

Combined Third and Fourth

Alternative Report

to the
UN CEDAW Committee

Submitted by

Female & Feminist's NGOs Initiatives on CEDAW

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The Alternative Report has been prepared by the Female & Feminist's NGOs Initiatives on CEDAW which is a citizens' platform comprised of 22 women's and human rights organizations. The platform came together in October 2008.

The contents of the thematic reports were developed through consultations with more than 180 grassroots organizations across the country.

Contents

Chapter One
Representation of women on the positions of decision making 4

Chapter Two
Elimination of discrimination towards women in all spheres of life 5

Chapter Three
Prevention of human trafficking 7

Chapter Four
Domestic violence 8

Chapter Five
Status of Compliance with CEDAW Articles 8

Chapter six
Recommendations 26

Chapter I

Representation of women on the positions of decision making

The Strategy of gender equity in the Republic of Kazakhstan for YY2006 – 2016 does not contain enough measures on improving the political representation of women. Whilst solving the problems of inequity between men and women in the area of distribution of power and solving the problems on all levels, the governments and other institutions should stimulate the active and visible policy of following up the gender problematics in all strategies and programs so that the analysis of their consequences should be done for both men and women.

Majority of proposed actions has declarative character and is not supported by real effective measures. The actions planned are not sufficient enough to accomplish the targets and objectives set. In particular, no active mechanisms and temporary measures are planned and prepared and implemented in order to increase the number of women on the level of decision making, there are no efficient measures on formation of the party lists. The issue on quorum for next 10 years is proposed only to be “studied”.

The system of elections to the Senate is also considered violation of political rights of women. The senators are elected by the members of local authorities, vast majority of which are men. Despite the fact that Kazakhstan has adopted almost all of the international conventions on women’s rights, they are not implemented into the national legislation in full volume.

Representation of women on the level of decision making remains very low, despite the fact that Social Watch has published “2012 Gender Equity Index” in which Kazakhstan took 33rd place in the world in the level of gender equity outleading almost all of CIS countries.

However, without taking the special measures aimed to change the social awareness to improve the status of women, in the nearest future it is hardly possible to expect in Kazakhstan drastic changes of traditional perceptions among population between genders.

Equity in taking the political decisions plays the role of certain instrument without which a real factor of equity within the formation of state policy is hardly possible. In this case equal participation of women in political life plays decisive role in general process of improving the status of women. Equal participation of women in generation of decisions is not only the requirement of elementary justice and democracy, as it is considered as a necessary condition to protect the interests of women.

Gender stereotypes of conservative character are generated uninertedly in the society, have structural basics for conversion in mass consciousness. Firstly, practice of “washout” of women from the sphere of management leads to forgetting the understanding “women as a manager, leader” and promotes strengthening of the stereotype that woman is a bad manager and leader, that her mission is family home. Second, state mass media do not propagandize the images of active, energetic and busy women who take key positions in professional sphere. And the leaders of opinion in national scale are able to easily express their sexist ideas and directions in mass media. Absence of practice of law enforcement in case of propaganda of sexism (including such cases as stealing the bride, polygamy, forcing into early marriage, and other forms of domestic violence towards women, or secrecy of such facts for society) does not promote the condition of gender equity in the society.

The fact of absence of the system of control over the gender aspects of informational policy of government becomes symptomatic for analysis of the reason of gender imbalance and discrimination moments in information environment. There is no single research on the national level which could inform state officials about the situation in gender sphere in mass media, TV and radio. Singular studies of gender aspects of activities of mass media carried

out irregularly by the order of international NGOs do not have adequate distribution among people who have impact on decision making.

Chapter II

Elimination of discrimination towards women in all spheres of life

There is still no general definition of discrimination in Kazakhstan legislation. In 2009 the Parliament refused to adopt the definition of discrimination by gender, appropriate UN Convention “On liquidation of all forms of discrimination towards women”. Article 7 of the Convention obliges the countries to undertake all necessary measures on elimination of discrimination of women in political and social life of the country, including elections, government positions, as well as generation and fulfillment of state policy, and confirms that women have to have equal rights with men to take elective government positions. It is important not only to promote values, declared by the Convention through government policy, but also to conduct constant monitoring of the consequence and uninterruptedness of efforts of government on reducing the discrimination. In other words, following the principle of equity of women and men have to be consolidated institutionally, not just be left for consideration.

Since there is no general perception of discrimination in Kazakhstan legislation, and the definition of “discrimination on gender” has limited character, it is very difficult to apply the articles of Criminal and Criminal – Process Codes which have an impact to discrimination.

There are no special state bodies in Kazakhstan, neither on government, nor on municipal level which would have necessary authority responsible for prevention and elimination of discrimination.

It is possible to see a lot of statements which violate civil and political rights on gender in existing Kazakhstan legislation.

In particular, the Law of the RK No. 344-II dated 15 July 2012 “About the political parties” (with changes and amendments as of 24 December 2012) contains the prohibition to use in the names of their parties the terminology containing “gender signs” (Item 2 Article 7 of the Law).

Such amendment to the Law about the parties appeared soon after the establishment of the party in the name of which was a word “Women’s”. All other parties have in their management vast majority of men and carry out the policy in the interests of men mostly, which is concluded from the elective platforms of these parties, which was made by Kazakhstani experts.

The fact that the term “gender signs” was used is the effort to cover “anti-women” essence of the law. Gender is the social meaning and implementation of such prohibition equals to the prohibition of parties by social signs.

Generally, in the society, and among the law-makers, in particular, there is a perception that improvement of the situation with the rights of women is associated only with the obligation of the state to fulfill its social commitments before mother women and the necessity to follow up the principle of equity in legislation. No big meaning is given to the development of measures which counteract to existing discrimination practices, and would provide equal opportunities for men and women to use the rights provided by legislation. We almost don’t know about the judicial practice on studying the cases on discrimination by gender, although existing negative practices represent serious problems in the society according to the opinion of experts and complaints received in women’s and law promoting NGOs. Absence of criterias in judicial law applying practice which would let us to estimate about the discrimination in single taken case, does not give the opportunity to victim to prove

the fact of discrimination. There is no judicial practice on reviewing the appeals on discrimination, since most of all, legal consultations, as well as the courts themselves consider that in the appeal there should be not the requirement on elimination of discrimination, but the point on violation of concrete right.

In practice, the problem of realization of equal opportunities of men and women remains the same. The most typical are the cases of refusal of concluding of labor agreement with women among all other equal opportunities. The employer, when hiring a woman, fearing various possible difficulties which could arise during her employment (pregnancy, maternity leave, child care leave) tries as maximum to foresee the risks of possible failures. This could be various verbal obligations, requirement to come out to work from maternity leave prior to the date set by the law as a reason to keep the job, refusal to let the woman to go on sick leave with the child. All above mentioned cases violate the guaranteed labor rights of women. Along with this, state mechanisms of protection are used in these situations very rarely. It is related with the fact that in the protection of labor rights, the law maker favors to judicial protection. However, it is difficult to prove the refusal in giving the job which violates the principle of equity, sometimes it is impossible. Even the presence of Article 148 in the Criminal Code of the RK, devoted to unjustified refusal on giving the job to pregnant woman or woman having children under age of three, cannot impact on the situation substantially.

As of the official data, the salary of woman in average comprises 60 – 64% from the salary of man. Considering the fact that nowadays in Kazakhstan 30% of children grow in incomplete families and only 16% of divorced men pay alimony payments, this means very low level of living among mothers who upbringing their children by their own.

Statistics show that every second marriage in the country breaks up by certain reasons. Therefore, a lot of young mothers have to earn themselves and upbringing her children who in most of the cases live with mother. The problem of untimely payment or refusal of payment of alimonies forces woman to count only on herself. The problem of searching for appropriate job makes woman to agree on any work conditions, which do not allow them to apply the guarantees and benefits set by the law. Kazakhstan legislation in general corresponds to the requirements of internationally adapted legal standards in protection of women's labor rights. It is likely to hope that appropriate legal norms will be realized in practice.

It is worthful to increase the time of changing another job for women up to 3 years, to provide additional time of vacation for women. In particular, these are additional vacations and breaks.

Kazakhstan legislation does not prohibit sexual harassment on workplace. There is no such concept in Kazakhstan legislation. Responsibility for sexual harassment is also not stipulated in the new Law of the RK No. 214-IV dated 4 December 2009 “On the prevention of domestic violence” (with amendments dated 3 July 2013).

According to the Criminal Code of the RK No. 167-I dated 16 July 1997 (with changes and amendments as of 4 July 2013), responsibility is charged for such crimes against gender and sexual freedom as “rape”, “violent conduct of sexual character”, “forcing to sexual intercourse, sodomy, lesbian actions, or other actions of sexual character”, “pervert actions”, “sexual intercourse or other actions of sexual character with a person under age of sixteen”. In case of sexual harassment it is possible to apply the Article 120 of the Criminal Code of the RK: “Forcing to sexual intercourse, sodomy, lesbian actions or other actions of sexual character”, but only in the cases included with violent conduct. At the same time there is not enough evidence to issue a sanction in the cases when sexual harassment took place in other form – indecent gestures and offers, touching, hints, pervert jokes, etc. Further development of legislative norms requires changes in labor legislation of the RK, in particular, inclusion in the labor contracts of the clause of impossibility of sexual harassment at work and responsibility for such actions.

Chapter III

Prevention of human trafficking

The meaning of human trafficking in existing legislation of the RK causes several disputes. The law maker defining the human traffic has put the equality sign between the conception of “buying – selling”, “hiring”, “transporting”, “transmission”, and “concealment”, which both in combination, and separately, form the components of crime from the point of civil and criminal legislation, legal technique, and is represented incorrect and illogical.

The practice shows that the possibility of commencing the prosecution related with sexual exploitation under the Article 128 of the Criminal Code of the RK exists only in the case when the transaction “person – the goods – money” was recorded on video. If there is no such connection, then the prosecution by this article is impossible, therefore it is qualified into Article 270 “Involvement into prostitution”, Article 271 “Organization or maintaining the brothel for prostitution and pimping” of the Criminal Code of the RK, due to which exploiter is charged less punishment (penalty fee or imprisonment from three up to five years), when under the Article 128 of the Criminal Code of the RK it is from 5 up to 15 years of imprisonment.

Absence of such conceptions in legislation as: recruiter, transporter, middleman, as well as responsibility for participation in process of human trafficking.

During the investigation and court proceedings of crimes related with human traffic, victims are often are taken only as source of testify. As some animated object to prove the evidence of guilt or innocence of suspects and accused. Such relationship sometimes leads to the fact that “exploiters” are in better conditions than their victims.

There are no standards of investigating crimes related with human traffic. As well as no practical program on protection of people participating in investigation of human traffic, no guaranteed possibility from government to receive qualified legal assistance to those suffered from human trafficking and cruel treatment. Criminals as usual try to impact on human traffic victims, and their relatives. Untimely measures of security towards victims and witnesses lead to refusal from previously taken testimony and make further investigations of crime impossible. Basically, informing takes place during the realization of certain project, not as a result of systematic activities of law enforcement officials. Large-scale possibilities of preventative activities of mass media, education and health care authorities are used insignificantly, towards certain and precise target groups considering age, gender and territorial features.

Whilst clearance of crime related with human traffic, especially with selling women to sexual slavery, information from mass media has to focus not only on victims, but mostly on criminals, exposing their methods of works.

Effective tool for distributing the information is social advertising on TV; however cost for such social advertising is the same as for commercial ad, which turns out to be key difficulty to effective informational campaign.

According to Chapter 6 (item 4.5) of the Strategy of Gender Equity in the Republic of Kazakhstan for YY2006 – 2016, the state is obliged to: “Create rehabilitation centers in state border control checkpoints to place the victims of human traffic from Kazakhstan and CIS countries until the clarification of all circumstances of their stay abroad”. NONE of such centers were established

Chapter IV

Domestic violence

In Kazakhstan, a higher level of domestic violence is observed towards women. Despite the fact that the Law “On prevention of domestic violence” was approved in December 2009, the practice showed that the level of legal regulation should be made more concrete.

Local authorities are not ready to provide funds on the development of infrastructure on protection of women from violence. The government hasn’t prepared and approved any standards on providing social services to the victims of domestic violence. The Law “On prevention of domestic violence” only stipulates protection in the form of prescription for 10 days, but it is very hard to monitor its fulfillment. Legislation related to domestic violence has the tendency to view only physical violence. Along with this, since more detailed understanding of the nature of domestic violence is formed, it is necessary to consider various kinds of violence: physical, sexual, emotional and/or psychological, patrimonial, on the right of property, economical. Therefore, it is very important to that any kind of definition of domestic violence, including psychological and/or economic violence, is applied correctly and counting the gender factor.

According to Chapter 6 (item 4.13) of the Strategy of Gender Equity in the Republic of Kazakhstan for YY2006 – 2016, the state is obliged to: “Create until Y2010 crisis centers in all districts and cities of Kazakhstan”, (item 4.14) to “provide support to the crisis centers at the expense of state grants for socially important projects, create state crisis centers at the expense of local budgets”. Currently these items of the Strategy are not realized. There are no shelters in the country, for women suffered from domestic violence despite the fact that the number of such crimes towards women, grows.

According to Item 4 Article 5 of the Law “On prevention of domestic violence” dated 3 July 2013, the standards of providing special social services, their order, rights and responsibilities of person (family), who is in difficult life situation, is determined by the **legislation** of the Republic of Kazakhstan about special social services. According to Article 6 of the Law of the RK “On special social services” dated 3 July 2013, persons suffered from domestic violence, labor exploitation, sexual exploitation, are not able to be recognized as persons who are in difficult life situations. Thus, the people suffered from domestic violence, labor and sexual exploitation, cannot receive special social services from state.

Chapter V

Status of Compliance with CEDAW Articles

Article 1

For the purposes of the present Convention, the term "discrimination against women" means any distinction, exclusion or restriction made on the basis of sex which has the purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field

There is still no general definition of the notion of discrimination in the legislation of Kazakhstan. Although the draft Law of Equal Opportunities for Men and Women in the Republic of Kazakhstan

submitted by the group of 19 Parliamentarians contained the definition of discrimination which complied with the definition provided in the CEDAW, the Parliament rejected that definition when discussed the draft in 2009.

In 2009 Parliament refused to adopt a definition of gender based discrimination contained in the CEDAW, which was contained in the draft of the law "On equal rights and opportunities of men and women in the Republic of Kazakhstan", submitted to the Parliament of the RK by a group of 19 deputies of the Parliament.

In the draft of the law the following definition was suggested: "discrimination based on gender is any difference, exclusion, or preference, which limits or refuses implementation of human rights in the basis of gender".

In the law adopted by the Parliament: "discrimination based on sex is any limitation restriction of human rights and freedoms, as well as of depreciation of merits based on sex».

Article 2.

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) *To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;*
- (b) *To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;*
- (c) *To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;*
- (d) *To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;*
- (e) *To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;*
- (f) *To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;*
- (g) *To repeal all national penal provisions which constitute discrimination against women.*

Because there is no general definition of the notion discrimination in Kazakhstan legislation, and the notion of "gender based discrimination" has limited character, the application of articles of the Criminal code and Criminal- Procedural Code, related to the discrimination is difficult.

In the Republic of Kazakhstan there is neither at the state nor at the regional level any special body with required authorities responsible for prevention or elimination of the discrimination.

In the acting legislation of the Republic of Kazakhstan one can see a range of statements, which are violating civil and political rights on the basis of gender.

In particular, a law of the RK of 15.07.2002 under the number 344-11 "On political parties" (with changes and amendments) contains forbiddance on using in names of political parties of terms that have "gender indications" (item 2 of the article 7 of the law).

Such amendment to the law on political parties appeared soon after creation of a party which had in the title a word "women's". All other political parties have in their leadership a significant dominance of men and they conduct a policy in the interests of men predominantly, this is comes from the analysis of the electoral platforms of parties' leaders, held by Kazakhstan experts.

Using a term "gender indications" is an effort to mask "anti-women's" essence of the law. Gender - is social sex and introduction of such forbiddance is equal to forbiddance of parties on social indicators.

System of elections to the Senate itself is an abuse of women's political rights. Senators are elected by members of the local representative power bodies where men are majority.

Criminal Code of the RK limits responsibility for refusal to employ or unreasonable firing on the gender basis only in relation to women with children under the three years old neT, and to pregnant women (part 2 of the article 148 CC of the RK). Gender based discrimination in relation to all other women is not punished and is not prosecuted.

Some articles of the Criminal Code of the RK, containing positive discrimination, related to using the foreseen punishment in relation to women, are not caused by a necessity and are not conditioned by physiological reasons or maternal functions of women.

In particular, life sentence (article 48 CC of the RK) and death sentence (article 49 CC of the RK), are not applied to women.

Such positive discrimination has not appeared due to the necessity and contradicts with the gender equality principle and witnesses paternalistic politics of the State.

In general in society and among legislators in particular, an assumption is rooted that improvement of the status of women's rights in connected only with implementation of social commitments of State to women-mothers and the necessity to follow a gender equality principle in legislation. No significance is given to development of measures that would counteract existing discriminatory practice and ensure equal opportunities for men and women to use legally provided rights.

We practically don't know a court practice on investigation of cases of discrimination based on gender despite that existing negative practice is a serious problem of society, according to experts' opinion and complaints submitted to women's and human rights protecting organizations. Lack of criteria in law-enforcement judicial practice that would allow to judge about existence of discrimination in concrete cases doesn't give a chance to victims to prove the fact of discrimination. We are not aware about the precedents of court hearings on cases of gender discrimination although the experts and women and human rights organizatins express serious concern with regard to the negative the societal practices that exist in the

Kazakhstan's society. The lack of criteria of discrimination in the courts' and law enforcement practices prevents from the judgments on whether discrimination took place in a particular case, and prevents the plaintiff to prove the fact of the discrimination

There is no judicial practice of consideration of claims of discrimination, because most often in juridical consultations, and in courts themselves they consider that in the primary allegation there must be not a request for elimination of discrimination, but a statement of the abuse of a concrete right.

Adopted in 2009 in the Republic of Kazakhstan a law "On state guarantees of equal rights and equal opportunities of men and women" doesn't meet recommendations of the CEDAW Committee, the CEDAW Convention, interests and expectations of the society, because it lost its functional or any other sense during the Parliamentary review process of the draft of the law.

In the Parliamentary review process of the draft of the law the following notions were fully deleted:

- Temporary special measures;
- Gender expertise;
- Quotas;
- Not paid domestic work;
- Sexual harassment;

Responsible state body on equality.

Correspondingly the following articles were deleted from deleted from the law draft: Guarantees of equal electoral rights;

Responsibilities of women and men in relation to not paid domestic work;

Forbiddance of Sexual harassment;

Gender expertise of legal acts and state programs

Article 3.

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Activities that were planned by the Strategies for gender equality for the period of 2006-2016 (according to the assessment held by the Institute of economic research of the Ministry of Economy in 2009) in a section "Achieving gender equality in social and political life" are not enough for reaching the stated goals and objectives. In particular neither integration nor development of working mechanisms and temporary special measures for increase of women's representation at decision-making level are planned, actions for formation of party lists are also not enough.

Article 4.

- 1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.**
- 2. Adoption by States Parties of special measures aimed at protecting maternity, including those measures contained in the present Convention, shall not be considered discriminatory.**

During the consideration by the Parliament of the law "On State guarantees of equal rights and opportunities of men and women" articles on temporary special measures and quotas were totally deleted. In the draft of the law, submitted by 19 deputies of the Parliament contained introduction of temporary special measures to ensure a real women's participation in decision-making and special measures for ensuring 50 percent level women's representation in party lists for Parliamentary elections. The current state gender policy doesn't give basis for saying the there is a significant strengthening in the area of increase of women's participation in political processes.

The Republic of Kazakhstan has not yet joined the ILO Convention "On protection of maternity". The existing social guarantees of the protection of maternity are not enough and do not meet norms foreseen by this Convention. Before getting the independence the Convention on protection of maternity acted on the territory of Kazakhstan, because it was ratified by the USSR.

Article 5

States Parties shall take all appropriate measures:

- (a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which**

are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

The Government of Kazakhstan only partly observes the minimal standards on the elimination of trafficking in persons, although it undertakes some measures in this field

In Kazakhstan there is no clear coordination of activities of state structures, law enforcement bodies, and NGOs on suppression of all kinds of Bcex women trafficking and sexual exploitation of women. One of the reasons is that the "Interagency Commission on issues of illegal transportation of people into and out of the country, human trafficking" under the Government is under the inspection of the Ministry of Justice of the RK, with an equal status to other agencies, but no the General Prosecutor of the RK, implementing independent inspection of the law enforcement.

Government of Kazakhstan has not yet developed standards of services to victims of human trafficking. That is why it is not possible to provide quality services on rehabilitation, reintegration and adaptation to VHT. Allocation of financial means for these services is foreseen only within a framework of state order.

The amount of this funding is quite modest, and the money is used to fund short-term projects which are mainly aimed on some aspects of prevention of trafficking in persons rather than the direct assistance to and protection of individuals suffered from trafficking in persons

Interagency contradictions don't lead to effective action on provision of quick communication for victims from human trafficking crimes. MIA RK and IOM N° 11616, MJ RK each year change number of hot line depending on the winner of tender on state procurement. On hot line # 11616, which is under administration of PJP "Union of crisis centers in Kazakhstan": 600 calls came, 406 calls out of them were on counteraction to human trafficking. Thanks for telephone calls to hot line in January and April 2011 19 girls got freedom, who were forcefully hosted and were forced to prostitution. On these facts four criminal cases were open

In 2005 29 cases of human trafficking were investigated, 5 court processes were imitated and 13 verdicts were awarded.

In 2006 13 cases were investigated, 7 court cases initiated and only one human trafficker was convicted.

In 2006 State investigated 32 cases against policemen for issuing false documents; results of these investigations were not made public. No state official in 2006 was under the criminal prosecution, was not found guilty or convicted to imprisonment for links to human trafficking.

During 2007 the number of successful criminal cases in relation to human traffickers increased to 17.

In 2008 police investigated 44 cases on trafficking, which is a significant increase in comparison with 22 cases investigated in 2007. On 30 cases charges were brought, which is more in comparison with 16 convictions made in 2007. In 2008 court sentenced 24 human traffickers. Out of them 18 were convicted for trafficking with sexual exploitation and 6 were sentenced for trafficking for labor

exploitation. Only one trafficker got conditional sentence and was not imprisoned. For sexual exploitation 12 human traffickers were imprisoned for 1,5 - 6 years and 6 human traffickers were imprisoned for 7 - 11 years. For labor exploitation 4 human traffickers were sentenced to 1,5-5 years and 2 human traffickers were imprisoned for 6.5-10 years. In 2008 there were no criminal cases and convictions of state officials linked with human trafficking.

In 2009 police investigated 49 human trafficking cases. 35 cases led to submission of accusations. In 2009 24 traffickers were sentenced, out of them 21 were accused for human trafficking with the goal of sexual exploitation and 3 sentenced were for human trafficking with the goal of labor exploitation. Only one human trafficker got conditional sentence and was not imprisoned. For sexual exploitation 11 human traffickers were sentenced to 5.5-10 years in prison and 9 traffickers to 2-5 years of imprisonment. For labor exploitation 3 human traffickers were sentenced to 5-7 years in prison.

In 2010, the police units of combating trafficking in persons opened 279 cases against traffickers and related criminals, including:

- 22 cases for trafficking in persons;
- 17 cases for trafficking in minors;
- 21 cases for the kidnapping with the purpose of exploitation;
- 21 cases for illegal deprivation of freedom with the purpose of exploitation;
- 7 cases for the engagement of other person into prostitution; and
- 191 cases for pimping and running of a brothel.

9 foreign victims were identified, including:

- 7 Uzbekistanis;
- 1 Kyrgyzstani;
- 1 Tajikistani.

Within the period of 6 months 25 days of 2011, 196 cases against traffickers and related offenders were opened, including:

- 21 cases for trafficking in persons;
- 14 cases for trafficking in minors;
- 17 cases for kidnapping with the purpose of exploitation;
- 9 cases for deprivation of freedom with the purpose of exploitation;
- 15 cases for the engagement of the other person into prostitution; and
- 120 cases for pimping and running of a brothel.

5 foreign victims were identified, including:

- 4 Uzbekistanis; 1
Kyrgyzstani.

Although number of criminal cases and convictions related to human trafficking recently increased, in most facts of human trafficking there were no judicial processes or investigations. There are many reasons, contributing to development of such a situation. But among most substantial we may name lack of systematic work on revealing cases of human trafficking and also lack of will of victims of human trafficking to appeal to law enforcement bodies, because they don't believe that these bodies can help them and or afraid for their own security or security of their relatives or close people.

In 2009 IOM, NGOs and state financial programs helped only 95 victims of forced prostitutions and forced labor. NGOs inform that foreign victims not always have access to medical services due to lack of medical insurance or residence registration. Foreign victims, who agree to cooperate with law enforcement bodies, are allowed to stay in Kazakhstan for the period of criminal case investigation, but

in 2009 no victim got temporary permit for residence in Kazakhstan. Despite the fact that some victims cooperated with law enforcement bodies at the stage of preliminary investigation, some of them refused to give evidence in court because of fear of retribution from traffickers.

Should a foreign victim cooperate with law enforcement she is allowed to stay in Kazakhstan within the period of investigation and court hearings. However, in 2009, no one foreign victim who participated in the investigation and court proceedings as a victim or a witness was granted a temporary residence permit in Kazakhstan. Although many victims cooperated with law enforcement during the investigation, some of them refused to testify in the courtroom since they were scared of revenge by their traffickers

It is a big concern [of NGOs] that law enforcement agencies are mainly focused on the detection of the cases of sexual exploitation and forced labor. Exploitative practices other than sexual exploitation but based on gender inequality and gender discrimination are widespread in Kazakhstan. In particular, these are the practices of exploitation of underage girls in domestic servitude, and deviant activities and petty crime including forced begging, pick-pocketing, drug crimes, etc

More over in many cases human trafficking victims were trafficked to Kazakhstan illegally from other countries with violation of migration legislation and were afterwards deported from the country by decision of administrative courts. This means that they are punished instead receiving assistance and protection as victims from crimes. According to the existing laws foreign citizens who declared about heavy or especially heavy crimes committed towards them (human trafficking is among them) have a right to stay in the country till completion of criminal investigation of their cases. But this provision is rarely used in practice.

According to the existing laws measures of state protection may be applied already before the initiation of criminal proceedings in relation to persons who promote prevention or opening of crimes or when there is a real risk of commitment to them of violence or any other act prohibited by law. But in practice protection measure are usually provided only after victims of crimes related with human trafficking (or witnesses on such cases, human trafficking victims often are witnesses) are recognized as participants of the criminal process and must submit special applications for using protection measure to them. This protection works only during the criminal process and this means that upon completion of the criminal process a victim remains without protection.

Kazakhstan is source-country, transit and destination country of illegal human trafficking. There is also a problem of human trafficking inside the country. There is no validated data about the number of victims. International organization of Migration (IOM) data states that hundreds of citizens annually become objects of the human trafficking and it noted a tendency of growth of foreign citizens illegally trafficked to the country for the labor exploitation. People are trafficked to the United Arab Emirates (UAE), Turkey, Israel, South Korea, Greece, Russia and Western Europe for the forced labor and sexual exploitation. Women are trafficked from Kyrgyzstan, Uzbekistan, Tajikistan, Ukraine and South Asia for forced labor and sexual exploitation.

The main objects of trafficking for sexual exploitation are teenage girls and young girls around 20 years old. Data from MIA informs that some women were recruited with the promises of good job and marriage abroad. Tour agencies, employment agencies and marriage firms often recruit victims by advertisements, promising job with high salaries. There was information that new victims were recruited by the women who were trafficking victims themselves. Some victims probably knew or at least suspect that they will work as prostitutes, but they have not thought that they would work in slavery conditions. Majority of victims were from Uzbekistan and arrived to destination country with false passports issued abroad.

In fact, however, these protection measures have been provided only upon the criminal case is open and the sufferers have been considered the procedural participants within the case (i.e., they

have been considered either victims or witnesses since investigative authorities often consider a trafficking survivor to be a witness rather than a victim of a crime of trafficking), and came up with the request for the protection. The protection measures are valid only in the course of the investigative procedures and court hearings, and the survivors have no more protection upon the court decision is pronounced.

Kazakhstan is a country of origin, transit and destination for victims of trafficking. Cases of in-country trafficking have been also registered in the country. According to IOM, hundreds of individuals have been trafficked annually, and there is a trend to the increase of the number of foreigners smuggled into Kazakhstan for forced labor. Women from the Kyrgyz Republic, Uzbekistan, Tajikistan, Ukraine, frontier areas of Russian Federation, and from South Asia, find themselves in the situation of forced labor and sexual exploitation [in Kazakhstan]. Moreover, cases of import of individuals from Kazakhstan to UAE, Turkey, Israel, South Korea, Greece, Russia, and Western Europe, for the purposes of forced labor and sexual exploitation, have been registered.

Young women of 20 and more years old, and teenage girls, were the main targets of trafficking for the purpose of sexual exploitation. According to MIA, some women were recruited by the promises of well-paid jobs or as mail order brides. Several sources mention the cases of victims recruited by the women who were victimized by traffickers before. Some victims might be aware that they would be involved into commercial sex work, but they didn't expect to be working in slavery conditions. Many victims from Uzbekistan and Kyrgyzstan arrived in Kazakhstan with fake passports produced abroad.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;**
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;**
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.**

In the law draft "On State guarantees of equal rights and opportunities of men and women", submitted by a group of deputies 30 percent quota was provided, as well as other effective measures aimed at increase of women's participation in political processes. These articles were deleted during the process of the draft review by the Parliament and Government and they didn't enter the adopted law.

The current state gender policy doesn't give basis for saying the there is a significant strengthening in the area of increase of women's participation in political processes.

References of legislators and power representatives to a national mentality, hindering introduction of temporary special measures are insolvent. A sociological survey held in 2008 by a center of the civil initiatives (Almaty) in 7 provinces of Kazakhstan, showed that 70% of women and 30% of men think that gender equality in decision-making bodies and equal rights for participation in political parties is not reached. With this among 1500 respondents 52% are Kazakhs. Accordingly 32 % men and 68 % women think that a right for an equal access to state service is not realized as well as a right to elect and be elected to elected power bodies of all levels.

64%) of respondents think that it desirable to introduce quota for women, 70% - that women have not less leadership qualities then men, and 85% - that men and women are equally responsible for the destiny of the country.

On the question for whom you would vote, respondents responded: 32% for men, 10% for women and 58% that it doesn't matter. Thus it is possible to state that population of the republic of Kazakhstan is ready for equal representation of women and men at all levels of decision-making. The major obstacle is a masculine position of the legislative and executive power branches.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

All heads of the Ministry of Foreign Relations (Minister, responsible secretary and 4 deputies of the minister) are men. Since the independence of Kazakhstan no women hold a position of the minister of foreign affairs. Out of 54 ambassadors and heads of diplomatic missions of Kazakhstan women were only 2, H3 19 KOHcynoB - 3 aceHinuHbi. Out of 19 consuls there were only 3 women.

Article 9

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.**
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.**

Article 10

(e) States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(f) (a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(g) (b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(h) (c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(i) (d) The same opportunities to benefit from scholarships and other study grants;

- (j) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;**
- (k) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;**
- (l) The same Opportunities to participate actively in sports and physical education;**
- (m) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.**

In the Republic of Kazakhstan there is a list of forbidden professions for women, many of them require professional education, so the point a) of the article 10 is not possible to follow.

The Strategy of gender equality for 2006-2009 of the republic of Kazakhstan foresees conduction of the gender expertise of school books and educational manuals, introduction of gender component during the development of all educational curricula of all levels, publication of informational bulletins on gender education for gender knowledge advocacy.

According to the Feminist League opinion a gender expertise of school books and educational manuals was not held or its results were LOST.

Ministry of education doesn't have results of the gender expertise of school books and educational manuals (an official response of the Ministry). No other state or public organization was not able to provide results of such expertise.

Article 11

- (a) 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:**
 - (b) The right to work as an inalienable right of all human beings;**
 - (a) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;**
 - (b) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;**
 - (c) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;**
 - (d) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;**
 - (e) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.**

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(c) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(d) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(e) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(f) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

In Kazakhstan till present a labor legislation continues to function that aimed at professional segregation of women.

A "List of jobs, where women's labor is prohibited", approved in 2007 by the Minister of labor and social protection, contains 299 professions.

In particular women are forbidden to work as stone dressers, bricklayers, drivers of bulldozer, diggers and of similar mechanisms, borers, machinists and assistants to machinists of all railroad transport, including trolleys, as sailors in any passenger and cargo and passenger vessel, drivers of snow planes, divers and etc.

As a rule professions in this list are higher paid then average job in the country. Forbidden professions for women are not exhausted by this list. Other rules forbid women to operate by big load card (but it is not forbidden to drive trolleybuses).

Military professions are in a separate closed list of the Ministry of Defense. Apparently similar lists exist in other agencies (MIA, MES, etc.).

In Strategy of gender equality for 2006-2016 of the republic of Kazakhstan it is stated that women will be given guarantees for equal promotion at public service and conditions for combination of career and family responsibilities and child care. But according to the research data of the Center of civil initiatives (2008) precisely family and parental duties are main reasons hindering women to make a career. 42% of respondents think that the main reason, hindering women to make a career are family duties. 26% think that lack of trust of male leader to a woman as a professional is one of the main obstacles, 14% mentioned as a reason masculine chauvinism.

Despite the fact that legislation prohibits firing on basis of pregnancy or pregnancy or baby delivery vacation or discrimination on basis of family status there such cases all over the country. Employer in such cases creates unbearable conditions forcing woman to leave her job.

Cases of young female candidates required by their employers to sign the employment contract which read that the female employee had no right to get married or take a maternity leave within the period of employment, have been reported. Often women of 40 years old and over were forced by their employers to leave their jobs "by their own will", so that the employer could hire a younger employee for the position which became vacant

According to the monitoring data of 2009 held among rural and elderly women by several local NGOs in Aktubinsk and Eastern-Kazakhstan provinces 99% of respondents who receive pensions, are not satisfied with its amount (from 15000 to 35000 tenge).

According to NGOs a right to joint property division in the marriage period and after divorce, which is guaranteed by the family legislation, is violated by the legislation on social issues (on pensions).

RK law of 17.12.1998 # 321-1 "On marriage and family" (with amendments and additions) provides a right of a spouse on divided of the joint property in the marriage period and after divorce. Article 32 of this law joint property includes income of each spouse gained at the expense of joint income of spouses, capital issues, shares, shares in capital, invested to credit bodies or other commercial organizations.

Right for joint property belongs also to a spouse who during the marriage holds household activities, took care of children and due to other respected reason didn't have an independent income. Nevertheless in this case legislation doesn't spell out the right of one of the spouses on pensions collected by the other in the marriage period. Nowadays for many families collected pensions are the only long term investment, ensuring income after disability. Because family household maintenance, child care is usually done by women, violation of property rights is working against women.

According to the NGOs Rodnik and Orken Ortalygy, many women didn't utilize their right to own the part of the property obtained by the couple while living together, even IF these women were aware that they had this right. Many women lived in marriage-like partnerships with men and didn't register the marriage, and, because of the pressure of the partner and his family, didn't register their rights for the property they obtained while living in the couple. National legislation reads that only the spouses who lived in a formally registered marriage have the right of ownership for the property obtained while they lived in the marriage. As a result, should the partnership be cancelled, the woman had no right for the part of the property obtained by the couple while they lived in the partnership. Moreover, should the partnership be cancelled, the male partner's family often force the woman to leave with them the child born within the partnership, and [illegally] makes changes in the child's documents, so that formally the woman is no more the mother of the child.

Since 2008 a monthly child care allowance until 1 year comprises from 5840 tenge on the first child to 7592 tenge on the fourth and more children per month, which is not sufficient at all.

According to the Women's association "Moldir" monthly expenses for food and goods of the first need for under 1 year old children were (on 2008) 30510 tenge.

One of the reasons of the insufficient amount of the allowance is not acting about 20 years on the Kazakhstan territory ILO Convention "On protection of motherhood".

Article 12

- 1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.**
- 2. Notwithstanding the provisions of paragraph I of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.**

Many gynecologists demonstrate a narrow and gender unequal attitude to the reproductive function of men and women. In particular, gynecologists often propagate that all women should become mothers for the sake of all, even if this experience would cause a serious damage to a woman's health. Gynecologists usually consider the necessity of reproductive education of girls and women but boys and men. As a result, even a reproductive educated woman often accept violations of their reproductive rights since they are unable to oppose the pressure of reproductive uneducated men whose ground their

position on the masculine and assertive values of the majority of ethnic groups dwelling on Kazakhstan. A woman who doesn't have children for some reasons and is not married is treated by Kazakhstani society as an inferior individual who had not implemented "her main duty". Gynecologists often support this attitude, and , as a result, childless or unmarried women have been stigmatized when they seek medical services in the field of the reproductive health

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to family benefits;**
- (b) The right to bank loans, mortgages and other forms of financial credit;**
- (c) The right to participate in recreational activities, sports and all aspects of cultural life.**

In a case study conducted by an independent activist, some male respondents mentioned that , in fact, a man is prevented from utilizing his rights for the paternity leave. In particular, there were precedents when a man was compelled to leave his job to be able to care his children, since his employers rejected his requests for a paternity leave or a sick child care leave.

Article 14

- (a) 1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall**
- (b) take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.**
- (c) 2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:**
- (d) To participate in the elaboration and implementation of development planning at all levels;**
- (e) To have access to adequate health care facilities, including information, counselling and services in family planning;**
- (f) To benefit directly from social security programmes;**
- (g) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;**
- (h) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;**
- (i) To participate in all community activities;**

(j) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(k) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

According to the sociological survey 1 held among rural women of reproductive age respondents assessed the accessibility of health-care services in the following way:

All needed health-care services are accessible - 20,5%

Access to health-care service is limited - 62,0%

No access to health-care services of the medical organizations - 11,6%

Because of the lack of access of health-care services we use traditional modes and go to healers - 6,5%.

Reasons of lack of access to medical services of health-care bodies:

- Territorial distance -31,3%

- High costs - 54,6%

The following specialists' services are mostly not accessible for rural women:

Gynecologist - 37,2%

Endocrinologist - 34,6%

Dentist - 33,7%

Neuropathology - 32,0%

Sanatoria-resort treatment - 63,8%

Only 68,7%) respondents are satisfied with medicaments provision . More then 35% of respondents state that they had to pay cash to doctors of state hospitals/clinics.

Almost 70% of rural women were not offered to pass breast cancer tests, 81% - cancer of neck of womb, 32% - fluorography, X-ray of lungs.

Out of those to whom examination of breast cancer was suggested only 54,9 % passed this examination, cancer of neck of womb - 49%, photoroangenography, X-ray of lungs -77,5%) rural women.

One of the main reasons of not passing medical examination was absence of the offer itself to examine.

At the same time practically every tenth respondent think he doesn't need to pass health examination, and this tells about low culture of people on issues of maintaining own health.

In 15 % of families of respondents there are disabled members.

According to the data of the educational institutions in the academic 2010/2011 year in the RK 7516 daytime public schools functioned, and 5905 were rural schools. With this:

- 1) 2283 (38,6%) of rural schools use carried delivered water (in 2004 - 2590 (42,4%);
- 2) 4446 (75,2%) - have only outdoor toilets (in 2004 - 5140 (84,1%);
- 3) 1035 (17,5%) - are with stove heating (in 2004- 1594 (26,1%);
- 4) 4576 (77,5%) - have medical rooms (in 2004- 3484 (57%).

Hot meals coverage in rural schools is 69,1% (in 2004 - 51,9 %).

Centralized water supply is provided to 42,5% (2004 -26,7%), decentralized water supply - 31,1 % (2004-33,8%). Unit weight of schools working on carried water is decreased from 33,8 % to 26,2 % . 11,8% (2004 -10,4 %) are connected to the centralized sewerage system. By decentralized sewerage system - 28,9% (2004 - 37,3 %). Equipped with local septic are 52,2 % (2004 - 46,1 %).

Provision with centralized and autonomous heating - 85,9% (2004 -77,9 %), **nentibiM** -14,6% (2004 -25,2 %).

Share of schools with medical from 68,7% to 81 %, with sport halls - 68,2 % (2004 -64,5 %).

In 2010 out of 6979 rural populated places (RPP) with 7 665 476 population 2963 RPPs use centralized water supply system with 5 428 763 population (71%), 3791 RPPs use decentralized water supply system with 2 168 396 population (28%), carried water - 189 RPPs (3%) with 68 317 (1%) people.

Article 15

- 1. States Parties shall accord to women equality with men before the law.**
- 2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.**
- 3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.**
- 4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.**

Judges in the RK in their work are guided by the Codes of the RK and internal conviction. Often, when civil cases between men and women are under review, it is exclusively judge's internal convictions, based on paternalistic principles. So in the case of Dina I. a long range of judicial processes (2008 - 2011) on eviction of the illegally moved in man in her apartment by a court on the basis of similarity (not identical) of family name, several judges made decisions to the favor of invader, based on internal conviction that a living space is more needed to a man as a potential head of a family.

Gulzhan A., a mother of three, was pushed by her former husband and his relatives to leave the apartment where she used to live with the husband and his parents. The ex-husband and his relatives told Gulzhan that she had to leave since they needed to register the ex-husband's fiancée in the apartment. Gulzhan attempted to defend her right for the premise, and some volunteer lawyers assisted her. However, both the first instance court, and the court of appeal, didn't consider Gulzhan's suit. Being assisted by NGOs, Gulzhan only managed to obtain a room in a hostel. She was compelled to leave her older child in the "Hope House" since this child was sick and had mental retardation. (BTW, the ex-husband and his family mentioned the sickness of the child as the main reason for the divorce, although the formal court decision contained only the standard formula of "unfit personalities of the spouses".) Later on, the sick child died. Since her divorce in late 90-ies till now, Gulzhan have been living in the hostel. The ex-husband doesn't pay her alimony since he formally doesn't have a job...

Article 16

- (a) 1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:**
- (b) The same right to enter into marriage;**

- (c) **The same right freely to choose a spouse and to enter into marriage only with their free and full consent;**
- (d) **The same rights and responsibilities during marriage and at its dissolution;**
- (e) **The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;**
- (f) **The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;**
- (g) **The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;**
- (h) **The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;**
- (i) **The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.**

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

According to data of the League of creative initiatives² only in Enbekshikaz with 300 thousand people during 9 months of the 2010 rayon 1518 marriages were registered, 10 out of them were early marriages. According to the data of the survey held among representatives of Kazakh, Uigur, Dungan, Turkish, Azerbaijan and Chechen communities that compactly live rural areas of the Almaty province, there are still traditions, violating women's rights, including rights of girls. Among them are bride kidnapping, forced early marriages and kinship marriages, which are justified in ethnic communities as national or religious customs. To kidnap a bride in a village is not considered a dishonor.

So according to the research, 70 percent of young men are convinced that bride kidnapping is a normal people's tradition, in compliance with Islam requirements. If a stolen bride is under 16 and it is impossible to register a marriage in state offices, then people find a solution by approaching local imams. Girls who became wives in such young age don't have chances to get education, professions, independently earn money. Such an alliance is not recognized by the State as a legal one and in future for a woman and her children it has a risk of deprivation in the case of divorce, impossibility to share a jointly gained property and get aliments.

Criminal Code of the RK, acting till 1998 January, provided imprisonment up to one year (article 106 of the CC RK in the old edition) for forced marriage or forced keeping in marriage, and for hindering a woman to chose a spouse by her own choice.

For bride kidnapping against woman's consent punishment is imprisonment up to three years.

The new Criminal Code of the RK, acting since 1 January 1998, doesn't contain these crimes. Forcing women to abortion (article 109 of the CC RK in the old edition) was punished by correctional job up to one year. In cases if abortion led to heavy consequences - by imprisonment up to two years.

The new Criminal Code of the RK, acting from 1 January 1998 doesn't contain this crime.

Abovementioned articles provided protection from traditions or practices that discriminate women.

At that time a criminal responsibility was liquidated for not paying 3aaliments. Currently according to the Supreme Court of the RK in Kazakhstan 90 % of court decisions in paying aliments are not implemented.

Legislative and other measures aimed against sexual harassment in compliance with the general recommendation 12 of the CEDAW Committee

Legislation doesn't prohibit sexual harassment. In Kazakhstan law there is no such notion. Responsibility for sexual harassment is not written in new laws on domestic violence and equality.

In Kazakhstan there is a high level of household violence towards women. Analysis of the official statistics of the MIA RK for 2008 in the situation of reduction of number of registered crimes on 0,5% (127478 for 2008 against 128064 in 2007) there is an increase of crimes committed towards women on 0,3% (35131 against 35034). With this a share of crimes committed towards women increased on 27, 6% (against 27,4%). Out of all number of crimes committed towards women crimes with violent character comprise 92,9% (32632 out of 35131). In 2008 crimes with violence against women increased on 0,2% (32632 against 32556). Thus during the 2008 there was a growth of number of crimes with violence with women as victims, such tendency is observed from year to year.

Despite the fact that a law "On prevention of domestic violence" was adopted in December 2009, people of the country, especially women don't know their rights, that a victim of domestic violence can use.

Monitoring held by the PJP "Union of crisis centers in Kazakhstan" on implementation of the law shows that local authorities are not ready to allocate financial means for the development of infrastructure protecting women from violence. The Government has not worked out and not approved standards of services to victims of domestic violence. In the law there is a protection measure for VDV - protective order with duration of 10 days, but it is difficult to trace its implementation, especially in rural areas, as well as to issue it because of distances between settlements and district (rayon) police departments (head or deputy head has a right to sign this protective order) reaches 800 km. Internal affairs bodies issued more than 12 thousand protective orders in 2011.

During 2007 police bodies reviewed 12764 applications on domestic violence and 1 357 criminal proceedings were initiated. NGOs informed that factual number of crimes related to domestic violence is much higher than stated to police.

In 2008 about 30000 applications were submitted by women-victims of domestic violence. Official information tells that during a year 11000 crimes of domestic violence were committed.

Policemen interfere to domestic conflicts only in cases when violence, in their opinion, threatens life. According to NGOs assessment police bodies investigated about 10 percent of the total such cases.

NGOs inform that women often take back their application because of lack of economic protection. In those cases when victims insisted initiation of a criminal proceeding on the fact of domestic violence or marital rape police sometimes tried to convince not to do so. In the cases when domestic violence cases reached the court convictions usually were in light body injuries, and perpetrators were punished with imprisonment in labor colony with lightest regime or to public work with duration between 120 to 180 hours. Convictions for more heavy body injuries, including marital beating, comprised imprisonment from three months till three years; maximal imprisonment duration foreseen for beating under heavy circumstances comprise 10 years.

According to the official data number of crisis centers for women and children in 2004 was 38, in 2009 number of crisis centers for women was 25.

According to the opinions of a range of NGOs a number of acting crisis centers is significantly less.

Should any measures be undertaken against the aggressors to address the issue of domestic violence, these are the measures of punishment. No measures are undertaken to reveal the [hidden] reasons of the aggression, and to re-orient the aggressor from the aggressive dominant of behavior into the cooperative one.

1 «Accessibility of quality of the medical service for women living in the rural areas of the Republic of Kazakhstan». Public Fund "Aman Saulyk", 2009. 2 Newsletter "Liter", 24.05.20011

2 Information from PF "Rodnik", received by them directly from the UBOP of the MIA RK PK:

2 Gender expertise of manuals and educational materials was held at selectively by the Institute of social and gender studies of the KazGosJenPi within the project implemented in partnership with UNICEF in 2002-2003 and was sent to the Ministry of Education. But results of the gender expertise were not used and didn't get wide discussion (Margarita Uzkenbaeva).

2 Newsletter "Liter", 24.05.2011

2 Starting from the fifth month of pregnancy for Marina Latipova a real nightmare began at her workplace. Company director Ludmila Zababaurina began creating various barriers in order not to give pregnancy vacation for the staff office and to fire her on the basis of the "personal will".

In the result of the non normal working schedule, moral pressure and physical burden (Marina was forced to move from one place to the other 10 kg wires) Marina almost lost her child. In order to get truth Marina appealed to Almaty prosecutor, junior justice advisor Kojabekov E. B., but there they forgot about her at the moment she left the office. Her visit to the General Prosecutor's office ended similarly.

Efforts to get truth and justice have not been successful.

At present in the result of actions of Ludmila Zababaurina, judges, prosecutor's officers, and of finpooice, Marina Latipova left without pre-pregnancy and child allowances which she was entitled to receive for her already born child.

Source: <http://www.socialismkz.info/news/2011-07-08-1457>

2 «Accessibility of quality of the medical service for women living in the rural areas of the Republic of Kazakhstan». Public Fund "Aman Saulyk", 2009.

2 Newsletter "Liter", 24.05.20011

2 Committee on legal statistics of the MIA RK 2008

2 On data of « Union of the crisis centers of Kazakhstan », only everyone 14 woman heard or knows about acceptance of the law « About preventive maintenance of household violence », and only 5 % of respondents know about forms of punishment of tyrants of household violence.

Chapter VI

Recommendations

Representation of women on the positions of decision making

An institutionally approved and transparent for civil society procedure is necessary for promoting women in political parties and on the level of decision making in government structures.

- *To make changes into the Law of elections: not to register the parties which do not contain 30% of women in their list of candidates to the Parliament.*
- *To adopt all required measures in all aspects, especially, in political, social, economic and cultural spheres, to ensure overall development and progress of women in order to guarantee to them the fulfillment and applying human rights and basic freedom in equity with men.*

Elimination of discrimination towards women in all spheres of life

- *To bring the definition of **DISCRIMINATION** into legislation of Kazakhstan.*
- *To bring the definition of **SEXUAL HARASSMENT** into legislation of Kazakhstan.*
- *To improve law enforcement practice and laws aimed against violence and bad treatment in family, rapes, sexual abuse and other types of violence, which give women an adequate protection, respect of their inviolability and dignity.*

Prevention of human trafficking

1. *It is necessary to bring the changes into legislation of the RK on providing social services to victims of human traffic as to people suffered from cruel treatment and provide them an access to social services, even with no registration or citizenship. Therefore, it is necessary to bring changes into the Budget Code so that financing of these people would be regular.*
2. *A Center for temporary living of victims of human traffic should be created in each Oblast city center.*
3. *An Institute of reporter on human traffic problems should be implemented in Kazakhstan.*

Domestic violence

1. *To develop and approve the standards of providing social services to the victims of domestic violence.*
2. *To create crisis centers and shelters for women suffered from domestic violence in all districts and Oblasts of Kazakhstan, at the expense of state funds.*

3. *To acknowledge the people suffered from domestic violence, labor and sexual exploitation as people who are in difficult life situation. To count not only the criminalization of all kinds of violence towards women and effective court proceedings and punishment of perpetrators, but also preventative measure of violence, emancipation of rights, support and protection of people suffered from violence. It is recommended to create the norms which would definitely qualify violence towards women as one of forms of discrimination by gender and violation of rights of women.*
4. *Introduce state service of “forced exchange of venue (house) according to the application of member of family, the rights and legal interests of whom are violated by law infringer in the sphere of family domestic violations”, as the service provided free of charge by the official authority dealing with accounting and distribution of household (selection of apart settlement as a choice) and prosecution office (court following of the case).*
5. *It is recommended to include the statements into the legislation which provide its effective application, evaluation and monitoring. Legislation must be organically connected with global National Plan of actions or strategies, stipulate budget funds for its implementation, regulation, norms and protocols required for full and efficient application of law, and professional preparation of all associated officials.*
6. *It is proposed to include into the legislation broad definitions of all kinds of violence towards women according to the international standards in human rights with description of concrete recommendations on how to qualify violence in family and sexual violence.*
7. *It is recommended to analyze and bring changes into the family legislation, in order to provide thorough and accurate review of the issues about violence towards women during court proceedings on family matters. Issues required specific attention should be considered, including payment of alimonies and the right to live with the family.*
8. *When considering the issue of imposing specific requirements to the behavior of law infringer, the courts should consider that this measure is preventive, and directed for protection of inviolability of members of the family from domestic violence from law infringer, with the requirements to the behavior of law infringer, which has no relations to his property, nor other rights, does not have any relations to divorce and division of property. The basics of applying these measures are regulated by the norms of the Law “On prevention of domestic violence” and the Administrative Code of the RK. This issue should not be mixed with the problems of family – marriage relationships, rights of property of law infringer for the flat, other property, which was gained during marriage, its severance, divorce, etc. At the same time, the burden of proving the law abiding behavior lays on the person towards whom the question of applying the preventive measures from domestic violence is imposed, and not on the victim of violence.*
9. *It is necessary to review the issue of reasonability of making special reporting on the work of courts hearing criminal, civil, administrative cases and complaints related with domestic violence.*