



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org) – [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

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Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the combined third and fourth periodic reports of the Republic of Kazakhstan at the Committee's fifty seventh session, held in February 2014. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/KAZ/CO/3-4). You may recall that in the concluding observations, the Committee requested the Republic of Kazakhstan to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 19 and 29 (b) and (c) of the concluding observations.

The Committee welcomes the follow-up report received with a 9-month delay in November 2016 (CEDAW/C/KAZ/CO/3-4/Add.1) under the CEDAW follow-up procedure. At its sixty-seventh session, held in July 2017 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 19** of the concluding observations, that the State party “use the Convention, the Committee's general recommendation No. 19, and its jurisprudence when revising its legislative framework to ensure that the revised Domestic Violence Act of 2009 and the Penal Code comprehensively cover all forms of violence against women, including stalking”: The State party indicated that it has: (i) elaborated and approved a plan of action for the implementation of the CEDAW concluding observations (para. 1); (ii) established an interdepartmental working group on domestic violence tasked with the development of a strategy and creation of effective mechanisms for its prevention and for the rehabilitation of victims (para. 4); and (iii) implemented a project entitled “Kazakhstan without family violence”, which includes planned revision of legislation on the prevention of domestic violence (para. 5).

The State also party informed that revisions to the Domestic Violence Act, adopted on 14 February 2014, and of the Code of Administrative Offences, adopted on 9 April 2016 (para. 10), include: (i) police powers to issue restraining orders (para. 11); (ii) a new administrative sanction

Her Excellency  
Ms. Zhanar Aitzhanova  
Permanent Representative of the Republic of Kazakhstan  
to the United Nations Office at Geneva  
Chemin du Prunier 16  
1218 Grand-Saconnex

E-mail: [mission@kazakhstan-geneva.ch](mailto:mission@kazakhstan-geneva.ch)

wherein a perpetrator of domestic violence is banned from residing with the victim in cases where the perpetrator has another residence (para. 12); and, (iii) permitting victims of domestic violence to receive social assistance, regardless of their place of residence (para. 13). The State party asserted that the revised Domestic Violence Act has contributed to a reduction in the rate of domestic violence (para. 8).

The State party further listed 23 articles of the amended Criminal Code, in force since 1 January 2015, as well as several articles of the revised Domestic Violence Act, the Code of Administrative Offences and the Code of Ethics for Civil Servants, which are applicable to the protection of women (paras. 15-16, 25-29).

The Committee welcomes the revision of the Domestic Violence Act to include restraining orders and its impact on reducing domestic violence in the territory of the State party. It however notes that the State party did not provide sufficient information on the extent to which the provisions of the amended Criminal Code, the revised Domestic Violence Act, the Code of Administrative Offences and the Code of Ethics for Civil Servants comprehensively cover all forms of violence against women. Furthermore, the Committee notes that sexual harassment remains an administrative offence and that the Criminal Code does not provide a specific article on domestic violence or stalking (paras. 14, 26, 52). The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

In relation to the recommendation that the State party “put in place a system of comprehensive data collection on all forms of violence against women, and encourage reporting of all forms of violence against women and girls, including domestic and sexual violence”: The State party indicated that the Committee for Legal Statistics and Special Reports of the Office of the Procurator-General is currently developing a comprehensive system for the collection of data on all forms of violence against women (para. 31). Currently, this Committee publishes information on the number of domestic violence offences perpetrated against girls and women and on the types of punishments handed down to perpetrators (paras. 33-34). In May 2016, the Committee published the preliminary findings of its first survey conducted on domestic violence against women (para. 35).

The State party further indicated that it is currently elaborating a protocol for the establishment of a common procedure for the collection of information on cases of domestic violence by, inter alia, health-care, education and social services professionals, as brought to their attention by victims or other means, prior to reporting the cases to the police (para. 37). The State party informs that professionals may incur liability for not reporting cases of domestic violence even where the victim refuses to do so (paras. 37-38).

The Committee welcomes the steps taken by the State party to establish a system of comprehensive data collection on all forms of violence against women and to publish statistical information on the occurrence of domestic violence against women and girls. It further welcomes the State party’s efforts to encourage reporting of all forms of violence against women and girls, including domestic and sexual violence. The Committee considers that the recommendation **has been partially implemented**.

With regards to the recommendation that the State party “ensure effective investigation of all complaints and the ex officio prosecution of acts of violence against women, ensure that perpetrators are punished with appropriate sanctions”: The State party provided statistical information for the years 2014 to 2016 on the number of: (i) women against whom violent crimes had been committed (para. 41); (ii) individuals prosecuted in administrative proceedings for unlawful acts in the context of family and domestic relations, those subjected to administrative penalties and to administrative arrest (para. 45); (iii) the hearing of cases filed pursuant to the provisions protecting women under the Code of Administrative Offences, and the imposition of administrative penalties, including arrest (para. 46); (iv) civil cases heard in district courts and

courts of equivalent status involving litigation commenced by women, and the outcome (paras. 49-51); (v) criminal cases in which the victims were women, including the number of private prosecution cases examining complaints brought by women (para. 53); (vi) restraining orders issued pursuant to the Domestic Violence Act (para. 55); and, (vii) cases heard in which the provisions of various international treaties were applied (paras. 59-65).

The Committee welcomes the statistical information provided by the State party on the processing and outcome of cases involving violence against women between 2014 and 2016. However, it notes that the State party did not provide information on how it has increased the effectiveness of the investigation of all complaints and the ex officio prosecution of acts of violence against women, or how it has ensured that perpetrators are punished with appropriate sanctions. The Committee considers that it **did not receive sufficient information** to assess whether the recommendation has been implemented

In relation to the recommendation that the State party “do away with any form of mediation and reconciliation in cases of violence against women”: The State party indicated the necessity to ensure reconciliation in cases concerning married couples, yet emphasises that reconciliation does not extend to cases of serious crimes (para. 69). The State party is currently studying the proposal to eliminate reconciliation from cases involving violence against women in which serious harm was caused to their health (para. 70).

The Committee regrets that no action has been taken to eliminate any form of mediation and reconciliation in cases of violence against women. The Committee considers that the recommendation **has not been implemented**

Regarding the recommendation that the State party: “revise its legislation to ensure that the definition of the crime of rape is in accordance with the Convention and the Committee’s jurisprudence under the Optional Protocol”: The State party indicated that its Supreme Court adopted Regulatory Decision No. 4 of 11 May 2007 on “certain questions concerning the definition of rape-related crimes and other violent acts of a sexual nature” and Regulatory Decision No. 7 of 29 December 2012 on “the practical application of legislation establishing liability for trafficking in persons” (para. 22).

The Committee regrets that the State party did not provide any information on whether the definition of the crime of rape in the amended Criminal Code, in force since 1 January 2015, is in accordance with the Convention and the Committee’s jurisprudence under the Optional Protocol (para. 15). The Committee considers that it **did not receive sufficient information to assess** whether the recommendation has been implemented.

Concerning the recommendation that the State party “ensure that the draft law proposing amendments to the financing of crisis centres and shelters provides for adequate and regular funding by the State party of those facilities”: The State party indicated that the Ministry of Health and Social Development has developed a standard for the provision of special social services to victims of domestic violence (para. 71). In the State party’s view, this will allow crisis centres to standardize their services, thereby facilitating their access to State funding. It provided the amount of funds allocated for the period 2017-2019 to implement the standard (para. 73) and the proportion thereof allocated to non-governmental organizations to provide these services (para. 74).

The Committee notes that the State party did not inform whether the draft law proposing amendments to the financing of crisis centres and shelters provides for adequate and regular funding by the State party of those facilities. The Committee considers that it **did not receive sufficient information to assess** whether the recommendation has been implemented.

Regarding the recommendation that the State party “consider ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”: The State party reported that the Ministry of Foreign Affairs organized a working

meeting in 2015 on the accession to the Council of Europe Convention and that the Ministry is closely examining the procedure for such accession (para. 76). It has planned round-table meetings in 2017 to further its deliberations (para. 77).

The Committee welcomes the efforts of the State party to consider ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. It considers that the State party has made some efforts to implement the recommendation. The Committee considers that the recommendation **has been partially implemented**.

The Committee recommends that, in relation to paragraph 19 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. The extent to which the amended Criminal Code, the revised Domestic Violence Act, the Code of Administrative Offences and the Code of Ethics for Civil Servants, comprehensively cover all forms of violence against women. It further recommends that the State party expedite the criminalization of stalking, sexual harassment and domestic violence.
2. Finalization of the establishment of a system to collect comprehensive data on all forms of violence against women. It further recommends that the State party accelerate efforts to encourage reporting of all forms of violence against women and girls.
3. Steps taken to increase the effectiveness of the investigation of all complaints and the ex officio prosecution of acts of violence against women, as well as on ensuring that perpetrators are punished with appropriate sanctions.
4. Steps taken to eliminate of any form of mediation and reconciliation in cases of violence against women.
5. Whether the definition of the crime of rape in the amended Criminal Code (2015) is in accordance with the Convention and the Committee's jurisprudence under the Optional Protocol.
6. Whether the draft law proposing amendments to the financing of crisis centres and shelters provides for adequate and regular funding by the State party of those facilities.
7. Steps taken to accelerate the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Regarding the recommendation made in **paragraph 29** of the concluding observations, that the State party "strengthen efforts aimed at eliminating structural inequalities and occupational segregation, both horizontal and vertical": The State party provided information on initiatives undertaken to increase women's employment opportunities, namely through its "Employment Road Map for 2020" programme, which includes, inter alia, the provision of vocational and technical training, granting of microcredits and subsidies, and placement in government-sponsored social jobs and youth traineeships (paras. 78-86). The State party asserts such initiatives have directly contributed to a lowered unemployment rate of women (para. 87).

The Committee welcomes the initiatives of the State party to increase women's access to employment opportunities. The Committee however regrets that the State party did not provide information on specific efforts undertaken to eliminate structural inequalities and occupational segregation, both horizontal and vertical. The Committee considers that it **did not receive sufficient information to assess** whether the recommendation has been implemented.

In relation to the recommendation that the State party “adopt measures to narrow and close the pay gap between women and men by, among other things, consistently reviewing wages in sectors where women are concentrated”: The State party provided information from 2015 on the average monthly wage of an employee, according to sex, and explained that men earn higher wages in contrast to women due to men’s engagement in highly remunerated industries (paras. 90-91). The State party further indicated that, in 2016, it introduced a new system of remuneration which has impacted over a million employees, raising their pay, on average, by 30 percent (92).

The Committee notes that incomplete information was provided on the State party’s new system of remuneration and measures taken to narrow and close the pay gap between women and men. The Committee considers that it **did not receive sufficient information to assess** whether the recommendation has been implemented.

Regarding the recommendation that the State party “review the list of prohibited areas of work for women and consider improving working conditions for such areas of work which are considered to be hazardous to the health of women, with a view to facilitating women’s entry into such occupations”: The State party reported that the Ministry of Health and Social Development ratified, in 2015, the list of occupations for which the employment of women is prohibited, justifying this prohibition on the basis of health concerns of women with regards to manual lifting and moving of loads (paras. 93-95). The State party further informed that it plans to update the list of occupations and such review “will be carried out in the initial stage of implementation of the new Family and Gender Policy Strategy for the Republic of Kazakhstan up to 2030 which is in the process of being developed” (para. 96).

The Committee welcomes the State party’s plans to update the list of occupations for which the employment of women is prohibited. It, however, regrets that the State party does not commit to eliminating this list all together as well as facilitating women’s entry into currently prohibited occupations. The Committee considers that the recommendation **has not been implemented**.

The Committee recommends that, in relation to paragraph 29 of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. Specific efforts undertaken to eliminate structural inequalities and occupational segregation, both horizontal and vertical.
2. Efforts undertaken to close the pay gap between women and men, including information on the State party’s new system of remuneration.
3. Steps taken to eliminate the list of occupations for which the employment of women is prohibited as well as to facilitate women’s entry into currently prohibited occupations.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Hilary Gbedemah  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women