Awareness Campaign for Women's Right to Life Free of Violence and Elimination of Violence against Women in Central Asia; UNIFEM annually supports civil society during the 16 Days Against Gender-based Violence International Campaign, and UNIFEM also provided financial support for a UN joint-programme on Disaster Preparedness for Rural Women and Children.

- Overall, UNIFEM has provided financial and technical assistance in the amount of 1.8 million US dollars to Kazakhstan since 1999.