



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
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Excellency,

In my capacity as Rapporteur on Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honor to refer to the examination of the fourth periodic report of Kyrgyzstan, at the Committee's sixtieth session, held in February 2015. At the end of that session, the Committee's concluding observations (CEDAW/C/KGZ/CO/4) were transmitted to your Permanent Mission. You may recall that in paragraph 44 on follow-up on the concluding observations, the Committee requested Kyrgyzstan to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 22 (c) and 28 (b) and (d) of the concluding observations.

The Committee welcomes the follow-up report received with an eleven-month delay in January 2018 (CEDAW/C/KGZ/CO/4/Add.1) under the CEDAW follow-up procedure. At its seventieth session, held in July 2018 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 22** of the concluding observations, urging the State party to “**establish an oversight mechanism allowing the monitoring of violence against women involved in prostitution by the police**”: The State party informed on the development, in consultation with non-governmental and international organizations, as well as experts and the media, of a plan of action for the implementation of the concluding observations of the Committee. It also informed that in this framework, an interdepartmental working group was established to draft guidelines to strengthen the oversight mechanism that allows for monitoring of violence by the police against women facing intersecting forms of discrimination and that these draft guidelines will be submitted for approval in due course. It further reported training packages and modules on the elimination of all forms of violence against women for internal affairs personnel have been developed and are planned to start in January 2018.

Alternative information before the Committee state that NGOs working on the rights of women in prostitution have not been consulted for the development of the plan of action or for the implementation of trainings. Reports further inform that police charged 25 women in prostitution for minor offenses and fined them in June 2016 and fined 91% of sex workers who were detained in 2017. Reports further indicate that in 2016, 475 violations of the human rights of women in prostitution were documented, and that 343 such cases occurred between January and September 2017.

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The Committee welcomes the information provided by the State party on the development of an action plan to implement its concluding observations. It further welcomes the establishment of an interdepartmental working group for the drafting of guidelines aiming to strengthen the oversight mechanism monitoring violence by the police against women facing intersecting forms of discrimination. It further takes note of steps taken to conduct training for internal affairs personnel on the elimination of all forms of violence against women. Regretting the absence of information on the establishment of an oversight mechanism for the monitoring of violence against women involved in prostitution, the Committee considers that the State party has taken no action to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, and responds to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

In relation to the recommendation urging the State party to “**stop illegal forced testing, often performed during police raids, for HIV/AIDS and other sexually transmitted diseases of women involved in prostitution**”: The State party informed that in the framework of the implementation of its action plan, the Office of the Procurator-General conducted an investigation to find statements or complaints regarding violence by police officers against women involved in prostitution, including forced testing for HIV and other sexually transmitted diseases. The State party added that although no documented statements in this regard have been found, the working group in charge of drafting guidelines to strengthen the oversight mechanism that allows for monitoring of violence by the police against women facing intersecting forms of discrimination took into account anecdotal evidence provided by civil society organizations for development of its draft guidelines.

Alternative information before the Committee inform on the introduction of norms of communication for the police with key groups under the HIV programme in 2014 and emphasised that they are not accepted by police.

The Committee welcomes the information provided by the State party on the inclusion of evidence provided by civil society organizations on forced testing for HIV and other sexually transmitted diseases for the drafting of the guidelines to strengthen the oversight mechanism that allows for monitoring of violence by the police against women facing intersecting forms of discrimination. The Committee takes note of the information that those draft guidelines will be submitted for approval in due course, but regrets that these will not directly address women in prostitution. It considers that the State party did not take steps to implement the recommendations. It considers that the recommendation **has not been implemented**.

The Committee considers that the information provided by the State party is thorough and extensive and responds to the recommendation. It thus considers that the quality of the information provided is **satisfactory**.

The Committee recommends that, in relation to **paragraph 22** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

1. **Establish an oversight mechanism allowing the monitoring of violence against women involved in prostitution by the police.**
2. **Adopt guidelines to stop illegal forced testing, often performed during police raids, for HIV/AIDS and other sexually transmitted diseases of women involved in prostitution.**

With regards to the recommendation made in **paragraph 28** of the concluding observations, urging the State party to “**adopt comprehensive legislation to combat discrimination and sexual harassment in the workplace**”: The State party indicated that its Act

on the State Guarantees of Equal Rights and Opportunities for Men and Women addresses the prevention and suppression of gender-based harassment in the workplace. It added that this Act also provides for moral and material compensation for gender discrimination, and that victims of gender discrimination can report to the Ombudsman, the public prosecutor and other central and local government bodies. However, the State party also informed that law enforcement agencies have no meaningful data on complaints regarding sexual harassment. The State party further indicated that the Office of the Ombudsman is planning to conduct a comprehensive survey on practices with regards to sexual harassment, that those results will be included in its next report to its Parliament and that the new national plan on gender equality will include targeted measures to prevent and respond to cases of sexual harassment, including in the workplace.

The Committee welcomes the information provided by the State party that its Act on State Guarantees of Equal Rights and Opportunities for Men and Women of 2014 addresses the prevention and suppression of gender-based harassment in the workplace, and that the Office of the Ombudsman is planning to conduct a survey on related practices which is to be submitted to Parliament. Regretting the lack of information on legislative measures taken to address discrimination and sexual harassment, the Committee considers that the State party has taken some steps to implement the recommendation. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

In relation to the recommendation urging the State party to “**consider introducing legislation on basic rights and the right to maternity leave in the informal sector**”: The State party indicated that it studied compliance with the labour rights of women and with their right to maternity leave in the informal sector. It further informed that through this study, violations with regards to the absence of written labour contracts and of employment records, compulsory unpaid overtime and non-compliance with safety guidelines were identified and that corresponding recommendations were issued by the Ombudsman and included in its report to Parliament. It added that these recommendations included the improvement of legislation and the increase of monitoring of the labour rights of women working in the informal sector. The State party further informed that its labour legislation covers all workers who have an employment contract, and that it provides for temporary suspension of employment in the period before and after the birth of a child which is consistent with the Maternity Protection Convention, 1952 (No. 103) of the International Labour Organization. It also reported that the establishment of gender-sensitive working conditions, which allow balancing work and family responsibilities, is one of the priorities of the national strategy for achieving gender equality by 2020. It moreover indicated that its comprehensive programme on family and motherhood support for the period 2012 – 2015 provides for the improvement of legislation governing maternity benefits and that its legislation on benefit estimation, including regarding maternity allowances, is under review.

The Committee welcomes the information provided by the State party on the conduct of a study on compliance with the labour rights of women and their right to maternity leave in the informal sector, as well as on the submission of recommendations regarding monitoring of those rights to Parliament. The Committee takes note of plans to establish gender-sensitive working conditions and the ongoing revision of legislation governing maternity benefits. However regretting the absence of legislative measures to introduce maternity leave in the informal sector, the Committee considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is thorough and extensive, but fails to respond fully to the recommendation. It thus considers that the quality of the information provided is **partially satisfactory**.

With regards to the recommendation urging the State party to “**consider ratifying the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization**”: The State party informed that the above mentioned study on compliance with the labour rights of women and with their right to maternity leave in the informal sector includes practices regarding women’s domestic labour.

The Committee welcomes the information provided by the State party that the context of women’s domestic labour is part of the study submitted to Parliament. However regretting the absence of measures taken ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization, the Committee considers that the State party took some steps to implement the recommendations. It considers that the recommendation **has been partially implemented**.

The Committee considers that the information provided by the State party is incomplete and fails to address the recommendation. It thus considers that the quality of the information provided is **unsatisfactory**.

The Committee recommends that, in relation to **paragraph 28** of the concluding observations, the State party provide, **in its next periodic report**, information on further actions taken to:

- 1. Adopt comprehensive legislation to combat discrimination and sexual harassment in the workplace.**
- 2. Introduce legislation on the right to maternity leave in the informal sector, in line with contemporary international standards.**
- 3. Ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization.**

Accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



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