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**Committee on the Elimination of Discrimination  
against Women****Concluding observations on the fifth periodic report of  
Kyrgyzstan\***

1. The Committee considered the fifth periodic report of Kyrgyzstan (CEDAW/C/KGZ/5) at its 1833rd and 1835th meetings (see CEDAW/C/SR.1833 and 1835) held on 2 and 3 November 2021. The Committee's list of issues and questions is contained in CEDAW/C/KGZ/Q/5 and the responses of country are contained in CEDAW/C/KGZ/Q/5/Add.1.

**A. Introduction**

2. The Committee appreciates the submission by the State party of its fifth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/KGZ/CO/4/Add.1) and its written replies to the list of issues and questions raised by the pre-session working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party's high level delegation which was headed by Her Excellency Ms. Janyl Alybaeva, Deputy Minister of Labor, Social Security and Migration of the Kyrgyz Republic. The delegation also included representatives of the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of Labor, Social Security and Migration, the Supreme Court, and the Permanent Mission of Kyrgyzstan to the United Nations Office and other international organizations in Geneva.

**B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2015 of the State party's fourth periodic report (CEDAW/C/KGZ/4) in undertaking legislative reforms, in particular the adoption of:

(a) Law No. 63 on Protection and Defence against Domestic Violence (Law No. 63 of 27 April 2017); and

(b) The Criminal Code which criminalizes bride kidnapping, forced marriage and child marriage (articles 175, 177 and 178), in 2017.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) The Fifth National Plan of Action for Gender Equality (2018–2020);

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\* Adopted by the Committee at its eightieth session (18 October to 12 November).

(b) The Action Plan to implement United Nations Security Council resolution 1325 (2000) on women, peace and security, in 2018; and

(c) The Action plan for the implementation of the Committee's concluding observations on the fourth periodic report of Kyrgyzstan (Government Order No. 123-r), in 2017.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party ratified the Convention on the Rights of Persons with Disabilities, in 2019.

### **C. Sustainable Development Goals**

7. **The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.**

### **D. Zhogorku Kenesh**

8. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, annex VI to E/CN.6/2010/CRP.2). It invites the Zhogorku Kenesh, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

### **E. Principal areas of concern and recommendations**

#### **Legislative framework**

9. The Committee welcomes the progress made by the State party in establishing a progressive national legislative framework to protect women's rights and promote gender equality. The Committee is concerned:

(a) That the Law on State Guarantees of Equal Rights and Opportunities for Men and Women does not cover intersecting forms of discrimination and that the adoption of a comprehensive anti-discrimination law has been delayed; and

(b) About the reliance on legally undefined terms of morality, ethics and traditional family values in the context of the on-going large-scale inventory of legislation, which can be used to undermine women's rights.

10. **The Committee reiterates its previous recommendations (CEDAW/C/KJZ/CO/4, para. 10) and recommends that the State party adopt comprehensive anti-discrimination legislation with a definition of discrimination against women that covers direct and indirect discrimination in the public and private spheres as well as intersecting forms of discrimination, in line with article 1 of the Convention. The Committee also recommends that the State party ensure that:**

(a) **The inventory of legislation and related legislative amendments repeal all discriminatory provisions, including those that are based on the legally undefined terms of morality, ethics and traditional family values; and**

(b) **The inventory be guided by the obligations of the State party under the Convention and other human rights treaties and conducted in consultation with civil society organizations, including women's organizations.**

### Access to justice

11. The Committee notes the adoption of the Law “On State-guaranteed legal aid” (2016). However, it notes with concern the existing barriers to women’s and girls’ access to justice, including their limited knowledge of their rights and available remedies to claim them, restrictive criteria for accessing legal aid, the limited number of legal aid centers in rural and remote areas, insufficient capacity of the judiciary and law enforcement officials to apply the Convention, as well as judicial gender bias and persistent gender stereotypes.

**12. Recalling its general recommendation No. 33 on women’s access to justice, the Committee recommends that the State party address the barriers to women’s and girls’ access to justice, including by:**

(a) **Strengthening awareness-raising among women and girls, including in rural areas, about the legal remedies available to claim violations of their rights;**

(b) **Ensuring that all women and girls have effective access to affordable and when necessary free legal assistance, including by reviewing the Act “On state-guaranteed legal aid,” adequately funding and subsidizing the premises and utility costs of legal aid centers, and increasing their numbers in rural areas; and**

(c) **Sensitizing religious and community leaders to de-stigmatize women claiming their rights and provide training on women’s rights and gender equality to the judiciary, the police and law enforcement officials to address gender stereotypes and judicial bias against women challenging patriarchy.**

### National machinery for the advancement of women

13. The Committee notes that the Ministry of Labor, Social Security and Migration is the main State agency responsible for the coordination of the national machinery for the advancement of women. The Committee notes with concern:

(a) The lack of coordination and unclear mandates of the various parts of the national machinery for the advancement of women, including the Ministry of Labor, Social Security and Migration, the National Council of Gender Development and the Council on Women’s Rights and Prevention of Gender-Based Violence of the Jogorky Kenesh;

(b) The lack of human, technical and financial resources and authority of the national machinery to effectively carry out its mandate, and the frequent changes of bodies in charge of gender issues; and

(c) The insufficient cooperation with civil society.

**14. The Committee reiterates its previous recommendations (CEDAW/C/KGZ/CO/4, para.12) and recommends that the State party:**

(a) **Ensure effective coordination and a clear distribution of mandates between the different components of the national machinery;**

(b) **Strengthen the human, technical and financial resources and authority of the national machinery at the national and regional levels and ensure its continuity and effective operation; and**

(c) **Strengthen cooperation with civil society and recognize its role in advancing women’s rights and gender equality and involve civil society organizations in the implementation of the National Strategy and Action Plan.**

### National human rights institution

15. The Committee notes that draft legislative amendments were prepared to ensure the compliance of the Office of the Ombudsman (Akyikatchy) with the principles relating to the status of national institutions for the promotion and protection of human rights (the “Paris Principles”) and that it was accredited with “B” status in 2012. It notes with concern

that the Office of the Ombudsman lacks a specific mandate to protect and promote women's rights.

**16. The Committee recommends that the State party accelerate the adoption of the draft legislative amendments to ensure the independence of the Office on the Ombudsman, in full compliance with the Paris Principles (General Assembly resolution adopted by General Assembly resolution 48/134 on "National Institutions for the Promotion and Protection of Human Rights") and provide the Office of the Ombudsman with a specific mandate to promote and protect women's rights.**

#### **Temporary special measures**

17. The Committee notes that legislative provisions that no more than 70 per cent of the candidates or members shall be of the same sex, in Zogorku Kenesh, political parties, local councils and the courts, as well the 30 per cent quota for women's representation in local councils (aiylny kenesh). However, the Committee remains concerned about a) the lack of understanding in the State party of the non-discriminatory nature of temporary special measures and b) their limited use in most areas of the Convention where women are underrepresented or disadvantaged, including c) their limited impact on achieving substantive equality.

**18. The Committee reiterates its previous recommendations (CEDAW/C/KGZ/CO/4, para. 14) and recommends that the State party:**

**(a) Strengthen the understanding of the non-discriminatory nature of temporary special measures among relevant State officials, Parliamentarians, policymakers, employers and the general public;**

**(b) Adopt temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men in all areas of the Convention where women are underrepresented or disadvantaged, in both the public and private sectors, especially at the decision-making level, and with particular attention to women belonging to ethnic minority groups, women with disabilities and older women; and**

**(c) Establish a mechanism to monitor the implementation of temporary special measures and assess their impact on achieving substantive equality.**

#### **Stereotypes**

19. The Committee remains concerned about:

(a) The persistence of patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and society, exacerbated by growing religious influence, and the lack of a comprehensive strategy to address such gender stereotypes; and

(b) The persistence of discriminatory gender stereotypes and portrayals of women in the media.

**20. The Committee reiterates its previous recommendations (CEDAW/C/KGZ/CO/4, para. 16) and recommends that the State party:**

**(a) Develop and implement a comprehensive strategy, including online domain, targeting community and religious leaders, teachers, girls and boys, women and men to eliminate discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society, taking into account the findings of the national study on gender in the perception of society (2016); and**

**(b) Continue to raise awareness among media personnel to address discriminatory gender stereotypes and objectification of women and encourage positive portrayals of women as active drivers of development in the media. Also, review the Law "On Public Service Broadcasting" to ensure a gender perspective**

**approach in reviewing and monitoring media content by television channels, including KTRK.**

### **Gender-based violence against women and harmful practices**

21. The Committee welcomes the adoption of Law No. 63 of 27 April 2017 “On protection and defense against domestic violence” and the introduction of more severe penalties for bride kidnapping of women and girls for child and/or forced marriage purposes. However, the Committee remains concerned about the high incidence of gender-based violence against women in the State party, including the spike in domestic violence during the COVID-19 lockdown, as well as the persistence of the harmful practice of bride kidnapping. It also notes with concern:

(a) The weak enforcement and monitoring of the implementation of the Law “On protection and defence against domestic violence”;

(b) The absence of criminal law provisions specifically criminalizing certain forms of gender-based violence, such as marital rape, and the fact that sexual crimes are subject to public-private prosecution;

(c) Impunity for perpetrators, limited enforcement of protection orders, lack of victim support and barriers to women’s and girls’ access to justice in cases of gender-based violence, including revictimization during criminal proceedings; and

(d) Reports of gender-based violence against women belonging to religious and ethnic minorities and women using drugs, and arbitrary detention and attacks targeting lesbian, bisexual and transgender women during peaceful marches in 2019 and 2020.

22. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Review the Law “On protection and defense against domestic violence” to ensure that it covers all forms of gender-based violence and takes into account the special needs of disadvantaged and marginalized groups of women, including women with disabilities, migrant women, women living with HIV/AIDS, women using drugs and lesbian, bisexual and transgender women;**

(b) Pursue its efforts to prevent, protect and assist victims, as well as to prosecute and adequately punish perpetrators, of bride kidnapping, in accordance with the recommendations of the Committee’s report on its inquiry under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/KGZ/1);

(c) Amend the Criminal Code to explicitly criminalize marital rape and the Criminal Procedure Code to ensure that all forms of gender-based violence are subject to public (*ex-officio*) prosecution;

(d) Ensure that all cases of gender-based violence are effectively investigated and prosecuted, perpetrators adequately punished and that victims are not mandatorily referred to reconciliation procedures;

(e) Ensure the issuance and effective enforcement and monitoring of protection orders in cases of domestic violence and impose adequate deterrent penalties for non-compliance with such orders;

(f) Ensure women’s and girls’ access to justice and encourage reporting of gender-based violence to law enforcement bodies, including through affordable and, if necessary free, legal assistance, relaxing the burden of proof, and affordable access to forensic evidence, and continue to build the capacity of judges, prosecutors, the police and other law enforcement officers on gender-sensitive investigation and interrogation methods;

(g) Strengthen victim support services and protection, including 24/7 hotlines, adequate shelters, medical treatment, psycho-social counselling and economic support throughout the State party;

(h) **Intensify awareness-raising for the general public on the criminal nature of all forms of gender-based violence, including domestic and sexual violence, and the need for women to be able to report such cases to law enforcement authorities without fear of reprisals, stigmatization and re-victimization; and**

(i) **Prosecute and adequately punish perpetrators in cases of gender-based violence, arbitrary detention and attacks against women belonging to religious and ethnic minorities, women using drugs, lesbian, bisexual and transgender women.**

#### **Trafficking in women and exploitation of prostitution**

23. The Committee welcomes the adoption of the governmental programme and action plan on combatting human trafficking (2017-2020) and the Ministry of Internal Affairs directive on the detection, the identification and the referral of victims of trafficking in persons and confidentiality of personal information of victims; the creation, in 2019, of the national referral mechanism for victims; and investigations in cases of suspected complicity by State officials. However, the Committee notes with concern that State party is a source country for trafficking in women and girls for purposes of sexual and labour exploitation, including in domestic employment (“bakchykyz”). It also notes with concern:

(a) The discontinuation of the anti-trafficking coordinating body in 2021, preventing the adoption of standard operating procedures for the national referral mechanism;

(b) The delays in the adoption of the draft anti-trafficking action plan for 2021-2024;

(c) The low reporting and investigation, prosecution and conviction rates in cases of trafficking in women and girls, despite the increase of online recruitment during the COVID-19 pandemic, and the introduction of lighter penalties for the criminal offense of trafficking;

(d) The State party’s reliance on inter-governmental organizations for victim identification and service provision and NGOs for shelter services;

(e) The lack of measures to reduce the demand for commercial sex and the lack of data on trafficking in women and girls from, within and to the State party; and

(f) The lack of dissemination and implementation of Order No. 946-r of 14 December 2017 of the Ministry of Internal Affairs, particularly concerning preventing forced HIV testing of women in prostitution.

24. **Recalling its general recommendation No. 38 (2020) on trafficking in women and girls in the context of global migration and previous recommendations (CEDAW/C/KGZ/CO/4, para. 22), the Committee recommends that the State party:**

(a) **Designate a specific government body to coordinate inter-ministerial anti-trafficking efforts; adopt and implement standard operating procedures for the national referral mechanism; and allocate adequate resources to the national referral mechanism;**

(b) **Expedite the adoption of the draft anti-trafficking action plan (2021-2024);**

(c) **Strengthen investigation, prosecution and adequate punishment of perpetrators of trafficking in women and girls, and ensure that convicted perpetrators serve their sentences; and continue addressing the root causes of corruption and complicity among law enforcement officials;**

(d) **Ensure the early identification of victims of trafficking including with regard to disadvantaged groups of women; address online recruitment of victims; strengthen training for judges, prosecutors and law enforcement officers on victim identification and gender-sensitive and child-sensitive investigation and interrogation procedures;**

(e) **Ensure that women and girls victims of trafficking have adequate access to adequate support services and reintegration programmes, including shelters and counselling services, and adequately fund and/or subsidize the premises and utility costs of NGOs operating shelters and providing victim support services;**

(f) **Ensure systematic collection and analysis of data on trafficking, disaggregated by age, sex, nationality of victims and forms of trafficking;**

(g) **Conduct awareness raising campaigns on the risks of being trafficked and provide access to income generating opportunities, financial support, legal assistance, hotlines and pre-departure information to migrant women and girls; and**

(h) **Discourage the demand for commercial sex; provide exit programmes and alternative income generating opportunities to women who wish to leave prostitution. Disseminate and effectively implement Order No. 946-r of 14 December 2017, including monitoring, prosecuting and punishing police violence and arbitrariness against women in prostitution and strengthening the role of the Prosecutor's Office in this respect.**

#### **Participation in political and public life**

25. The Committee notes the introduction of a 30 per cent minimum quota for the representation of women on local councils. However, it notes with concern:

(a) The low representation of women in the Jogorky Kenesh (15 per cent) and in local councils, and the introduction of the mixed electoral system, which will lower the quota for women candidates from 30 to 18 per cent;

(b) Gender-based violence and hate speech against women candidates during elections and political rallies; and

(c) Restrictions on the activities of women human rights defenders and their lack of protection from reprisals.

26. **Recalling its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) **Review its the electoral legislation to reach parity of women and men in political life and to that effect take targeted measures, including temporary special measures, such as increased quotas, to strengthen the representation of women at all levels of government, in Jogorky Kenesh and local councils, in the judiciary and academia, in particular at decision-making levels;**

(b) **Require political parties to include an equal number of women and men candidates on their electoral lists, on alternating ranks (zipper system);**

(c) **Provide capacity building to women politicians and candidates on political campaigning, leadership and negotiation skills, and raise awareness, in concertation with the media, among politicians, the media, religious and community leaders and the general public, on the importance of the full, independent and democratic participation of women on an equal basis with men in political and public life to guarantee the implementation of the Convention;**

(d) **Take effective measures to protect women candidates from gender-based violence and hate speech, including online, during elections; and**

(e) **Remove any restrictions on the activities of women human rights defenders and create an enabling environment to promote their participation in political and public life, including by ensuring their protection from gender-based violence and reprisals.**

#### **Women and peace and security**

27. The Committee welcomes the adoption in 2018 of the action plan to implement United Nations Security Council resolution 1325 (2000) on women, peace and security.

However, it notes with concern the lack of information about the implementation of the action plan and reports of violent extremism in the State party.

28. **The Committee recommends that the State party:**

(a) **Allocate adequate human, technical and financial resources to ensure the effective implementation and monitoring of the action plan to implement United Nations Security Council resolution 1325 (2000) and provide information about the outcome of its implementation in its next periodic report;**

(b) **Ensure the meaningful participation of women in conflict prevention, peace and post-conflict reconstruction processes, including in decision-making roles; and**

(c) **Conduct research on the root causes of violent extremism in the State party, with a particular focus on the situation of women who participated in armed conflicts in other countries, and adopt a national strategy to prevent violent extremism that integrates a gender perspective.**

### **Nationality**

29. The Committee notes the statement of the delegation during the dialogue that the State party became the first country to resolve all known cases of statelessness on its territory in 2019 and that the ratification of the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness is underway. The Committee, however, notes with concern:

(a) Barriers to accessing birth registration, particularly for stateless women, women of undetermined nationality, Mugat or Lyuli women, and their children, particularly in rural areas, and the lack of safeguards to prevent statelessness of children and in case of voluntary renunciation of nationality; and

(b) That the existing statelessness determination procedure is not applicable to all cases of statelessness.

30. **Recalling its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Review the Law on Citizenship and other relevant legislation and regulations to ensure that stateless women, women of undetermined nationality, Mugat or Lyuli women, and their children, have adequate access to birth registration and identity documents, including in rural areas, and to Kyrgyz nationality;**

(b) **Ensure that girls and boys born in the territory of the State party are registered at birth and have access to Kyrgyz nationality and identity documents, regardless of their parents' consent or nationality, residence and marital status and that loss or renunciation of nationality is contingent on the possession or acquisition of another nationality;**

(c) **Expand the statelessness status determination procedure to recent arrivals and provide identity documents to persons considered as stateless; and**

(d) **Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

### **Education**

31. The Committee welcomes the information provided by the delegation during the dialogue that the right to pre-school education is enshrined in the Constitution and about the efforts made to ensure online education in the context of the COVID-19 pandemic, including in rural areas. The Committee is concerned about:

(a) Insufficient information on the measures taken to ensure girls' access to primary and secondary education and to address the causes of school dropout among girls;



(b) Persisting gender stereotypes in the education system, in the absence of education on gender equality and on sexual and reproductive health and rights; and

(c) Girls' and women's low enrolment in non-traditional fields of education, such as science, technology, engineering and mathematics (STEM) as well as information and communication technologies (ICT).

**32. Recalling its general recommendation No. 36 (2017) on the right of girls and women to education and its previous recommendations (CEDAW/C/KGZ/CO/4, para. 26), the Committee recommends that the State party:**

**(a) Ensure girls' enrolment in primary and secondary education, including through information campaigns targeting parents and religious and community leaders on the importance of education for girls at all levels as a basis for their empowerment and through financial support to low-income families to cover indirect costs of education;**

**(b) Address the causes of school dropout among girls, including a child and/or forced marriage and early pregnancy, and ensure that young mothers can return to school following childbirth, with a view to completing their education, obtaining diplomas and gaining access to higher education and/or employment;**

**(c) Develop and integrate into school curricula: (i) inclusive and accessible content on gender equality, including women's rights, women leaders in public life and the harmful effects of gender stereotyping and gender-based violence and discrimination against women and girls, and (ii) age-appropriate sexuality education at all levels of education, paying particular attention to responsible sexual behaviour and preventing adolescent pregnancies and sexually transmitted diseases;**

**(d) Provide training on women's rights and gender equality for teaching personnel at all levels of the education system; review school textbooks, curricula and teaching materials with a view to eliminating discriminatory gender stereotypes; and**

**(e) Encourage women and girls to choose non-traditional fields of education and career paths, such as science, technology, engineering and mathematics (STEM) as well as information and communication technologies (ICT), including through career counselling and scholarships and subsidies to cover indirect costs of education.**

### **Employment**

33. The Committee commends the State party on undertaking a review of the list of restricted professions for women. However, it remains concerned about:

(a) The low employment rate of women (44 per cent) and the persistent gender pay gap, including barriers to women's promotion to management positions, higher paid jobs and decision-making positions, including in national and local administrations;

(b) Women's concentration in the informal economy (64 per cent), often in exploitative conditions and without access to labour and social protection, especially during the COVID-19 pandemic;

(c) The absence of legislation (i) to ensure the application of the principle of equal pay for work of equal value, which is enshrined in article 20 of the Labour Code and article 5 of the Law on State Guarantees of Equal Rights and Opportunities for Men and Women, and (ii) to combat sexual harassment in the workplace;

(d) Discrimination in labour legislation that prompts labour migration and makes women vulnerable to human trafficking;

(e) The lack of measures to ensure maternity protection and equal sharing of household and childcare responsibilities between women and men; and

(f) Limited access to decent employment for disadvantaged and marginalized groups of women, including women belonging to ethnic minorities, migrant women and women with disabilities.

34. Recalling its previous recommendations (CEDAW/C/KGZ/CO/4, para. 28), the Committee recommends that the State party:

(a) Take targeted measures to promote women's access to formal employment, including management positions and higher paid jobs in traditionally male dominated professions and to decision-making positions in national and local administration, through professional training, incentives for women's preferential recruitment, expanding the number and quality of childcare services and pre-school education in urban and rural areas, and by taking measures to alleviate the impact of the COVID-19 pandemic on women's employment;

(b) Adopt and enforce comprehensive legislation and regulations to ensure the application of the principle of equal pay for work of equal value and to combat sexual harassment in the workplace, including a comprehensive definition of sexual harassment, to encompass intimidating, hostile or humiliating conduct and working environment, as well as a reliable national mechanism for women victims of sexual harassment;

(c) Increase the number of labour inspections to monitor employers' compliance with these principles and provide effective remedies to women in cases of violations of their labour rights;

(d) Ensure the equality of women and men in the area of employment, including by reviewing labour legislation; take all necessary measures to protect migrant women;

(e) Amend sections 218 and 303 of the Labour Code restricting women's access to certain categories of work and review the list of industries, jobs, professions and positions with harmful and/or dangerous working conditions, in which the employment of women is prohibited (Government Decision No. 158 of 24 March 2000); facilitate women's access to such occupations; and ensure that any restrictions are proportionate and applied individually and not across the board to all women;

(f) Ensure maternity protection for women working in the informal economy; facilitate the return to work of young mothers; and promote equal sharing of household and childcare responsibilities between women and men, including by expanding the use of paternity leave;

(g) Ratify ILO Convention No. 183 (2000), on Maternity Protection, ILO Convention No. 156 (1981), on Workers with Family Responsibility, and ILO No. 190 (2019) on the Elimination of Violence and Harassment in the World of Work; and

(h) Improve access to employment and training opportunities for disadvantaged and marginalized groups of women, such as women belonging to ethnic minorities, women with disabilities and migrant women, and provide pre-departure training for women who migrate.

### **Health**

35. The Committee commends the State party on the decreasing maternal mortality rate and the provision, since 2015, of mandatory health insurance from the State budget under the Reproductive Rights Law. The Committee, however, notes with concern:

(a) The high maternal and infant mortality rates, especially among migrant women and in remote and rural areas;

(b) Insufficient efforts to address the health concerns of migrant women, including in relation to their sexual and reproductive health and rights and increased incidence of tuberculosis and HIV/AIDS;

(c) The three-fold increase in the number of women living with HIV/AIDS over the past 10 years, due to the low use of condoms, as well as the high abortion rates among adolescent women and limited access to sexual and reproductive health and rights;

(d) The increased incidence of breast and gynaecological cancer;

(e) The lack of health insurance coverage for migrant, refugee and asylum-seeking women and girls;

(f) Malnutrition among women and girls, especially in rural areas, and a high prevalence of anaemia among pregnant women; and

(g) Limited information about women's access to vaccination against COVID-19.

**36. The Committee recalls its general recommendation No. 24 (1999) on women and health and recommends that the State party:**

(a) **Address the causes of maternal and infant mortality by ensuring access to safe abortion and post-abortion services and obstetric care, addressing the high number of early pregnancies and increasing the number of skilled birth attendants, including in rural and remote areas;**

(b) **Strengthen access to adequate and affordable healthcare for women and girls by ensuring a sufficient number of healthcare facilities with adequately trained staff, including in rural and remote areas;**

(c) **Combat corruption in the healthcare system and gender-based violence and discrimination by healthcare personnel, particularly against women using drugs, women with HIV/AIDS and women in prostitution;**

(d) **Intensify efforts to improve access to affordable and quality healthcare for migrant women, including by raising their awareness of sexual and reproductive health and rights and the risk of transmission of HIV/AIDS and tuberculosis; and strengthen the systematic collection and analysis of disaggregated data on migrant women's and girls' access to healthcare;**

(e) **Ensure confidential access to affordable modern contraceptive methods, family planning services and HIV testing throughout the State party; ensure access to free antiretroviral therapy to all women and girls living with HIV/AIDS, including women in prostitution, also in remote and rural areas;**

(f) **Prevent and diagnose breast and gynaecological cancer, including by providing professional training to medical personnel and sensitizing women and girls, ensure affordable access for all patients to treatment, including chemotherapy and immunotherapy in public hospitals;**

(g) **Extend the mandatory health insurance system to migrant, refugee and asylum-seeking women and girls and revise the Law on Medical Health Insurance (1999) accordingly; and**

(h) **Ensure free access to COVID-19 vaccinations to all women and adolescent girls, especially older women and women with comorbidities, and raise awareness on the scientifically proven benefits of COVID-19 vaccinations and address false information propagated by vaccine opponents.**

#### **Economic and social benefits**

37. The Committee notes with concern:

(a) The disproportionate share of unpaid domestic and care work carried by women;

(b) The high poverty rate (38 per cent) in the State party, disproportionately affecting women, especially rural women, women single heads of households and women engaged in unpaid care work; and

(c) The concentration of women's entrepreneurship in low profit sectors, such as wholesale and retail trade and agriculture, and home-based entrepreneurship.

**38. The Committee recommends that the State party:**

(a) **Adopt the Law for the National Care Work System, as well as transformative fiscal policies and strategies to meet the needs imposed by care work,**

**to reduce the burden of unpaid care work on women, particularly rural women; facilitate access to quality and affordable gender-responsive public services such as health, education, childcare, transportation, water, housing and energy; generate data and establish the monetization of unpaid care work as a baseline for its recognition and compensation;**

(b) **Address the feminization of poverty by increasing women's pension and social benefits taking into account the interruptions in their employment due to child-raising periods, their concentration in informal employment and engagement in unpaid care and domestic work; and**

(c) **Promote women's access to markets for their goods and products and economically protect women's inter-generational intellectual property in their textile, artisanal and craft productions.**

### **Rural women**

39. The Committee notes that 65 per cent of women in the State party live in rural areas. It notes with concern:

(a) The lack of a gender perspective in agricultural laws and policies;

(b) The disproportionately high poverty rates among rural women, particularly rural women heads of households;

(c) Rural women's and girls' limited access to adequate water, including for irrigation purposes, and sanitation;

(d) Rural women's very limited access to land ownership and agricultural assets and the low percentage of rural women leading small agribusiness and working on contracts in agriculture; and

(e) Rural women's underrepresentation in Water User's Associations and Pasture User's Associations, especially in leadership positions.

40. **The Committee reiterates its previous recommendation (CEDAW/C/KGZ/CO/4, para. 32) that the State party combat poverty among rural women by ensuring access to education, adequate water and sanitation, formal employment, low-interest loans without collateral and other forms of financial credit for agribusinesses, and ownership and use of land. The Committee also recommends that the State party:**

(a) **Integrate a gender perspective in its agricultural laws and policies and ensure rural women's equal participation in the development, adoption and implementation of such laws and policies, including in Water User's Associations and Pasture User's Associations; and**

(b) **Address discriminatory gender stereotypes affecting the autonomy of rural women, including through media campaigns, taking into account the results of the 2018 study on the prevalence of negative gender stereotypes affecting rural women.**

### **Disadvantaged and marginalized groups of women**

41. **The Committee is concerned that older women, women with disabilities, women belonging to ethnic minority groups, refugee and asylum-seeking women, migrant women, women living with HIV/AIDS, women using drugs and lesbian, bisexual and transgender women continue to face intersecting forms of discrimination in the State party.**

42. **The Committee recommends that the State party adopt targeted measures to ensure access to justice, employment and health care, including sexual and reproductive health services respecting the confidentiality of patient information, social protection and food security for disadvantaged groups of women, taking into account their specific needs.**

**Women living with HIV/AIDS**

43. The Committee welcomes the decision of the Constitutional Chamber of the Supreme Court of 27 January 2021 to declare unconstitutional the provisions precluding persons living with HIV/AIDS from adoption, guardianship and foster parenting. However, the Committee is concerned about the criminalisation of HIV/AIDS transmission through consensual sexual relations between adults, impediments to access to healthcare, discriminatory terminology, reported isolation from children and barriers to access childcare facilities for women living with HIV/AIDS.

44. **The Committee recommends that the State party:**

(a) **Decriminalize the transmission of HIV/AIDS (article 149 of the Criminal Code) through consensual sexual relations between adults;**

(b) **Ensure access to healthcare, including confidential testing, antiretroviral treatment, psychological support and the confidentiality of information regarding women's HIV status, and impose deterrent penalties for the disclosure of such status;**

(c) **Eliminate repressive elements of epidemiological investigation and review the wording of HIV infection codes;**

(d) **Ensure that women living with HIV/AIDS are not isolated from their children based on their HIV status and have adequate access to childcare facilities free from stigmatization; and**

(e) **Prohibit the practice of employers requiring HIV certificates for accessing and keeping employment.**

**Women using drugs**

45. The Committee is concerned about the draft legislative amendments to criminalise drug possession for personal use, the family legislation providing for the deprivation of parental rights based on parental drug dependence and the lack of access to harm-reduction programmes and facilities for women using drugs.

46. **The Committee recommends that the State party:**

(a) **Ensure that drug possession for personal use without intention to sell is not criminalised;**

(b) **Amend Article 74 of the Family Code, providing for the automatic loss of child custody and deprivation of parental rights based on parental drug dependence; and**

(c) **Improve access for women using drugs to harm-reduction programmes and facilities.**

**Lesbian, bisexual and transgender women**

47. The Committee is concerned about the discriminatory terminology in relation to lesbian, bisexual and transgender women in the Criminal Code, the legislation and procedures that preclude transgender persons, including women, to change the gender marker on their identity documents, hate crime and attacks against lesbian, bisexual and transgender women, in the absence of grounds for prosecution in the legislation.

48. **The Committee recommends that the State party:**

(a) **Amend the Criminal Code (articles 162-164) to remove the reference to "lesbianism";**

(b) **Adopt a definition of rape (article 161) based on lack of free consent that protects all women from rape, including lesbian, bisexual and transgender women;**

(c) **Reinstate the right of transgender persons, including women, to change the gender marker on their passport and other identity documents and the personal identification number, including by repealing the amendments of 1**

**August 2020 to the Law “On acts of civil status” and the procedure for assigning and changing the personal identification number;**

**(d) Criminalize hate speech and attacks against lesbian, bisexual and transgender women and recognize “sexual orientation and gender identity” as aggravating circumstances if they are the motive for committing such criminal offences; and**

**(e) Ensure that lesbian, bisexual and transgender women can freely participate in political and public life by exercising their right to freedom of peaceful assembly without intimidation and reprisals.**

#### **Marriage and family relations**

49. The Committee notes with concern:

(a) That women who undergo a wedding ceremony under religious law (nikah) without civil marriage registration do not benefit from the protection of the Family Code and are denied economic protection upon dissolution of the union;

(b) That the prevalence of non-consensual bride kidnapping and child and/or forced marriage remains high, especially in rural areas, despite their criminalisation under articles 175, 177 and 178 of the Criminal Code;

(c) The high prevalence of domestic violence;

(d) The persistence and social legitimization of polygamy; and

(e) The lack of disaggregated data on unregistered civil unions, polygamy, child and/or forced marriage and bride kidnapping.

50. The Committee reiterates its previous recommendations (CEDAW/C/KGZ/CO/4, para. 36) and recommends that the State party:

(a) **Ensure that religious wedding ceremonies can be administered only after civil registration, including by revising the Law “On Religious Belief and Practice”;**

(b) **Protect the rights of women upon dissolution of religious and customary unions, in line with the Committee’s general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution;**

(c) **Pursue its efforts to combat bride kidnapping and child and/or forced marriage, especially in rural areas, including by addressing their root causes, encouraging reporting, punishing complicity of family members, religious and community leaders or law enforcement officers, establishing mechanisms to detect such cases and ensuring the prosecution and adequate punishment of those responsible, in accordance with the joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child on harmful practices and the recommendations of the Committee’s report on its inquiry under article 8 of the Optional Protocol to the Convention (CEDAW/C/OP.8/KGZ/1);**

(d) **Intensify efforts to combat domestic violence, in accordance with the Committee’s general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19;**

(e) **Effectively enforce the prohibition under Article 179 of the Criminal Code, require civil registration for marriages to have any effect, and raising public awareness of the economic risks for women in polygamous and unregistered unions, including in case of dissolution;**

(f) **Collect data, disaggregated by age, sex and region, to assess the dimensions of the phenomenon of unregistered polygamous and religious unions, child and/or forced marriage and bride kidnapping; and**

(g) **Ensure that women and men have the same rights and responsibilities in marriage and family relations and upon their dissolution, including equal parental**

rights, irrespective of their marital status, and the same rights to choose a family name, profession and domicile, in accordance with article 16 of the Convention.

#### **Amendment to article 20 (1) of the Convention**

51. The Committee encourages the State party to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.

#### **Beijing Declaration and Platform for Action**

52. The Committee calls upon the State party to use the Beijing Declaration and Platform for Action and to further evaluate the implementation of the Convention in the context of the Beijing +25 Review to achieve substantive equality of women and men.

#### **Dissemination**

53. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels (national, regional, local), in particular to the Government, Parliament and the judiciary, to enable their full implementation.

#### **Ratification of other treaties**

54. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

#### **Follow-up to concluding observations**

55. The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12(b), 18(b), 22(b) and 26(e) above.

#### **Preparation of the next report**

56. The Committee requests the State party to submit its sixth periodic report, which is due in November 2025. The report should be submitted on time and cover the entire period up to the time of its submission.

57. The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see [HRI/GEN/2/Rev.6](#), chap. I).