Civic Initiatives Support Centre (Republic of Uzbekistan)

Legal Issues Research Centre (Republic of Uzbekistan)

UN Convention On Elimination of All Forms of Discrimination against Women

Shadow Report
For UN Committee On Elimination of All Forms of
Discrimination Against Women on Implementation of Article
14

1. The Civic Initiatives Support Centre (CISC) is non-governmental non-profit organization registered by the Ministry of Justice of the Republic of Uzbekistan in the form of public association on August 25, 2004. The Centre passed the state reregistration in the Ministry of Justice of the Republic of Uzbekistan on December 30, 2014. The CISC is operating on the territory of the Republic of Uzbekistan.

The CISC has the regional business units in the Republic of Karakalpakstan, Andijan, Fergana, Tashkent provinces and in Tashkent city.

Since 2005 the CISC has been the member of the National Association of non-governmental non-profit organizations of the republic.

The CISC is working in the following priority areas:

- Promotion of the equal rights and equal opportunities issues, enhancement of the gender sensitivity of the civil society;
- Maternity and child welfare service, protection of the women's reproductive rights and health, enhancement of the institution of the family;
- Implementation, reporting and monitoring of the UN Convention "On Elimination of all Forms of Discrimination Against Women" CEDAW, ensuring of the social partnership and consolidation of the governmental and public organizations of the republic in the issues of equal rights and equal opportunities of the women and men of the republic;
- Economic empowerment of the women;
- Assistance at the national level to preparation of the national stakeholders mobilization at the local level for involvement in the dialogues and advocacy of the issues of reconciliation, tolerance and observance of obligations on the women's rights in line with Resolution of UNSC 1325, 1820, 1888, 1889.

The CISC's Core Activity:

- Arrangement and accomplishment of the trainings, seminars, roundtables, consultations; preparation of the national experts on CEDAW implementation, reporting and monitoring, preparation of the national experts on the gender issues, gender expertise of effective legislation of the Republic of Uzbekistan;
- Statistical compendiums "Women and Men of Uzbekistan" 2005, 2007, 2010 were developed and issued jointly with the national and international stakeholders;
- Gender Expertise of the Labour and Family Code of the Republic of Uzbekistan was prepared and issued jointly with the national and international stakeholders;

- The shadow report to the UN Committee "Monitoring of Implementation of Provisions of UN Convention on Elimination of All Forms of Discrimination Against Women - CEDAW by the Republic of Uzbekistan" was developed and published, 36th session of the UN Committee on elimination of all forms of discrimination against women, New York, 2006;
- Involvement from 2009 to 2014 in implementation of three projects funded by the European Union in the frame of IBPP on NGOs' capacity building in rendering of high quality services and economic empowerment of vulnerable women.

The CISC has established active cooperation with the Women's Committee of Uzbekistan, the Council of Trade Union Federation of Uzbekistan, Ministry of Labour and Population Social Protection, the other ministries, agencies and public organizations on the issues of women's empowerment.

The CISC is also actively cooperating and enjoying assistance of number of public associations and international organizations (OSCE, ADB, UNFPA, UN Women, Commission of European Union, etc.).

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<u>Telephone: +998 71 227 1929;</u> Fax: +998 71 227 35 02 **Legal Problem Research Center (LPRC)** – is non-governmental non-profit organization registered by the Department of Justice of Tashkent city in the form of public association on February 16, 2001.

The LPRC is working in the following core areas:

- Development of alternative draft laws and the other statutory instruments;
- Accomplishment of the legal due diligence of the statutory instruments and issue of the expert opinions;
- Counseling of non-governmental non-profit organizations and support of their operation;
- Involvement in the commissions and working groups on implementation of interagency activities on protection of women's and children's rights;
- Lobbying of developed alternative draft laws;
- Arrangement and accomplishment of the seminars, roundtables and conferences on the relevant topics of protection of citizens' rights and civil society development.

The LPRC published 14 books on legislation development issues ("Courts of Arbitration in Uzbekistan" - 2007), comments of legislation (Comments to the Civil Code RUz in 3 volumes - 2009-2012);

On NGOS ("International Experience on the Issues of Social Partnership and Public Involvement in the State Decision Making" - 2014) etc.

The LPRC has accomplished numerous studies in legislation field, over 30 draft laws have been developed with the LPRC involvement, and due diligence of over 40 draft laws has been fulfilled. Over five recent years, the LPRC is successfully implementing counseling work with NGOs of the republic, on all regions through website, "hot line" phone and personal meetings. It is involved in arrangement and accomplishment of the conferences and roundtables on the issues of the civil society development.

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INTRODUCTION

Since first days of independence the core areas of the state policy became developing in Uzbekistan in the field of avoidance of discrimination against the women, namely:

- Uzbekistan joined the major basic international documents regulating the principles and norms of
 the women's rights protection, based on the comprehensive consideration of international standards;
 the national legislation on the gender equality achievement was developed, and enabling
 environment was established in the republic for the comprehensive development and women's
 promotion;
- Institutional foundation on coordination of activity on protection of women's rights was established on the legal, national and local levels;
- Enabling conditions have been established for development of the women's non-governmental organizations which are the important element of the national system of the women's rights protection;
- Reporting system of Uzbekistan to the UN Committee on elimination of discrimination against women has been put in place; this system means the timely submission by Uzbekistan of its national reports on implementation of provisions of Convention on elimination of all forms of discrimination against women;
- Based on the conclusive recommendations on the next periodic reports of the Republic of Uzbekistan to the UN Committee on elimination of discrimination against women, development and implementation of the national action plans on implementation of Conclusive Recommendations were put in place.

The present report was prepared in the frame of implementation of the paragraph 35 of Conclusive Recommendations of UN Committee on CEDAW on the Forth Periodic Report of the Republic of Uzbekistan, which had been debriefed in UN Committee on CEDAW in January 2010:

35. In addition to the previous conclusive comments, the Committee is calling for inclusion to the next report the achievements on constructive governmental intervention as well as comprehensive data on the status of rural women in all fields covered by Convention, including the causes of the low women's indicators compared to the men's ones who owe the land and have free access to the loan, along with the endeavours of the state on improvement of these indicators; moreover, the state has to ensure that the project development, including the rural area, is made only after making of allocations for the gender-related issues, including rural women, and that the campaigns are implemented on raising of awareness among the state officials responsible for the rural sector reform with specific focus on the gender aspect of the rural development.

Given concerns of the UN Committee on CEDAW on this issue, at the initiative of CISC and LPRC the present Shadow Report was developed on covering the Article 14 of Convention "On Elimination of All Forms of Discrimination Against Women", with regard to rural women's economic empowerment.

Uzbekistan is the most densely populated state in the Central Asia and in terms of population occupies the third place among CIS countries, being behind only Russia and Ukraine. The population of Uzbekistan exceeds 31.025 million people (as of July 2014). 15,278,7 people live in the rural area which

accounts for 49.2 per cent, 7,593 people from them are women which accounts for 49.7 per cent.

The rural women play a significant role in their families' economic wellbeing. In the Republic of Uzbekistan the rural women enjoy the equal with men rights in access to the high quality health care services and family planning services; they receive direct targeted aid from the social protection programs and projects. The rural women of the republic have the right to equal access to economic opportunities through employment, self-employment, and loan and grant obtaining, especially, associated with agriculture development.

For the rural women could enjoy their rights to the full extent, the system of the lifelong education and training on their rights has been established. The legal fundamentals of the human rights protection are delivered at all schools, colleges, lyceums and higher educational institutions. The large-scale information and educational campaigns have been arranged on explanation of all articles and provisions of CEDAW Convention, Beijing Platform for Action (BPA) as well as UN Millennium Development Goals (MDGs). The national trainers have been prepared who accomplish systematic and targeted activity on raising awareness of the rural women on their rights in the frame of the national and international documents on the women's rights and interests. With this view, the UN Convention "On Elimination of All Forms of Discrimination Against Women", the Conclusive Recommendations of UN Committee on the Forth Periodic Report of Uzbekistan and the National Action Plan prepared on their basis were translated to the state language and widely circulated.

The national model of the socially oriented economy was developed in order improvement of the economic empowerment of the rural women and increase of their employment. To a greater extent, it became forming on the principles of changing of labour force demand and supply. The areas and opportunities of the labour application have expanded and self-employment scales increased. The forms and types of the labour activity diversified; the new and more convenient for the population employment forms appeared, and its certain kinds were legalized such as home-based work, craftsmanship, family entrepreneurship which used to be prohibited or existed informally. The legal and institutional infrastructure of the labour market was established.

The use of opportunities of arrangement of the home-based work, family entrepreneurship and national craftsmanship development enabled creating 220.4 thousand jobs. Their significant part was arranged in the regions being conventional centres of the home-based labour and national craftsmanship – Bukhara, Samarkand, Khorezm provinces and Fergana Valley. This, first of all, was facilitated by established legal and regulatory framework as well as system of soft incentives, including providing the home-based workers with the order, raw stock, materials, component parts, inventory, etc. The enterprises of industry, construction, transport, communication and services were involved in this process and last year employment of 46.4 th. people was ensured for the home-based workers in these enterprises on the cooperation labour contract basis.

In 2013, via implementation of the measures on arrangement, motivation and support of the family business and national craftsmanship 174.0 th. people were involved in the home-based labour through development of such kinds of craftsmanship as manufacturing of objects of art from leather, ceramic, manual carpet weaving, pottery, woodcarving and gunch cutting, etc.

Also, employment of about 130 th. people in the rural regions of the republic was ensured as of beginning 2014 via arrangement of the farms and dekhkan farms producing livestock, horticulture products and the other agricultural output.

Totally in 2014 about 1 million of jobs were created throughout Republic of Uzbekistan, 60% of them – in the rural area.

Allocation of soft loan resources for establishment of new units of the service industries has been envisaged in the frame of the Program of the service business development in the Republic of Uzbekistan for 2012-2016. At that, the entreprenership entities rendering services in the rural area are provided with the priority right for obtaining of soft loan resources.

In the frame of the same program, the mircofirms and small enterprises may enjoy the relief for the income tax payment and the single tax payment up to Jabuary 1, 2017 if they provide services in the rural area.

Individual enterprenes dealing with domestic service rendering (hairdressers, tailors, specialists on the footwear repair, and household appliances repair, etc.) on the territory of makhallyas (communities) in the rural area are exempted from the fixed tax payment for the period of 3 years. Microfirms, small enterprises and individual enterpreners providing laundry services in residential rural areas are exempted from the single tax payment and fixed tax for the period of 5 years.

In 2006 the "Microcreditbank" joint stock commercial bank was established and is actively operating for development of the rural social infrastructure and small business development and craftsmanship in the rural area; this bank is rendering the following services **through the regional network of affiliates and minibanks in the rural area**: soft microcredits to start entrepreneurship operation for the period of up to 18 months with 3% of the annual interest rate, microcredits for activity expansion and circulating assets replenishment of the small business entities for the period of up to 24 months, services on the soft microleasing for the small business entities for the period up to 3 years with 5% annual interest rate. At that, the entrepreneurship entities that have timely and completely paid back the previously received microcredit have preferential right for obtaining of the next microcredits for the business development and use of the "Microcreditbank" services.

In more details, the assistance of "Microcreditbank" and the other governmental, public organizations and NGOs can be analyzed on example of accomplished activity on improvement of living standards of the rural women in the frame of the outputs of the "Economic Empowerment of the Women of Uzbekistan" joint project, 2010 - 2013 in 6 regions of Uzbekistan, as well as on example of the work in Muynak region of the Republic of Karakalpakstan in 2013 -2014. This project was focused on improvement of economic and social status of the rural women in Uzbekistan through:

- Mobilization of the rural communities' endeavours in solution of economic and social objectives with consideration of gender issues and improvement of living standards of the rural women;
- Capacity building of the regional affiliates of WCU and centres of the social and legal support of
 women and their families, providing of counseling and information support to the rural women for
 ensuring their access to economic and financial resources.

Following the results of the project implementation in **7 provinces of the country** (Kanlikul and Muynak regions of the Republic of Karakalpakstan, Karshi region of Kashkadarya province, Tashlak region of Fergana province, Yukochirchik region of Tashkent province, Mirzabad region of Syrdarya province, Farish region of Djizak province) **156 self-help groups were established from the women of the low-income families** which united **894 female rural residents.** The women were trained in order to increase self-esteem, improvement business arrangement skills and business relations maintaining. According to the Memorandum on Understanding between WCU and "Microcreditbank" OJSCB, all groups of women's peer support managed to obtain

unsecured microcredits with **decrease of the annual interest rate from 14 to 3%**. This activity efficiency recognition has been proved by the fact, that the project was included and received support under the state programs "Year of Wellbeing and Prosperity" (2013) and "Year of Healthy Child" (2014).

According to implemented project on the women's economic empowerment in Muynak region the *Peer Support Groups (PSG)* were formed from the women from the low-income families, who received the counseling and technical assistance on the issues of registration of entrepreneurship entities with assistance in the documents preparation for the further PSG's entrepreneurship activity, such as equipment procurement on the leasing basis and cooperatives establishment (in line with the national legislation). The trainings were delivered on the self-esteem increase, monetary deposits, entrepreneurship skills and business planning. Huge activity was accomplished on development of skills and knowledge of the rural women, development of business plans and business knowledge, along with the further activities on the loan obtaining from the "Microcreditbank". These activities were adopted by the society itself and created precedent for expansion of the women's involvement in decision making on improvement of their economic status as well as their family wellbeing using internal capacity, which enables believing in the own efforts, to understand the issues of not only loan obtaining, but reporting and timely payback, which, in general, allowed intensifying the women's involvement in the local community development.

The key issue raised in the course of conducted study under the project is if the state recognizing the rights of the rural women as the persons for establishment of the self-help groups and involvement in cooperatives and the other economic development programs? According to the studies, it has revealed that yes, such possibility of the women's involvement in the self-help groups and cooperatives is regulated by the national legislation, namely, by the Civil Code of the Republic of Uzbekistan, Chapter # 5 "Particular Partnership".

Thus, in particular, the Article **962** of the Civil Code of the Republic of Uzbekistan is the underlying one which provides opportunity of formation of self-help groups.

Article 962. Particular Partnership Agreement

According to the particular partnership agreement (joint activity agreement), two or more persons called the partners (participants) undertake to join their deposits and jointly act without formation of legal entity for the profit making or achievement of the other goal not contradictory with the law.

The parties of the particular partnership agreement concluded for accomplishment of entrepreneurship activity can be presented only by individual entrepreneurs and (or) commercial organizations.

The particular partnership agreement has to be concluded in written form.

Therefore, according to the Article 962 – <u>the rural women have the right to join in the particular</u> partnership (peer support groups) without formation of legal entity for the profit making.

At the same time, according to this article, if the partnership (peer support group) is planning to run entrepreneurship activity all its members need to have the entrepreneur's status.

The Civil Code of the Republic of Uzbekistan is also regulating the issues of the partners' deposits, partners' joint property, the profit distribution among them, etc.

Ensuring of the women's access to the loans – the rural women in the Republic of Uzbekistan enjoy the right to the loan obtaining in commercial banks, and these loans can be used for entrepreneurship development.

According to effective requirement of the national legislation, in order to open their business **on unsecured basis** the women can be registered as the private entrepreneur and receive the amount equivalent to 50 minimal wages on the basis of the third party guarantee, and for the family business start – the amount equivalent to 100 minimal wages.

Also, the collective guarantee is one of the collateral forms allowing the loan obtaining by the women of peer support groups for the entrepreneurship development.

At the same time, the access to the assets of financial organizations to the women from the socially vulnerable groups is complicated due to the certain reasons, including the following ones:

- Soft lending with 3% under collective guarantee is granted only by the "Microcreditbank" which significantly reduces the coverage since its affiliates are operating not in all regions of the republic;
- Lack of specific deadline for the business formation without payment of any taxes affects the business development sustainability;
- Stereotype model of the family behavior is hindering the woman's entrepreneurship development since the family does not want to share the burden of the loan repayment responsibility;
- Low legal and financial literacy among the women is also hindering factor.

Regarding the project implementation in Muynak region of the Republic of Karakalpakstan, the very this region is one of the regions located on the Aral Sea shore and has been affected by the environmental disaster of the Aral Sea. As of 2014, the mean annual population size of Muynak region amounted 29.1 th. people. The size of the working-age population – 16.8 th. people (58% of total population of the region), increased by 3.7% compared to 2010. The size of the employable population was equal to 10.2 th. people (60.7% of the working-age population). Muynak region is specialized on manufacturing of industrial and agricultural products. The grain growing (production of wheat and paddy rice), cotton production, livestock production and silk worm breeding are the key industries of agriculture.

According to conducted study "Assessment of Consumer Demand and Capacity of the Rural Women from the Low-Income Families for the Business Arrangement and Maintaining in Muynak Region of the Republic of Karakalpakstan", the following issues of concern were identified:

- 1. Limited opportunities for the loan obtaining in large amounts are hindering the small business development focused on production processes processing of meat, milk, vegetables and fruits as well as establishment of the domestic systems and tourism objects;
- 2. Insufficient competence and qualification of the rural women in the business maintaining and work with the loans;
- 3. Low awareness level, both of population and the business representatives on the current demand for the goods and services at the local consumer outlets, on existing privileges for the business arrangement and maintaining in the frame of existing national programs;

- 4. Insufficient knowledge on development of the social entrepreneurship and social enterprises in the rural area;
 - 5. Prevalence of the women's seasonal employment in the rural area;
- 6. Lack of the information and counseling centres in the rural areas for the women not ensuring both legal assistance and psychological aid but the wide access to the knowledge on the business management either, with application of existing best practices in the country and overseas.

Such situation is typical of many regions of the republic, therefore the Wellbeing Improvement Strategy of the population of the Republic of Uzbekistan for 2013 -2015 is paying specific attention to:

- Formation of the maximum enabling environment for the development of private sector and entrepreneurship, first of all, in agriculture, as well as in operation of non-governmental and public structures as an important direction of increase of the labour supply, growth of employment and population's income;
- Ensuring of dynamic growth of the population's income, first of all, through development of non-governmental sector of economy, and employment expansion in this sector;
- Creation of new jobs and ensuring of the population's rational employment with consideration of the number of young people with secondary vocational and higher education as well as newly arriving in the labour market;
- Annual creation of at least 950 th. new jobs, first of all, through establishment in the rural area of small enterprises and microfirms specialized on the deepened processing of agricultural output and rendering services to the population, as well as via implementation of employment support programs, support of home-based labour and the other forms of population's self-employment;
- Enhancement of targeting of the social protection of vulnerable populations to be achieved through the further strengthening of the institute of the bodies of the citizen's self-governance, implementation of the targeted social protection programs of the certain categories of population, including disabled people, children with disabilities, single old people, children without parental care, unemployed citizens and the other socially vulnerable populations. The further reduction of inequality in income is being envisaged along with the fair distribution of the benefits of high pace of economic growth through the more rapid growth of the rural citizen's income.

In the context of the above, the possibility should be considered for establishment of the services of universal use of approaches on improvement of economic status of the women in Uzbekistan through the following steps:

The rural women from the low-income families have potential, desire and abilities for the business arrangement and maintaining on the goods and services being in high demand in domestic consumer market.

The following is required for this potential implementation:

- 1. Maintaining of the social orientation of the State Budget of the country, i.e., significant prevalence of the social costs in its expenditure structure along with enhancement and increase of efficiency of the targeted social protection of the vulnerable populations;
- 2. Introduction of development of the soft lending line on unsecured basis in the permanent operation of commercial banks and banks with the state capital involvement, which will enable the vulnerable women to start their business;
- 3. To make amendments in the Civil Code of the Republic of Uzbekistan in order to

- introduce the concept of the peer support groups and their possibility to obtain the loans without formation of legal entity on the basis of collective guarantee;
- 4. To improve the women's training process in fundamentals of the legal and financial literacy for the further loan obtaining for the business development;
- 5. As a temporal special measure, to introduce in mandatory rating indicator of the lending organizations indicator on the number of loans submitted to the women from the socially vulnerable groups in proportion at least 10-15% of entire number of granted loans;
- 6. To expand possibilities of obtaining the loans in large amounts for development of industrial processing and the output production from the fish, meat (sausages, frankfurters, tinned meat, etc.), milk, vegetables and fruits as well as arrangement of domestic systems and tourism objects. For this purpose, the mechanism needs to be improved, access to be expanded and the lending amounts of the "Microcreditbank" activity to be increased;
- 7. To enhance activity of governmental, public and business structures, dedicated NGOs in arrangement of the trainings and counseling services on the permanent basis in order to increase the competence and professionalism of the rural women on obtaining the skills on business management and work with loans;
- 8. Raising awareness of population and business representatives on the current demand for the goods and services in domestic consumer outlets, on existing privileges for the business arrangement and maintaining in the frame of ongoing programs (programs of the service industries development in the rural area, programs of industrial development up to 2015, etc.);
- 9. Development of pre-school institutions, organizations rendering domestic services, etc. In the rural area for the woman to combine the work and family obligations;
- 10. To continue work on the manual labour reduction and increase mechanized work in agricultural production;
- 11. To provide the rural women with the permanent job through the rural infrastructure development and stepwise formation of the socially oriented labour in the rural area; to identify the priorities in development of the employment service system;
- 12. To ensure incentives for the private entrepreneur who is creating additional jobs in the rural area;
- 13. Establishment of the system of formation the state orders on the personnel training and retraining for innovative fields of the labour activity, ensuring the competitive abilities of the women requiring the social protection in the labour market;
- 14. Improvement of the system of relations between the state and farmers in the issues of the state order for the cotton and grain based on the norms and principles of the market economy, ensuring profitability and independence of the farms in financial assets disbursement, compensation of all expenditures at the expense of the own incomes

received from the sale of agricultural products.

Implementation of the above measures has to lead to increase of employment and unemployment reduction among the women living in the rural area as well as to ensure the rational employment of the labour resources.

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