

KAZAKHSTAN

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1. GENDER EQUALITY: LEGAL AND INSTITUTIONAL FRAMEWORK ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES; *DE JURE* AND *DE FACTO* DISCRIMINATION

Legal framework

The legal framework of the Republic of Kazakhstan contains no definition of discrimination against women as such. However, this notion is widely used in legal practice and is incorporated in the Constitution and other normative acts. Article 14 of the 1995 Constitution states: "1) Everyone is equal before the law and courts; 2) No one can be subjected to any discrimination on the grounds of social background, office and property status, sex, race, nationality, language, relation to religion, convictions, place of residence or any other circumstances."

There is no special normative act in the legislation securing the principle of equality between men and women. However, the National Plan of Action on the Improvement of Women's Status (approved by the Government on 19 July 1999) foresees in the second half of the year 2000 the development, led by the National Commission on the Affairs of Family and Women, of a draft law "on equal rights and opportunities."

The Criminal Code in force before January 1998 considered the prevention of women from taking part in public, social, cultural activities or any other actions violating the equality of women, with the use of violence, threats, economic or any other dependence, as a crime punished by imprisonment from one to three years. In the new Criminal Code (1 January 1998), the violation of women's right to equality is no longer considered separately. Instead, the violation of any citizen's right to equality (Article 141), including gender-based discrimination, shall be punished either by detention for up to three months or imprisonment for up to one year, or a maximum fine of 100 monthly salaries. The same violation committed by a person abusing his/her office authority shall be punished either by detention for up to six months or imprisonment for up to two years or a maximum fine of up to 200 monthly salaries. So far this Article has not been applied.

Kazakhstan acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in July 1998. According to Kazakh legislation, accession to international treaties carries the same obligations as ratification and they are given priority over domestic legislation. So far, only the Initial Report on the implementation of CEDAW was submitted, approved by the Government on 3 December 1998.

Official structures dealing with discrimination against women

There is no Ombudsman institution in Kazakhstan and no change is expected in the next two years. In March 1999, a National Commission on the Affairs of Women and the Family was set up, answering to the President. The Commission has consultative-advisory status and deals with general problems of women's status, including the issues of equality and discrimination. There is also a Commission on Human Rights answerable to the President. The National Commission on the Affairs of Women and the Family deals with general problems of women's status, but has not yet addressed specific cases of discrimination. Kazakhstan has not indicated that it will sign the Optional Protocol to CEDAW, which would provide for the possibility to file complaints on women's human rights. The Commission on Human Rights does consider specific cases of human rights violations, but does not consider gender cases and does not regard them as part of a separate category of women's rights violations. The Commission on Human Rights has received and considered a growing number of complaints of human rights violations: 186 in 1996; 277 in 1997; and 354 in 1998. Women are referred to these Commissions mainly through NGOs, legal services and administrative bodies.

De jure and de facto discrimination

Kazakh legislation only foresees criminal responsibility in cases of discrimination, which is applied to physical persons. Thus, according to the law, one may only sue the persons holding positions in the organisation, and not the organisation itself. Of all the laws dealing with the violation of women's rights, in practice the only law invoked is the law forbidding unfair dismissal or refusal of employment to pregnant women. No more than ten cases are heard in the courts annually, all of them considering unfair dismissal, since refusal of employment is usually veiled by other reasons and is difficult to prove. In fact, gender issues were only introduced into the teaching curricula at law faculties or universities in 1998, and only then as special lectures and seminars organized by Kazakh NGOs in co-operation with international organisations and foreign universities. Such additional lectures and seminars are run by foreign organisations (e.g. since 1996 by the American Bar Association and since 2000 by Florida State University, jointly with the Kazakh NGO "Street Law"). So far, women's organisations in Kazakhstan have no special programmes to provide aid to victims of gender discrimination. The first organisation of women lawyers was registered in March 2000.

From a legal point of view, the situation has deteriorated during the last ten years. Most international treaties were ratified during the existence of the USSR, and Kazakhstan did not retain these obligations after its break-up in 1991. Accession to conventions was resumed only in 1998. However, the most dis-

criminary laws, worsening the status of women, were adopted from 1998-1999. A comparative analysis of labour legislation in Russia and the new Central Asian States shows that in this sphere, Kazakh legislation is the most regressive.

2. WOMEN'S SOCIAL AND ECONOMIC RIGHTS

2.1. Women and Education

Kazakh legislation guarantees equal rights for men and women in the sphere of education and the June 1999 Law on Education affirms this is a major principle of State policy. The Constitution also guarantees to all citizens compulsory free primary and secondary education in state-run educational institutions.

On average, the proportion of girls pupils attending secondary schools from 1994-1998 was 49.2%. However, there were more girls in more advanced levels of education: 49.8% in forms 1-4; 50% in forms 5-9; and 52.7-57.7% in forms 10-12.

No religious or cultural influences hamper the approach to sex equality or religious or cultural diversity. Moreover, many educational institutions strive for gender equality.

The impact of poverty and unemployment

The Government has consistently cut funding for free education. In 1995, the number of places available to students in state-run higher education institutions was reduced by 5%, and by 20% in 1996, while access to secondary special (or vocational) education institutions was cut by 30%. The 1999 Law on Education restricted access to free higher education even more sharply and a new system of education grants and credits was introduced. In 1999, the Government allotted a total of 11,179 grants and 77,598 credits (or loans) but no data is available on their distribution by gender. According to the information published by the Development Institution of Kazakhstan, the portion of GDP spent by the Government on education totalled 6.5% in 1991, 4.5% in 1995, 4.4% in 1997, and 3.9% in 1998.

According to official information, at the beginning of the 1997-1998 academic year, 26,900 children did not attend school, but there are no related gender statistics. The result of a survey run by the Red Crescent Society and Red Cross (February-May, 1997) showed that 10.8% of school-age children dropped out of the education system. Many girls drop out because of the stigma facing pregnant girls and young mothers in schools (teachers assume their presence will have a negative impact on schoolmates) and the lack of affordable childcare facilities.

In families with several children, the number of drop outs may be as high as 15%, the main reason being the lack of financial resources, and the lack of winter clothing, etc.; data provided by the Red Crescent Society and the Red Cross show that 37% of school-age children do not have winter clothes and 44% do not have winter shoes (geographically, northern and eastern Kazakhstan borders Siberia, where many children have to go to schools in winter temperatures outside of -40 degrees Celsius and the lack of proper clothing is a major problem). Among families with five or more children, these indicators are much higher – with 51% lacking winter clothes, and 59% winter shoes. The problem of access to education is greatest in rural areas, for socio-political reasons, because of the catastrophic poverty in many *rayons* (administrative districts), the closure of schools in some villages, transport problems, and a lack of qualified personnel.

In Kazakhstan, discrimination against girls on grounds of tradition or religious custom is not a social problem. There may be some religious communities restricting the rights of its members, but these have low social impact in a society where religion is not a strong factor.

2.2. Women and the Labour Market

Access to jobs and unemployment

According to the National Statistics Agency (NSA), in 1991 the ratio of labour activities (the percentage of the economically active population out of the total population of working age) was 84.4% for males, and 85.8% for females. After 1991, women's representation in the workplace has consistently decreased: in 1993, 78.4% of males and 74.3% of females were employed; in 1995, 84.2% of males and 80.5% of females were employed and in 1997, 87.3% of males and 78.2% of females were employed.

However, it should be noted that the official data do not reflect the true picture of the population's economic activities. The number of women involved in shadow or black businesses, street trading, *chelnok* (delivery of imported/exported goods), catering services, etc. is much higher than the number of men. The total number of women in this form of work (denoted by the NSA as "self-employed population") in 1997 was 2.4 million, or 38% of the total number of those employed in the republic.

There is no research on the issues on employment and unemployment in Kazakhstan and the NSA's calculations are therefore based on estimated figures. Thus, for 1997, the total estimated number of unemployed stood at 986,000, or 13% of the economically active population. At the end of 1997, 257,500 persons (3.8% of the economically active population) were registered as unemployed. Data on officially registered unemployment in 1998 suggested an average of 163 unemployed women per 100 unemployed men in Kazakhstan. In developed regions where average salaries are higher, the ratio of unemployed women to men is even higher: 234:100 in the northern region of Kazakhstan; 250:100 in Astana, and 308:100 in Almaty.

Work distribution for women and men

Number of men and women in main types of economic activities in 1998

	Total number of workers	Gender composition		Proportion of females, in %
		Males	Females	
Total of all types of activities including:	3,070,600	1,665,200	1,405,000	45.8
Agriculture, hunting and forestry	494,400	371,600	122,800	24.8
Fishing, fish-breeding	5,200	3,800	1,400	26.9
Total Industries, including:	756,300	501,300	255,000	33.7
Mining	120,000	90,000	30,000	25.0
Manufacturing	491,800	309,100	182,700	37.1
Production and supply of energy, gas and water	144,500	102,200	42,300	29.3
Construction	133,200	106,300	26,900	20.2
Trade: repairs of cars and domestic utilities	79,000	38,800	40,200	50.9
Hotels and restaurants	24,100	5,600	18,500	76.8
Transport and communications	332,500	228,900	103,600	31.2
Financial activities	35,600	12,000	23,600	66.3
Trade in property, rentals and commercial property	135,800	73,000	62,800	46.2
Public administration	177,200	106,200	71,000	40.1
Education	510,400	127,200	383,200	75.1
Health care and social services	312,600	56,200	256,400	82.0
Other social, personal and communal services	74,200	34,800	39,400	53

Certain economic activities are mainly carried out by women, i.e. the *chelnoks* business and related market trading in Kazakhstan. These businesses are the target of much legislative prohibition, since they provide real competition to the big businesses. The demand for "new types" (specialists adapted to new working conditions) is mainly for workers in insurance or advertising, trade agents, brokers, and multilingual secretaries, managers and interpreters. An analysis of advertised job offers clearly shows that employers prefer to see males in almost all positions except junior positions not involved in decision-making.

Access to jobs

The new Labour Law (1 January 2000) forbids any discrimination in the sphere of labour relations, including on grounds of gender. However, Article 17 of the current Law on Labour Protection, adopted by the Supreme Council in 1993, actually obliges employers to apply unequal criteria upon employment of men and women: "All women as well as persons under 18 years are to be hired only after a prior medical examination, and women up to the age of 45, and (minors) up to the age of 18 must undergo a medical examination annually."

With the growth of competition for work places, discriminatory tendencies in terms of the employment and dismissal of women, particularly regarding women with young children and women over 40 years of age, are increasing.

As a rule, women are more likely to be dismissed from jobs than men, and are less likely to be hired. Data from the Almaty employment service shows that women over 45 years old are the least likely to obtain work.

Equal pay for equal work

Article 24 of the Constitution states that "Every person has a right to conditions of labour in accordance with safety and hygiene requirements, to be rewarded for work done without any discrimination, as well as to social protection from unemployment." The average salary of women differs considerably from that of men: in 1998 women received 75.8% of men's average salary. This difference varies from region to the regions: in Atyrau region, women's wages are 56.8% of men's salaries; in Northern Kazakhstan, however, women receive 90.6% of the salaries awarded to men. Women's average wages are considerably lower in those spheres where women dominate. For example, in 1998 the average wage for educational

workers, the vast majority of whom are women, was 80% of the national average wage; for the same period, the average wage of those engaged in the construction industry, which employs mainly men, was 120% of the national average wage.

Vocational training and re-training

Women represent the majority of the unemployed in Kazakhstan, and thus the majority of those taking training and re-training courses via employment services. In 1998, of 637,300 who applied to state employment services, 296,900 were women; out of the 17,100 unemployed persons who took training and retraining programmes, 10,400 were women. Women also made up 9,100 of the 15,200 persons gaining jobs after training programmes.

Protective labour legislation

Although the 1972 Labour Codes of the Kazakh SSR (Soviet Socialist Republic) contained several restrictions on women's employment in various activities; heavy work or work under harmful conditions, as well as underground work were prohibited; pregnant women or women with children up to three years could not be employed in night shifts, overtime or weekend work or sent on business trips, the new Labour law does not contain any restriction for women's employment. Simultaneously, some more progressive norms were abolished; for example, the legal norm that existed before and allowed additional leave to care for a child both for men and women was replaced with a new regulation allowing only women to take such leave (thus violating CEDAW). At the same time, several restrictions are provided for by the 1993 Law on Labour Protection, Article 17 of which states: "the use of women's labour (force) and of persons younger than 18 years is to be restricted in workplaces with harmful and dangerous conditions, as well as in workplaces connected with lifting and replacing heavy things by hand [...]." Similarly, women may not be employed as drivers of automobiles with a haulage capacity over 3.5 tonnes, or in a number of other (well-paid) occupations. Discriminatory provisions are contained in normative acts of the Defence Ministry, limiting the list of offices in which women are allowed to serve.

Rural and urban areas

37% of women officially registered as unemployed live in rural areas. However, the real number of unemployed is much higher than official figures show, especially in rural areas where registration is more difficult.

The 1997 poll conducted by the Red Crescent and Red Cross Society revealed that 14% of all families subsist on extremely low incomes (equivalent to about USD 13 per month), which is 50% below the poverty level. In this group, 80% have no winter shoes and 72% no winter clothes. The vast majority (80%) of this group live in rural areas, and this reflects the current crisis in the rural economy. Agriculture and fisheries in general are in decline and although some food industries and vineyards are still sustainable because of low prices and a beneficial taxation policy towards agriculture, rural industries supplying raw materials for non-food industries have been completely destroyed because the cost and quality of raw materials cannot compete with the other states of Central Asia where living standards are much lower. Poverty in rural areas is increasing: in 140 out of 198 *rayons* (administrative districts), the wages are now 30% below the living wage (equivalent to USD 15 per month). In 11 *rayons*, where the salary levels are now only 10% (USD 4-4.5 per month) of the living wage, people are living in conditions of absolute poverty. The worst situation exists in Amangeldi *rayon* (Kostanai region), where wages represent only 1.6% of the liveable wage, at less than USD 1 per month.¹

2.3. Women and Property Rights

There are no restrictions on women's right to own, use or inherit property. The Civil Code (1 July 1999) makes no distinction on the basis of gender on inheritance rights, and thus is similar to the legal provisions on the issue before 1991.

2.4. Women in the Family

The Law on Marriage and the Family (17 December 1998) establishes the following principles as the foundations for marriage: voluntary agreement of the man and the woman on marriage; equality of spouses' rights within the family; inadmissibility of outside interference into family affairs; settlement of domestic disputes by mutual agreement; families as the preferred setting for raising children, taking care of their development and welfare; defence of the rights and interests of underage and disabled family members as a priority; guarantees of the rights of family member and possibilities of judicial defence of these rights.

Article 10 establishes the minimum age for marriage as 18 years for both men and women, compared with the situation before December 1998, when the minimum marriage age was established as 18 years

for men and 17 years for women. However, in exceptional cases the age for marriage can be reduced by up to two years, on condition that the parents or legal guardians grant permission. The equal marriage age for women and men was introduced following campaigning by women’s organisations.

Family names

Upon marriage, the two spouses may choose either surname as their common family name, or each may retain their own family name from before marriage, or they may combine their family names. Upon divorce, spouses may either revert to their own pre-marital family names or keep the chosen marital name.

Property acquired during marriage

Property acquired by spouses during marriage has the legal status of common property, including the incomes of each spouse, incomes from common and separately-owned properties, together with movable and immovable belongings, securities, shares, deposits, shares in capital investments made in loan institutions or any other commercial organisation, and any other property acquired by spouses regardless of who has legal title and who paid to acquire the property. The spouse who, during the marriage, maintains the household, raises the children and for valid reasons has no income, is also entitled to common property. Possession, use and distribution of common property are decided by the mutual consent of spouses.

The personal property of each spouse includes property belonging to each of them prior to marriage, property received during the marriage as gifts, or by inheritance or other free transactions, personal goods (clothes, shoes, etc.) except jewellery and other items of particular value. The division of common property may be made both during marriage and after divorce upon the demand of either spouse, as well as upon a creditor’s complaint to redeem the amount from the share of one of the spouses.

Once a divorce action is started, the Court must decide the distribution of common property and the determination of the spouses’ shares. Property relating solely to the needs of underage children is not subject to distribution and is given to the custodial parent. Unless the parties agree upon their respective shares, the shares shall be considered equal. However, spouses are entitled to change the established legal approach to common property through a marriage contract.

Parental rights

Parents have equal rights and bear equal responsibilities towards their children (Article 60 of the Law on Marriage and the Family). All decisions concerning children’s education and upbringing are to be made between the parents, based on the children’s interests and taking into account their opinions. If the parents cannot agree on an important matter they may apply to a custodial body or to the court.

A social survey conducted by a governmental institution in 2000 indicates how decisions within the family on children’s confession or religion are made.

Answers to the question “Who chooses the child’s religion?”

Women		Men	
Husband	8.17%	Husband	31.25%
Wife	14.28%	Wife	6.25%
Child	67.34%	Child	62.5%
Both spouses	10.2 %	Both spouses	0 %

In case of divorce, the child has the right to communicate with both parents even if they reside in different states. The non-custodial parent in divorce cases has a right to communicate with the child, participate in matters of upbringing and decisions about children’s education. Parents must reach a mutual decision on the place of residence of a child in cases where parents live apart. Disputes on this matter are to be settled by the court. Upon persistent non-compliance with a court decision, the court may rule on handing over a child, based on the child’s interests and wishes.

Regarding the enforcement of parental legal obligations to support children financially, Article 136 of the Criminal Code foresees punishment of from 120 to 180 hours’ community service, correctional labour of up to two years, deprivation of liberty for up to two years, or preventive custody of up to six months for avoiding paying maintenance. The payment of maintenance (from local budgetary funds) for underage children if parents avoided providing for their children was annulled in January 1997. Taking into account that there is a very large black economy in Kazakhstan and that actual salaries commonly far exceed official ones, it is often impossible for the courts to oblige a parent to fulfil his or her financial commitments.

Polygamy

The law does not allow marriages between persons where at least one is already in another registered marriage, although the new Criminal Code annulled the previous provision of up to two years’ imprison-

ment for having two or more wives with maintenance of joint households (regardless of whether marriages were officially registered or not). In Kazakhstan, polygamy is traditionally not widespread and is found mainly in southern regions, and also rather often among high-ranking public officials.

Unmarried couples

The social status of unmarried couples in Kazakhstan depends on the community to which the couple belongs. In Russian-speaking communities and among urban Kazakhs, such a practice is quite common and perceived as normal (as a matter of free choice). By contrast, in rural communities of Kazakhs, Uigurs, and other nationalities, and in many southern cities where most Kazakhs live (Chimkent, Djambul, Kzyl-Orda, etc.), unmarried couples are perceived negatively.

Children born out of wedlock enjoy the same rights as children born in marriage and Kazakh society is generally tolerant towards single mothers, whose number is constantly growing as indicated in the Table below.

Birth rate out of wedlock, as % of all births:

1980	1985	1990	1991	1992	1993	1994	1995	1996	1997	1998
10.3	10.1	13.2	13.4	13.4	13.4	14.5	15.7	17.6	21	22

However, families with traditional oriental views (among rural communities of Kazakhs, Uigurs, Uzbeks and others) treat single mothers badly, even excluding them from their communities, resulting in the highest rate of unofficial abortions.

State policy towards single mothers has been one of indifference, after allowances to single mothers (or fathers) were annulled in January 1997. Currently, single mothers receive the same allowances as any family with children, depending on family income.

Only 43% of fathers voluntarily admit paternity in out of wedlock births. Among 15-year-old girls, such births are increasing due to sexual abuse.

Paternity

Within marriage, the husband is automatically registered as the father of any children borne by the wife. The father of any child born within 270 days of divorce or acknowledgement of the invalidity of marriage, or from the moment of death of the mother's husband, is deemed to be the mother's former husband. If the mother states that the child's father is not her spouse or former spouse, the court shall determine paternity. Where children are borne by unmarried mothers, paternity is based on a joint statement of registration by both parents made to civil authorities. Paternity disputes are to be resolved by the courts.

2.5. Reproductive Rights and Access to Healthcare System

Abortion

The Law on Protection of Healthcare of the Population is the only law dealing with abortion rights and the norm was adopted entirely from the December 1990 Law of the Kazakh SSR: women are given the right to decide on maternity independently. With a view to protecting women's health, there are provisions on the use of modern methods to prevent unwanted pregnancies; sterilization may only be performed with the woman's consent and based on medical indications. However, domestic women's organisations fear that anti-abortion legislation may be introduced to try and reverse the population decline in Kazakhstan.

Abortions later than four months into a pregnancy are to be performed in public medical institutions and only upon medical advice.

Although forcing a woman to have an abortion used to be a crime punished by correctional labour for up to one year, or two years if it resulted in serious consequences, the new Criminal Code no longer considers this a crime.

Illegal abortions, abortions performed outside medical institutions, are widespread because the cost of legal abortion is very high (between USD 50 and 300, depending on the clinic) and results in a public record. The State (the Government and medical insurance system) only subsidises abortions performed for medical reasons. Most criminal (or illegal under Kazakh legislation) abortions occur in rural areas, which is as much related to the desire to keep the termination secret as to difficulties in access to medical care.

The health care system has deteriorated over the last ten years. The number of primary care institutions has sharply decreased, with about 1200 *auls* (villages) remaining without access to any medical care. The last four years has seen a sharp reduction in the number of beds available for obstetric/gynaecology patients. In some regions women must pay (though not officially) for gynaecological care and socio-economic problems prevent village women from attending *rayon* or *oblast* centres for examination and hospi-

talisation - either the cost of transport is prohibitive or no transport is available. As a result, maternal death rates remain very high: approximately 76.9 maternal deaths per 100,000 live births, with rural women accounting for 60% of these deaths.

Family planning

Although family planning is tolerated by Kazakh society, governmental policy is rather ambiguous, reflecting on the one hand concern at Kazakhstan's population decline and on the other an interest in continuing family planning programmes, for which particularly large funds are received from international organisations. The official position is expressed in the Government's "Health of the Nation" programme, adopted in 1998: "The situation testifies to the irrational reproductive behaviour of women of our Republic when 66.7 abortions occur per 100 live births whereas in developed countries there are 5-10 abortions per 100,000 live births. Abortions are one of the main reasons of maternal death, the level of which is high and constitutes 76.9 per 100,000 live births."

In some regions of the country, particularly in the south, women have no say on family planning issues due to clear inequality between men and women. Programmes concerning modern contraceptive methods and family planning are more often available in cities than in rural areas where access to contraceptives is much lower. In 1998, only 1.5 million women were provided with contraceptives, a mere 27% of those who need them. Less than 40% of women aged 15-24 use modern methods of family planning, and over half of abortions are had by women in this age group.

Public or non-governmental initiatives

A Government programme, "Health of the Nation", was planned for early 2000 on the development of a unitary policy on contraceptives. A number of NGOs work on family planning, almost all being inspired by international organisations. In Kazakhstan, representatives of UNFPA, IOPC, as well as a programme called "Red apple" deal with family planning issues. The Medical Education Association of Kazakhstan has trained more than 600 medical workers over the last four years, of whom over half specialised in family planning. This association has also actively trained youth workers to spread knowledge among their contemporaries. By the beginning of 2000, 350 trained teenagers were working throughout Kazakhstan. The same Medical Education Association prepared a handbook for secondary school teachers titled "Moral and sexual education of children and youth in Kazakhstan". The Association worked out a national programme on reproductive health and family planning for medical education institutions, trained over 200 teachers from medical academies and colleges, and issued a handbook for teachers.

It should be noted that public associations dealing with family planning are mostly pro-governmental and almost all their leaders are also in governmental structures.

The Education Ministry has implemented a programme called "Valeology" on hygiene education for teenagers and textbooks for teachers on the moral and sex education of school children, a range of programmes for schoolchildren, students, teachers and parents on the prevention of AIDS, and has developed an educational programme for teenage girls called "Changes." There are no juridical or normative barriers to sex education. However, the Government planned in 2000 to develop and adopt a Law on Moral and Sexual Education that could lead to restrictions on sex education

Health services for women

There are no national programmes on diseases affecting women, although NGOs do make efforts on a small scale. The Health and Education Ministry replied to the Feminist League on this question, saying: "for most women of our country, health and welfare are becoming less accessible. Because of a reduction of the healthcare budget and the irrational optimisation of primary care establishments, medical services to the population have deteriorated. In Kazakhstan, 70% of women are anaemic (76% in southern Kazakhstan and 63% in Almaty). In the last ten years, anaemia among pregnant women has increased twofold, and kidney and heart diseases increased 1.7 times.

The index of women's health is lower in eastern Kazakhstan, Kazalorda and southern Kazakhstan. Villagers find themselves in the most unfavourable conditions because they cannot secure themselves proper food as a result of economic problems. Most lack general access to reproductive health services and worsened medical aid to women in villages remains the cause of their high mortality there. The causes of death include abortions, obstetric bleedings, etc. and the rates are higher among women with more than one child.

Only two thirds of pregnant women have a medical examination at an early stage of pregnancy. According to anecdotal information, the number of "at-home" births has increased in recent years. Regrettably, scientists forecast a further deterioration in the health conditions women.

Women and disabled persons

The rights of handicapped persons are regulated by the Law on the Social Protection of Invalids, guaranteeing the establishment of socio-economic, legal and organisational conditions to secure them with

equal opportunities. According to the law, such persons include invalids of World War II, invalids of the Afghan war, victims of Chernobyl, invalids of the ecological crises in Aral sea and Semipalatinsk regions, and invalids by birth.

Some organisations for invalids, including the NGO "Bibi-Ana" enjoy taxation benefits. According to the law, disability pensions are paid from the governmental budget as a form of state social allowance.

3. WOMEN'S POLITICAL RIGHTS AND PARTICIPATION IN PUBLIC LIFE

According to the Constitution, citizens have the right to take part in the administration of public affairs directly or through their representatives, to elect and to be elected in governmental bodies and local self-administration, and to participate in republican referendums, etc.

The Constitutional Law on Elections secures the right of all citizens to vote upon reaching the age of 18, regardless of background, social, office or property status, sex, race, nationality, language, religion, convictions, place of residence or any other condition.

Women and politics

The Government has repeatedly called for the representation of women at all levels of decision-making, but both the Government and the President have expressed their opposition to introducing a quota system, as demanded largely by women's NGOs, and committees and commissions. NGOs based their argument on the fact that, despite formal equal access to public service and electoral rights, there remains only one women minister and few women MPs in Kazakhstan.

The electoral system contains no incentives for political parties to involve women in politics or assign them to public positions. During the 1999 elections, several parties fielded men-only candidates lists. Out of 11 registered parties, only one party (Vozrojdenie or "Revival") is headed by a woman and nominated equal numbers of male and female candidates. Its party membership is 60% female.

An analysis by the Feminist League of certain legal texts, including the Constitution and electoral laws, revealed a high incidence of linguistic sexism. Specifically, the grammar forms used in some documents of electoral constituencies referred only to men.

In autumn 1998, the Coalition "Women's electoral initiatives" was established and includes the 20 most well known women's organisations. In August 1999, the Coalition sent a memorandum to all registered parties calling for them to include at least 5% of women candidates in their party lists for the parliamentary elections. In June 1999, a public foundation "Women's Electoral Block" was set up to support women candidates.

Women in Parliament

During the 1995-1999 Parliament, the President of the Republic assigned four women to the Senate. Another four women were elected to the Senate (giving them 14.9% representation), as well as nine to the Majlis (lower house) of Parliament (thus comprising 13.43%). In the Assembly elected in 1999, the number of women was considerably less. Eight women were elected to the Majlis (10.4%), only one woman was appointed to the Senate and the President assigned only three women (out of a permitted maximum of seven). The Senate currently has five women (12.8%). In each Chamber, one committee is headed by a woman. So far, women parliamentarians themselves have not proposed any gender policy and the political parties have no gender-related issues in their political platforms.

Women in Government

There is only one female minister (Minister without portfolio) in the Government of Kazakhstan, together with the chair of the National Commission on Family and Women's Affairs; four women head governmental committees and agencies; ten women are Vice-Ministers, or deputy heads of committees and agencies, five women are deputy akims of regions. The President of the Academy of Sciences of Kazakhstan is a woman.

On an international level, three women Ambassadors represent Kazakhstan. With the exception of the UN, Kazakh women are not represented in any international organisations.

According to 1997 figures, only seven out of 90 directors and their deputies in central governmental bodies were women. Women are represented in local government, although in general they do not make up more than 30% of local deputies. The mean percentage of women working as local government officials in Kazakhstan is 57%, with the lowest number (35%) in southern Kazakhstan, and the highest (67%) in northern Akmola, Karaganda, and Pavlodar regions.

Women and civil society

Women work in the mass media and although a large number of journalists (50%) are women, few hold important positions. The President of the largest Kazakhstan television and radio company "Khabar" is a woman and according to the Ministry of Information and Public Accord, women make up 18% of the management in state and independent Kazakh mass media.

Most decision-making positions in NGOs are held by women and the number of women in managerial positions of NGOs increased from 47.8% in 1995 to 51.4% in 1997. However, it must be noted that many NGOs created since the 1990's have ceased functioning for various reasons.

Out of 48 Supreme Court judges, 16 are women, and women represent 25% of chairs of collegiate chambers of the Supreme Court. However, among the rest of the judiciary, women occupy over 50% of posts.

Although 76% of the higher education staff are women, only two out of 51 such institutions have women rectors.

In general, the representation of women in public life has gradually declined, mainly due to the general economic problems, the dependence of the economy upon raw industries, which employ mainly men, increased poverty and the increased Islamic influence in the southern *rayons*.

4. VIOLENCE AGAINST WOMEN

4.1. Domestic Violence

Public authorities' perception of domestic violence

Domestic violence is seen as a serious problem in Kazakhstan. Women's NGOs first raised the problem in March 1998 with an ambitious campaign under the slogan "A week without violence". At the beginning of November 1999 (during the election campaign), the Coalition "Women's Electoral Initiatives" sent an open letter to presidential candidates, drawing attention to the problem of domestic violence.

On 24 November 1998, during the Second Women's Forum, President Nazarbaev declared the fight against domestic violence as a priority of governmental policy (according to the newspaper *Kazakhstan pravda*). In recent years, official policy statements have made liberal use of metaphors and slogans to describe women, such as "mother-heroine", "woman-worker", "women - active participants in building communism", etc. However, no mention has been made of women's huge domestic problems. According to the President, "an adult healthy man beating a woman is just an unlucky person placing his anger on a weaker person." He further stated that "Nothing prevented our people, even during the most difficult times, from defending first of all women and children. That was the duty of men and the understanding of the values and roles of women for the welfare of a tribe. Violence towards women is not based on traditions."

According to available figures, more than 30% of all women have been subjected at least once to physical or psychological violence, yet most perpetrators escape punishment. The President reported to the Forum participants that he had ordered the Ministry of Justice to submit proposals on reconsidering the laws related to crimes of violence against women. Punishment was to be severe and irreversible.

On 19 July 1999, the Government adopted the National Plan of Action to improve women's status, which foresees the passing of a Law on domestic violence in 2001. On 19 February 1999, departments were created within the Ministry of Interior to combat violence against women. Their main focus includes the defence of the constitutional rights and freedoms and lawful interests of women from unlawful abuse, offering legal assistance to citizens on the prevention of violence, and analysing data and recommendations on violence against women.

An international seminar was held in Almaty in June 2000 in which NGOs and governmental institutions from Kazakhstan, Kyrgyzstan, Tajikistan and Azerbaijan met to develop a regional informational campaign (with support from UNIFEM) to combat violence against women.

Domestic violence as a daily practice

According to the Ministry of Interior, domestic legislation only provides for criminal responsibility for physical abuse, torture, damaging the health or causing the suicide of a woman. The laws make no mention of other cases of abuse, for example emotional violence, economic violence, or intimidation and threats in the sphere of domestic or family relations.

An analysis of official data detailing a total of 8,475 violent crimes against women from January to June 1999 indicates that a significant proportion of such crimes (2,797 or 33%) took place within the family. The total recorded cases included 267 murders, 24 induced suicides, 153 cases of grievous bodily harm, 2,923 cases of causing moderate or minor bodily harm, 1,020 cases of physical abuse and torture, 98 cases of threatening behaviour, 913 cases of rape, 45 cases of kidnapping and trafficking in women for purposes of

sexual or other exploitation, 1,582 cases of pillage and 284 cases of robbery. The proportion of various crimes taking place within the family included 30% (81 cases) of all murders, 67% of all suicides, 44% of grievous bodily harm cases, 29% of cases causing moderate or minor harm, 60% of all cases of physical abuse and torture and 21% of all cases of threatening behaviour.

Staying in an abusive relationship

Economic dependence on a husband, compounded by the low level of income in general and the impossibility for a woman of renting or buying another home, plays an important role in preventing women from leaving an abusive marriage.

Police response

The inadequate reaction of law enforcement officers to domestic violence cases is largely related to insufficient training and police officers generally only intervene when it is too late. In addition, lawyers themselves are not well trained to deal with such cases. The experience of the crisis centre for women and children "Podrugi" showed that victims only turn to the police in extreme situations and have little faith in law enforcement bodies and officers. The following is an answer to a survey by the Republican Centre for Studies of Social Opinions at the request of UNFPA and UNDP (November/December 1999): "I have a neighbour whose father drinks. When the girl called the district policeman for help, he came and asked her for a sexual service, in return for which he would detain her father for a long time. How in this case should one appeal to a district policeman and to the police in general?"

The first ever training programmes for police officers were organised by "Podrugi", Talakhas University and the Legal Academy of Kazakhstan in 2000. Prior to this, only occasional discussions had taken place between "Podrugi" and police officers in Almaty.

Governmental and non-governmental initiatives

According to the Government's National Plan of Action to Improve the Situation of Women, crisis centres and shelters for women victims of domestic violence should be established in all regional capitals by 2005 and by 2010 in all the *rayons* (district capitals). However, no funds have yet been allocated from the State budget to start this process. Due to the financial assistance of foreign donors, three such centres and two shelters exist (one of the two is governmental) in Almaty, crisis centres have been opened in Aktau, Laninogorsk and Taldy-Korgan, and preparations are taking place to open several crisis centres and shelters in the regions (also with funds from foreign donors). Almost all the implementation work is being carried out by NGOs offering psychological and legal assistance free of charge.

4.2. Sexual abuse

Rape

In Kazakh legislation, rape is defined as sexual intercourse with a person of the female sex, using physical violence, threats or taking advantage of the defencelessness of the victim. The punishment for rape and attempted rape is more severe if it results in bodily injuries, causes or terminates pregnancy, or results in HIV infection or any other serious disease or the victim's suicide.

Rape is considered to have been committed from the moment of beginning sexual intercourse.

According to Article 120 of the 1998 Criminal Code: "1. Rape [...] shall be punished by imprisonment from 3 to 5 years. 2. Rape: a) committed by a group of persons, group of persons with prior collusion or by an organised group; b) accompanied by the threat of murder and committed with particular brutality towards the victim or other persons; c) resulting in infection with venereal disease(s); d) committed repeatedly by a person, or by a repeat offender; e) intentionally towards an underage girl, shall be punished by imprisonment from 5 to 10 years. 3. Rape: a) resulting in the death of a victim; b) resulting in the serious bodily harm, HIV/AIDS infection or other grave consequences; c) committed intentionally against a victim under the age of 14; d) taking advantage of conditions of public disaster or in the cause of mass disorder shall be punished by imprisonment from 8 to 15 years."

According to Article 122, "Sexual intercourse, homosexual sex, lesbianism or other acts of a sexual nature had intentionally with a person under 16 years of age shall be punished with deprivation of liberty for up to 3 years, or detention for up to 6 months, or limited liberty for up to 5 years."

Statistics on rape

The number of reported incidents of rape in 1997 showed an increase of 1% compared with 1989. At the same time, the number of convictions and sentences for rape decreased by 23% in 1997 compared to 1989.

Data on the number of rape crimes differs considerably because of various statistical criteria. So while according to the Prosecutor General there were 556 cases rape in the first half of 1999, which is 5% less compared to the same period in 1998 (528 cases). According to the Ministry of Interior, however, there were 913 rapes during the same period. The Ministry admits that even this figure does not reflect the real

total since, for various reasons, victims prefer not to report to the law enforcement authorities (according to one survey, only four rape victims out of 100 report the crime). Generally, women do not report the case to the police because of shame, fear of revenge from the perpetrator's relatives and friends, and because they do not believe that the perpetrator would be detained and punished. Sometimes victims also fear the reaction of their own families, particularly in Kazakh, Uzbek, and other rural communities. In the southern region and in rural areas, rape victims most often face a negative reaction.

According to the Supreme Court, in all of 1999, 579 persons nationally were convicted for rape. These figures cannot be simply compared with the number of reported rapes though, since in some cases two or more persons are convicted in a single case.

Currently only the police deal with cases of rape in Kazakhstan and there is no special department dealing with sexual crimes. A criminal case concerning rape not involving grievous bodily harm, or for an attempted rape, is initiated only if the victim files a complaint. Before 12 May 2000, the burden of gathering and submitting evidence lay with the victim. As a result of active campaigns by women's and international organisations, initiated by the Feminist League for Human Rights, changes were made to the Criminal and Criminal Procedural Codes and since that date, cases of rape and violent crimes of a sexual nature (Articles 120 and 121 of the Criminal Code) have again become a matter for the public prosecutor. These changes mean victims of sexual violence do not have to apply directly to the court, but that evidence can be gathered as part of the investigation by the department of the Ministry of Interior (or criminal police). Until 12 May 2000, rape cases were dropped if the perpetrator and victim reached a "compromise". New changes included in Article 34 of the Criminal Procedural Code have excluded this possibility.

Marital rape

According to Kazakh lawyers, marital rape does fall under the provisions of Article 120 of the Criminal Code, and is thus not determined as a separate category or registered separately. In an informal survey by the Feminist League of judges, it was discovered that in Almaty there was only one case that was considered marital rape, a number of years ago. The case reached the court, but proceedings then stopped because of a compromise between the two parties.

NGOs assisting victims of rape have not yet profiled the issue of marital rape. However, in 1997 and 1998, the Feminist League proposed that Parliament make some changes to the draft Law on Marriage and the Family which are now under consideration and include the following: "Spouses must respect each other's personal wishes and avoid violence and force in their personal marital duties." This particular amendment was not accepted by Parliament.

Governmental and non-governmental initiatives

There are no special programmes for victims of rape, although programmes for victims of domestic violence also assist rape victims. One women's NGO in Almaty, the Women's League of Creative Initiatives, opened a gynaecological examination room at the Women's Pedagogical Institute of Kazakhstan.

NGOs disseminate information about sexual abuse as a form of violence against women through mass media, seminars, etc. and hope to include an article on sexual abuse in the Law on Domestic Violence, the adoption of which is planned for 2001.

There is no definition of sexual harassment in domestic legislation.

4.3. Women and Sexual Exploitation

a) Prostitution as a Social Reality

Prostitution is only considered an administrative offence and is punishable by a warning or a fine. No provisions on social insurance or the defence of persons involved in prostitution are applied in Kazakhstan. Pimping is a crime, but the 1998 Criminal Code considerably weakened the maximum punishment foreseen for maintaining brothels or pimping from five to three years' imprisonment (Article 271). According to the Ministry of Interior, crimes such as organising and maintaining brothels are committed mainly by divorced women, or single mothers with dependent underage children and without a permanent job, who see it as a source of income. During six months of 1999, 30 persons faced criminal charges on the maintenance of premises where narcotics and other drugs were consumed, 43 faced charges of organising and maintaining brothels and 12 were charged with the unlawful dissemination of pornographic materials and works propagating a culture of brutality and violence.

Prevention of sexually transmitted diseases (STDs)

There is no policy on the prevention of STDs or HIV, although domestic legislation contains provisions directed at preventing the spread of sexually transmitted diseases as well as a Law on the Prevention of AIDS. Article 59 of the 1997 Law on the Protection of the Health of Citizens of the Republic of Kazakhstan obliges citizens with TB, leprosy, AIDS, venereal diseases and other infections needing quarantine to undergo examination and treatment. In case of non-compliance, citizens are to be forcibly treated.

NGOs and the Ministry of Education do run some programmes, and the Ministry of Education's programme on advising teachers on sexual and moral education of pupils (see above, 2.5. Reproductive Rights and Access to Healthcare System) contains advice on the prevention of AIDS.

AIDS prevention work is carried out by several NGOs, primarily through programmes financed by the UN. The Women's League of Creative Initiatives began work in 1997 with students from the Women's Pedagogical Institute. Of a total of 3,500 students, 1,500 live in hostels. Mainly from remote rural areas, they come either from very large families or are orphans. The monthly stipend (or fellowship) is 350 tenge (less than USD 3); two meals a day and free accommodation are provided by the Government. As a result, these young girls and women are very vulnerable, and many become victims of violence or deceit, and fall into prostitution simply in order to pay for a meal, drink, or clothing. Fear of denunciation and ignorance about safe sex prevent these young women from getting professional help from gynaecologists, venereal disease specialists, psychologists or lawyers and they are at risk of infection with AIDS. The Women's League has organised individual and group consultations, and distributes condoms directly to prostitutes. According to the experts, there are 1,000 "street" prostitutes in Almaty alone, most of them women from remote areas aged 17-28. They nearly all lack adequate knowledge about sexually transmitted diseases, HIV and AIDS, and information on how to avoid infections, how to recognise the signs of disease and where to get diagnosis and treatment.

The high number of persons with STDs has become a serious public health issue. The level of HIV in Kazakhstan has also reached worrying proportions, with 919 cases recorded as of 1 June 1999. The growth rate of new cases of HIV infection for 1996-1998 can be accounted for by an outbreak of HIV infections in Temirtau, where, according to official data, out of 32,000 young people aged 15-22, 3,000 are addicted to hard drugs. The Law on AIDS Prevention gives everyone on the territory of Kazakhstan the right to undergo anonymous HIV testing. Under certain conditions (Article 6), citizens of Kazakhstan, foreign citizens and persons without nationality must submit to a medical examination.

b) Trafficking in Women

There are no separate legal provisions considering trafficking in women and Kazakhstan has still not ratified the Slavery Convention. However, the following articles may be relevant: Article 128 (Recruiting persons for exploitation), Article 125 (Kidnapping), and Article 270 (Involvement in prostitution).

The related section of the US State Department Report on the human rights situation in Kazakhstan states that the law does not forbid trading in people. (Source: Report on human rights situation in 1999, State Department of the USA, 2000.) The direct forbidding of the trade in persons in Kazakh legislation only concerns children: Article 133 of the Criminal Code states that (1) The sale of a minor or any other transaction involving minors in the form of appropriation shall be punished by imprisonment from two to seven years. (2) The same acts if committed (a) repeatedly; (b) against two or more minors; (c) by a group of persons with prior collusion or by an organised group; (d) by a person abusing his position in office; (e) with the illegal trafficking of a minor overseas or into the Kazakh Republic; (f) with the aim of involving a minor in criminal activity or other anti-social actions; (g) with the aim of removing organs or tissues from a minor for transplantation shall be punished by three to ten years' imprisonment whether with or without the confiscation of property. (3) Crimes foreseen in paragraphs 1 and 2 of this Article that result in the accidental death of a minor or other grave consequences shall be punished by the deprivation of liberty for a term ranging from six to 15 years, whether with or without the confiscation of property.

It should be noted that the "symbolic" kidnap of a woman, which is done with her consent is a sort of tribute to tradition and is like a wedding ritual. Forced marriage, the continuation of marital cohabitation, hindering a woman's marriage by her own choice, as well as kidnapping a woman accompanied by rape, bodily injuries, torture, etc. should be dealt with under Article 106 of the Criminal Code and relevant articles on crimes against the person. However, since Article 106 was not included in the new Criminal Code adopted in 1997, questions linked to forced marriages still need to be resolved as the problem continues to exist and is reflected in various documents and decrees.²

According to the Law on Marriage and the Family, the court can recognise a forced marriage as invalid and such a claim can be brought by the "helpmate" whose rights were violated in the marriage, as well as by the prosecutor if the marriage was conducted without the free consent of one either party.

No research examining the reasons, nature or consequences of the women trafficked in Kazakhstan has been carried out. The scope of trafficking in women is unknown and the Government does not have any programmes dealing with this problem. Research carried out in Kazakhstan by women's organisations, the National Commission for Family and Women Affairs, and international agencies did not cover the issue of trafficking.

According to the assessment of women's organisations, Kazakhstan is a country of origin and destination countries include Turkey, China, Arab Emirates, Italy, and Greece. According to the Interior Ministry, 45 women were kidnapped and recruited for the purpose of sexual and other exploitation during six months in 1999. Three persons were held criminally responsible for the involvement in violent prostitution.

The main factors contributing to trafficking include poverty, women's low levels of employment and the gradual elimination of previously existing social protection services by the State. For these reasons,

women in Kazakhstan participate more actively in the migration process between regions, and also between city and villages, through which trafficking mainly occurs. However, there are no official reports of trafficking to the police due to shortcomings in the legislation and because of victims' distrust in the possibility of receiving efficient assistance.

Trafficking issues in Kazakhstan are dealt by the Crisis Centre for Women and Children and the Feminist League, who consolidated their programs, and by 2000 UNIFEM and the International Migration Agency. All programmes are in the initial stages, and include no rehabilitation programmes; they are all of an educational or research nature.

5. WOMEN'S STATUS WITHIN DISTINCTIVE GROUPS

5.1. Women and Sexual Orientation

Until 1 January 1998, the notion of lesbianism was not mentioned in domestic legislation. The 1998 Criminal Code annulled the punishment for homosexual relations (deprivation of liberty for up to three years) and introduced a new Article, (Article 121) on "Violent acts of a sexual nature," punishable by deprivation of liberty from three to six years for homosexual relations, lesbianism, or other types of sexual relations involving the use or threat of violence. Two further articles, "Sexual intercourse and other acts of a sexual nature with a person under the age of 16" (Article 122) and "Forcing a person into sexual relationships, homosexual relationships, lesbianism and other acts of a sexual nature" (Article 123) were introduced, providing for equal punishments for homosexual relationships or lesbianism.

The perception of homosexuality has changed over the last ten years, with shows of transvestites regularly advertised on TV, and gay nightclubs in operation. Nonetheless, negative attitudes towards homosexuals still exist. While associations of homosexuals have been founded, in which lesbians are also represented, they still cannot participate openly in social activities.

5.2. Women in Prison

Female delinquency

Males are still convicted of the majority of criminal acts, but the percentage of crimes committed by females is rising. In 1995, women accounted for 7.9% of convicts, and by 1997 this figure had risen to 10.1% (8,707 women). In 1998, the figure was 10.3% (6,017 women) and in the first quarter of 1999 it had increased to 10.5% of the total persons convicted for criminal acts. The proportion of women convicted in 1998 for specific types of crime was as follows (only enforced verdicts are taken into account): fraud – 34.5%; bribery – 15.2%; unlawful circulation of drugs – 12%; grievous bodily harm – 7.4%; murder or attempted murder – 7.1%; robbery – 6.2%; stealing – 6.1%; robbery with violence – 4.3% (Data of the National Statistics Agency).

Data provided by the Ministry of Interior differs from the above data, although it is uncertain whether this is due to a different classification: "In 1998, 10% of the total number of crimes were committed by women, of which 8.4% involved crimes against an individual; 8.8% - murder with intent; 40% - murder in extreme circumstances; 27.2% - assisted suicide; 7.6% - causing deliberate harm; 11.5% physical violence, 4.3% torture. Crimes most frequently committed by women were crimes of property embezzlement, for which 1,462 women were convicted in 1998. The second most common crime was intentional harm to public health and morality, for which 1,447 women were convicted in 1998. The number of women convicted that year for various financial crimes was 598. At the time the crime was committed, 60% of women had no permanent job and 2.7% were homeless. The proportion of women convicts with families, including single mothers, was 26%. Crimes were committed primarily by women aged 40-50 years and over."

The Ministry of Interior reported that "In 1998 alone, while defending themselves and their children, women committed 7 murders involving exceeding the limits of necessary defence." According to the Division of Analysis and Improving the Judicial System of the Department for Organizing Activities of the Courts, "the reasons for committing a crime among women of older ages are often psychological traumas in families, unlawful and often provocative behaviour by husbands".

Treatment of women in prisons

As of July 1999, there were two women's prisons in Kazakhstan, holding a total of 2,889 women (4.3% of the total prison population). One of these prisons contains a special unit for 100 underage girls.

The Almaty Helsinki Committee and Kazakh International Bureau for Human Rights have issued reports of violence against women in police custody or in prison. The following examples are from the Helsinki Committee's Report:

- “Older men began to beat me. They beat me where they could - on my face, stomach and head. One of them was the most creative – he found from somewhere a pole with a metal end and put this against my throat [...] After the beating they took a pause, carried me down to the cell, did not allow me to sit on the floor or lean against the wall [...] Then they beat me with a stick on the back and heels, twisted and broke my fingers, put a plastic bag over my head and held it firmly round my neck, until I lost consciousness [...] All the time there were 3-4 people, they came and undressed me, and promised to bring beggars to “treat” me.” (Natasha Zabolotnaya (21), Pavlodar, 1997)
- “I was arrested on 17 September 1998 [...] and did not have an access to a lawyer until 2 October. All this time, I was beaten, tortured with electric shocks, raped, and degraded as a woman. After such methods of interrogation I had scars on my head and after the concussion I received during the interrogations in GOVD (city police department), I lost 50% of my vision. I also had swelling in the chest area and at the present time I am receiving psychiatric treatment.” (I.Ch (37), Chimkent city, with a 4-year-old daughter, sentenced to 20 years imprisonment on a charge of murder).
- “It happened on 13 April 2000. At about 7 am, police officers with truncheons burst into all the houses in Chechen. They did not explain anything or show any warrants, but woke up sleeping children, teenagers, women and children, pulling hair, dragging them out of their homes without shoes to the police cars standing 100 meters away. Everyone was beaten – women and children - among them a pregnant woman (underage) who was beaten with truncheons and had her hair pulled. She is now in the hospital. They called people “shapava”, prostitutes.” (From a collective complaint (22 signatures) to the prosecutor of the south Kazakhstan region).

Addressing women's special needs

As of July 1999, 36 women convicts were serving their sentences with their children up to the age of three. The prison contains a children's house and women convicts are allowed to communicate with them and participate in raising them. Women convicts are provided with specialised medical aid, but such services suffer from the prison's lack of economic resources, resulting in a considerable increase in illness among women and the violation of their rights (according to data of the Ministry of Interior).

The new Criminal Code provides for a delay in serving prison terms for pregnant women and women with children up to the age of eight, unless they committed grave crimes against individuals. The new Criminal Code does not apply capital punishment and life imprisonment to women. In reality, such severe punishments, despite their very extensive use in the country,³ have never been applied to women.

6. WOMEN AND ARMED CONFLICT/REFUGEES

Between 1991 and 1998, 16,100 refugees entered Kazakhstan as repatriates from Tajikistan and Afghanistan, most of whom did not speak Russian, and had no professions or means to sustain themselves. Women refugees continue to face particular difficulties.

There is no adequate help or work offered to such women and the few NGOs dealing with women's issues do not focus on the special needs of women refugees. There is an NGO of Afghan women refugees, which has difficulties applying to international foundations and state institutions since they lack experience. Their problems are compounded by the language barrier, which prevents them from receiving training and information.

Endnotes:

¹ Figures taken from the *Report on Human Development* for 1999

² Source: *Decree of the Plenum of the Supreme Court of Kazakh SSR* from October 2 1987 No.9 with amendments by the decree of the Plenum of the Supreme Court of Kazakhstan from December 20 1996 No.11 (“On judicial practice on criminal cases of local customs leftovers”) and *Rules on registration of civil forms acts in Republic of Kazakhstan*, adopted by the Kazakh Government decree from May 22 1999 No.620.

³ Official data suggests that in 1995, 63 persons were punished, and 35 in 1996. According to Amnesty International figures for 1995, 191 persons were punished in Kazakhstan, placing the country in fourth place in the world after China, Nigeria, and Saudi Arabia.