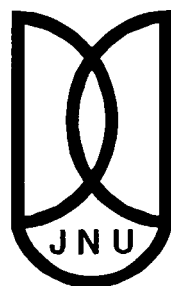


**POLITICAL PARTICIPATION OF WOMEN IN
KAZAKHSTAN 1991-2011**

*Dissertation submitted to Jawaharlal Nehru University
in partial fulfillment of the requirements
for the award of the Degree of*

MASTER OF PHILOSOPHY

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DECLARATION

I declare that the dissertation entitled “**Political Participation of Women in Kazakhstan 1991-2011**”, submitted by me in partial fulfilment of the requirements of the Degree of Master of Philosophy of Jawaharlal Nehru University is my own work. This dissertation has not been submitted for any other degree of this university or any other university.

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FOR

Papa

Who gave me the freedom to follow my ambition.

&

Mummy

Who taught me to have an aim in life.

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Ariba Jalal.
Ariba Jalal

ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CPSU	Communist Party of Soviet Union
EFA	Education For All
FEZ	Free Economic Zone
GDP	Gross Domestic Product
NAP	National Action Plan (For Improving the Status of Women in the Republic of Kazakhstan Programme)
NGO	Non-governmental Organisation
NHRAPK	National Human Rights Action Plan of the Republic of Kazakhstan
MDG	Millennium Development Goals
NSA	National Statistics Agency
OSCE	Organisation for Security and Cooperation in Europe
UNDP	United Nations Development Programme
USSR	Union of the Soviet Socialist Republics
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation

CHAPTER – I
INTRODUCTION

CHAPTER - I

INTRODUCTION

1. Introduction

“Political Participation refers to those activities by private citizens that are more or less directly aimed at influencing the selection of governmental personnel and / or the actions they take (Teorell, Jan. et al. 2007: 334). Political Participation is viewed as “actions by ordinary Citizens directed towards influencing some political outcomes (Teorell, Jan. et al. 2007: 336). In a democracy Political Participation can take various forms, ranging from voting for electing representatives at regular intervals to voting on policies in referenda, forming political groups and engaging in legal or illegal protest. The individuals engaged in such participation likely expect or at least hope that these actions will have some impact on the content of government policies. However, the special effects of political participation might not be limited to outcomes. Political Participation might also effect individual satisfaction and happiness (Shapiro and Winters 2008:4).

A core tenet of most of the scholarly literature and popular thinking about politics is the associations between participation and policy outcomes. Still political participation at its most passive the act of voting for elected representatives has a clear expected link to policy outcomes: we expect that the different candidates and parties for which citizen’s vote will advocate, pass, and implement different policies. Where voters’ preferences differ systematically across groups, and who votes, affects the type of policies that the government implements, including those policies that fundamentally shape the nature of society. In the aggregate, then, political participation has important effects on policy choices and outcomes (Shapiro and Winters2008:4). In addition to the effects of participation on policy outcomes, political participation may matter in a very different way, by providing an individual with direct utility and thereby increasing happiness and satisfaction with life (SWL) in general In *Development as Freedom*, economist Amartya Sen speaks of the freedom to participate as being a key form of development. Sen view’s participation in making decisions that affect one’s life and the lives of others as fundamental to human well-

being. With his co-author Jean Drèze, Sen writes, "Participation can also be seen to have intrinsic value for the quality of life. Indeed, being able to do something through political action for oneself or for others is one of the elementary freedoms that people have reason to value" (2002: 359).

Political Participation of Women in Kazakhstan

Political Participation is part of the political system of Kazakhstan, as established by the constitution and laws and is advanced by citizens, political parties, pressure groups and NGOs. Political participation matters a great deal for women as a group and as individuals. Whether women come together to protest gender-based injustices or they participate in non-gender-specific associations and struggles, the most important group benefit from political participation is influence on decision-making to make public policies sensitive to the needs of the group in question. Women's political participation is most often measured in terms of the numbers of women to be found in formal politics, in public office to which they have been elected. This crude yardstick is made even more so by the tendency to limit it to the number of women in the main legislative house at the national level, excluding not just number of women in regional and local government, but also women elected as magistrates, members of the boards of public bodies such as schools or health facilities, and the like. The reasons for using this measure have to do with simple convenience. There are significant data gaps on numbers of women in local governments and other sub-national elected bodies around the world, and there is such wide variation in governance systems for sub-national communities and public bodies that they are barely comparable (Goetz 2004:2).

The early Soviet period: 1917-1936 ,The Constitution of the USSR, came into force in 1936 and generally known as the Stalin Constitution, provided in Article 122 that Women in the USSR are accorded all rights on an equal basis with men in all spheres of economic, government, cultural, political and other public activity (Soon Tay 1972:668).

The opportunity of exercising these rights is ensured by women being accorded an equal right with men to work, equal payment for work, rest and leisure, social

insurance and education, and by State protection of the interests of mother and child, State aid to mothers of large families and unmarried mothers, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and Kindergartens (Soon Tay 1972:668).

The female equality had been common ground among all the opposition parties that welcomed the collapse of the Tsarist autocracy, socialist and non-socialist. The Provisional Government established after the February Revolution, issued a decree on 15 March 1917, providing for universal suffrage, giving women the vote, and began a program of legislation designed to create a complete system of equal rights for women. The Marxists, both Mensheviks and Bolsheviks, stressed that political rights must be accompanied by economic emancipation. Women were especially prominent, as they long had been, in all the radical revolutionary parties. When Lenin and the Bolsheviks took power in October 1917, they not only wholeheartedly endorsed the socialist program for the emancipation of women, but put some special emphasis on bringing women as women into the work of the Revolution. In November 1,200 delegates to the First All-Russian Congress of Proletarian and Peasant Women met in Moscow to discuss how women's rights could be achieved. The First Soviet (strictly, Russian) Constitution, adopted by the Fifth All-Russian Congress of Soviets in July 1918, proclaimed the equality of all citizens of the (Russian) Soviet Republic regardless of sex, race and nationality in Article 22 and the equal right of men and women to vote and to be elected to the Soviets in Article 64(Soon Tay 1972:669).

The basic tenets of communist ideology as postulated by Karl Marx and Friedrich Engels had stressed that the first example of class oppression was that of the female by the male and was caused by the existence of private property and consequently real freedom for women was possible only through communism.'(Schuster1971:260)

At the start of the Soviet Era soviet leaders were committed to the idea of women liberation in all regions of the country. They advocated the idea of placing women on an equal footing with men in all aspects of economic, social and political life while simultaneously providing them with full moral and material support for fulfilling their role as mother. However women's representation in top party decision making structures and state organs was limited. Also in different regions of the country

women empowerment and political participation was achieved under very different conditions and in very different ways.

After independence, women's participation in politics and governmental structures in Kazakhstan is relatively low and at the high level political decision making it is very limited. The right to participate in the government, the right to elect and be elected to governmental agencies and institutions of local government are established by Article 33 of the Constitution of the Republic of Kazakhstan, and also by Article 21 of the Universal Declaration of Human Rights and in Article 25 of the International Covenant on Civil and Political Rights, which Kazakhstan has acceded to (NHRAPK2007:45).

Although there are no legal restrictions on the participation of women and minorities in politics, yet because of persistence of traditional attitudes few women actually hold high office or play active part in political life. For example, despite government's repeated calls for the representation of women at all levels of decision-making both the government and the President have expressed their opposition to introducing a quota system, as demanded by women's NGOs, and various committees and commissions. NGOs based their fight on the fact that, despite formal equal access to public service and electoral rights, there remains only one women minister among 14 ministers and few women MPs in Kazakhstan. Of 39 Senate members, 5 are women; of 77 *Mazhilis* members, 8 are women. Out of 80 deputy heads of regional administrations, only five are women. There are no female provincial governors (*akims*)¹.

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 only men. 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% women. In the Kazakhstan's bureaucracy, four women head governmental committees and agencies; ten women are Vice-Ministers, or deputy heads of committees and agencies, five women are deputy akims

¹ "Women in politics, governance and decision-making [Online Web] Accessed 25 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>

of regions. The President of the Academy of Sciences of Kazakhstan is a woman. On the international level, three women Ambassadors represent Kazakhstan. With the exception of the UN, Kazakh women are not represented in any international organizations².

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.³

In 2009 the representation of women in the 47 member Senate was only two (4.3%), and 19 in the 107 member Mazhilis (17.8%) of Kazakhstan. In the same year there was just one woman in the cabinet and another was chairing a national agency (US Dept of State 2010; website Inter-Parliamentary Union; UN MDG Indicators). The US Dept of State (2010) mentions that traditional attitudes may hinder women from holding high office or playing active roles in political life, although no legal restrictions on the participation of women and minorities in politics are in existence (Klaveren and Tijdens et al 2010:9).

In the First Congress of Women of Kazakhstan, held in Astana on March 5, 2011 Nazarbayev said Kazakhstan's women played a prominent role in establishing and strengthening the country's independence, and their contribution to population growth is invaluable. Women are active participants of the economy, accounting for about 40 percent of the GDP. The Gender Equality Strategy for 2006-2016 aims to achieve a 30 percent representation of women among the heads of government bodies, among other things. In 2010, the figure was only 10 percent, Nazarbayev noted. "Women are poorly appointed to senior positions both in central and local bodies. Today, there is no woman akim (mayor) of region or city, only three district *akims*, and five deputy

² Ibid p. 2

³ Ibid. p.3

akims of regions,” Nazarbayev, instructed the government to develop a concrete action plan until 2016 to promote women to decision-making level⁴.

2. Review of the Literature

In order to understand the position of women in Kazakhstan one has to acknowledge the work already done highlighting the social, economic and political plight of women in the area.

Political participation in a democracy can take many forms, ranging from voting for representatives at regular intervals to voting on policies in referenda, forming political groups, and engaging in legal or illegal protest. The individuals engaged in such participation expect that these actions will have some impact on the content of government policies. However, Rebecca Weitz-Shapiro and Matthew S. Winters believe that the effects of political participation might not be limited to outcomes. Political participation might also affect individual life, satisfaction and happiness (Weitz-Shapiro, Rebecca and Winters, S Matthew 2008).

In determining the position of women in society it is important to take into account old attitude of male superiority, male domination, traditions and the policies of the state actors in determining the position of women in the high political office. It is generally believed that the Soviet Union represented an emancipatory ideology and politics. However Soviet ruler Stalin, who wanted women to work hard to fulfill his plans, did not appoint them to high political office. He even abolished the Women's Section of the Central Committee of the Party which had been established in 1918. Even if they entered the domain of some sector, they mainly remained clustered to its softer areas like labor force Schuster Alice (1971).

The demographic and economic factors determine the position of women in politics. It has been argued that since women are more numerous than men it becomes their duty to undertake the household and more importantly child birth and rearing than

⁴, “ Women’s Role in Kazakhstan’s development Will Grow(2011), Congress Showed” *A bi-weekly online publication of the Ministry of Foreign Affairs of the Republic of Kazakhstan* [Online :Web] accessed 5 January 2012, URL:[http:// www.mfa.kz](http://www.mfa.kz) Issue # 138

politics. Further it has been found that although women may be politically active their roles are limited to the lower ranks of the government hierarchy. The proportion of female delegates decreases as they move up the government hierarchy. There appears to be a preference to keep women at a level that did not interrupt their roles as householder and child bearer. Besides this there was also an emphasis on the representation of women at Party level which is less compared to that of men. If at all women became part of Party and Government elite, their career graph was different compared to the male counterparts. They held same position for a longer time thus limiting their experience and reducing the chances for promotion at official level (Mary Buckley 1981).

Heer D. M. and Youssef Nadia likewise compare the status of women in Islam with that of Marxism. They argue that Muslim culture is characterized by a traditionally sanctioned institutional structure noted for its strong familism, patriarchalism, a tradition of male supremacy, and the subordination of the women in the social structure (Heer D. M. and Youssef Nadia 1997). They point towards the fact that the criterion of pride and familial prestige depends largely, if not exclusively, upon women's conformity to behavioral norms. This 'honour' is symbolized in the idea of two sex-linked characteristics that distinguish the ideal character of women and men: the sexual purity of women and the manliness of man. Pre-marital chastity of the daughter and sister, sexual fidelity of the wife, the continence of the widowed and divorced mother, daughter or sister - these are basic principles upon which a family's reputation and status in the community depend. It is up to the male to guard the sexual purity, chastity and prudence of his female relatives in his role of father, brother, cousin or male relative, for if the woman's reputation is besmirched the stigma of immoral or unmanly behaviour falls upon him. It is clearly evident that the set of prescribed behavior probably guarantee the male his 'honour' and 'prestige' in the community can be elicited only by perpetuating the economic, social and psychological dependency of the Muslim woman and consolidating her submissive role in the social structure. Further they analyze how in the 1920s, the Soviet regime initiated a very determined assault on certain Islamic customs relating to women. Laws were passed outlawing the payment of bride-price, child marriage, and polygyny. Women were also given the right to divorce, the right to equal inheritance of property, the right to education without discrimination, the right to vote, the right to

be witness in court on the same basis as men, and the right to hold public office (Youssef and Heer1997:167).

The tradition has given rise to some new specific forms of gender inequality, which are determined by the limited mobility of the labour force, poor information on the labour market, and the impact of domestic division of labour. The status of most women is lower than that of men. Moreover Shoji Yuriko (2005) points out that over the period of economic social and political reforms certain areas have appeared most affected by gender inequality like participation in decision making, the employment arena and labour market. The author also discusses that since the time of independence, Kazakhstan has developed institutional mechanism to protect women and improve their status (Shoji Yuriko, 2005). These mechanisms are continuously becoming efficient in all areas of life, specifically the Council for Family and Women's Affairs and Demographic Policy under the President of Kazakhstan. Here in the capacity of serving the government a person (both a man or a woman) can take part in high level decision making regarding family, women and children. Moreover the author points towards the role of international organizations which actively work to support the development of gender issues, combat trafficking and promote women's participation in decision making.

By reading the available literature it can be seen that most of the scholars are concerned with analyzing political participation of women by identifying their role in the society of Kazakhstan and its impact on their condition. These give an insight into the problems faced by women in the past and at present. However, figuring out what it means to achieve gender equality in diverse political institutions and assessing women's participation is the greatest challenge for scholars in this field. The present study attempts to do that.

3. Objective of Research

- To trace the history of Political participation of Women in Kazakhstan
- To analyze the difficulties and impediments in improving and strengthening the Political participation of women in Kazakhstan.
- To examine the impact of Political participation of women on the Politics of Kazakhstan.
- To examine initiatives taken by the government for the empowerment of Women in Kazakhstan and their effectiveness.

4. Research Questions

- What has been status of women in the traditional Kazak society?
- Is there a link between social and political status of women in Kazakhstan?
- To what extent the political participation of women in Kazakhstan has been influenced by the Soviet legacy and the developments in other Central Asian states?
- What has been the contribution of government of the Kazakhstan in the political empowerment of women?
- Has political participation of women in Kazakhstan increased overtime? If not then why?
- What are the ways of improving political participation of women in Kazakhstan?

5. Hypothesis

Although the condition and status of women in Kazakhstan improved because of the progressive welfare policies of the Soviet and the post Soviet Kazakh state, yet due to the traditional social norms and the emphasis given to security and growth issues in Kazakhstan the political participation of women is still inadequate, particularly in the high level decision making bodies.

6. Methodology

The study will employ the historical and analytical framework with qualitative and quantitative method based on available primary and secondary sources. The primary source will consist of the constitution of Kazakhstan, the laws relating to women's issues and the statistics and data on representation of women in government bodies etc. The secondary sources will be books, articles from academic journals, newspapers and internet material. The data analysis of the Central Asia Human Development Report and report on Women's Status in Kazakhstan will also be done. The data and figures available on the websites of the United Nations and as well as on the other website such as International Crisis Group will also be used. The political participation and the status of women's in Kazakhstan are the dependent variable and the main role of the state policies , regime type and the constitutional and legal system of Kazakhstan is being the key independent variables would be the grounds on which I will try to make my research questions.

7. Chapterizations

The dissertation is divided into five chapters

Chapter I is devoted to *Conceptual Framework*. Accordingly chapter is set the background for the study and will reflect on the methodology, justification for choosing the topic and the objectives and limitations of the work.

Chapter II deals *Historical Background: Political Status of women in Pre-Soviet Kazak society and during the Soviet period*. This chapter will be divided into two parts. The first part will discuss the political status of women in the pre Soviet Kazak society. Main objective will be to see if political status of women in present day Kazakhstan is a legacy of the traditional Kazak society. The second part will analyze women's political status within Kazakhstan as a federal unit of USSR. This chapter will also discuss the various welfare measures for women adopted during the Soviet times.

Chapter III presents *the Position of women in the Constitutional and Legal system of Kazakhstan*. This chapter will analyze the Constitutional and Legal provision concerning the women's representation, participation and empowerment in the post Soviet Kazakhstan.

Chapter IV deals with *Women's participation in the Political Processes*. This chapter will deal with participation and representation of women in various state structures and political parties etc. Attempt will be made to asses overall political status of women in contemporary Kazakhstan. The main focus will be on representation of women in the politics of the state, the politico–legal status of women as well as specific rights enjoyed by them.

Chapter V, *Conclusion* summarises major findings of the present study. Moreover, It also embody certain and observations to improve women's political participation.

CHAPTER – II

**HISTORICAL BACKGROUND: POLITICAL
PARTICIPATION OF WOMEN IN PRE-
SOVIET KAZAK SOCIETY AND DURING
THE SOVIET PERIOD**

CHAPTER –II

POLITICAL STATUS OF WOMEN IN PRE-SOVIET KAZAK SOCIETY AND DURING THE SOVIET PERIOD

1. Introduction

In this chapter, an examination of the political status of women in the traditional Kazak society and the Soviet Union will be made. Accordingly, an attempt will be made to analyse the involvement of women in specific political institutions such as electorate, decision making bodies, parliament during the Soviet period. Moreover, an analysis of the pre Soviet Kazakh society will be provided by discussing the occupation and employment of women which was marked by the features of a traditional society. Finally, this chapter will also discuss the various welfare measures adopted for the women during the Soviet times.

2. Pre-Soviet Kazak Society: An overview

Kazakh is a Turkic word. Some scholars assume that this term originally bore the sense of a free person, a wanderer. It gradually acquired a social content, defining the status of an individual or a group that had cut itself off from its clan or tribe (Haydar 1898:273). The consolidation of the Kazakh people was accompanied by the formation of their ethnic identity. Under conditions of a largely nomadic way of life with extensive cattle-herding, the boundaries of the areas occupied by clans and tribes were not clearly defined, but they nevertheless became increasingly definite and comparatively stable in the course of ethnic integration (Adle and Habib 2003:91).

By the 15th century, the Kazakh Khanate was formed, consisting of the descendants of the Saks, Usuns and Kangues of the West Turkic Khanate. The tribes integrated further and reformed into three tribal groups called Zhuzes Senior, Middle and Junior which became known by the ethnic name of 'Kazakhs'.

The origin of the Kazakh people is traced to the 15th century, when a large number of Turkic tribes broke away from Uzbek rule. Other groups followed and a number of Mongolian groups merged with them, bringing the Kazakh population to one million. An identifiable ethnic Kazakh territory existed by the end of the 16th century, occupying all of modern Kazakhstan, parts of Western Siberia, and some parts of northern Uzbekistan (Arat 1955: 498-499).

Nomadic tribes have been living in the region that is now Kazakhstan since the first century BC, although the land has been inhabited at least as far back as the Stone Age. From the fourth century AD through the beginning of the 13th century, the territory of Kazakhstan was inhabited by a series of nomadic tribes. The nomadic economy influenced a gendered division of labor, where men were expected to care for the livestock and the territory while women cooked, cleaned, took care of children, served guests and prepared textiles (Carol and Ember 2003:573). Subsequent to the Mongolian invasion in the early 13th century, administrative districts were established under the Mongol Empire, which finally became the territories of the Kazakh Khanate.

Traditional nomadic life on the enormous steppe and semi-desert lands was characterized through a invariable search for new ground to support the livestock-based economy. The Kazakhs emerged from a mixture of tribes living in the region in about the 15th century and by the middle of the 16th century had developed a common language, culture, and economy. Political disunion, competition among the hordes, and a lack of an internal market weakened the Kazakh Khanate.

Kazakh culture was traditionally a patriarchal one, with much respect being given to men, especially elderly men. Symbols in the culture often represented the power and warrior like behavior, often associated with men. This was seen in many Kazakh households. In villages and small towns women always prepared the food, poured the tea, and cleaned the dishes. Men often lounged on large pillows or stood outside and smoked while women prepared food or cleaned up after a meal. Men did work around the house, but it was usually with the horses, garden, or car. There are many marriage and courtship customs that further assert the male as dominant in Kazakh society (Countries and their Cultures: Russia: 2012: 11).

The beginning of the 18th century marked the zenith of the Kazakh Khanate. The following 150 years saw the gradual colonization of the Kazakh-controlled territories by tsarist Russia. The process of colonization was a combination of voluntary integration into the Russian Empire and outright seizure. The Little Horde and part of the Middle Horde signed treaties of protection with Russia in the 1730s and 1740s. Major parts of the northeast and central Kazakh territories were incorporated into the Russian Empire by 1840. With the Russian seizure of territories belonging to the Senior Horde in the 1860s, the tsars effectively ruled over most of the territory belonging to what is now the Republic of Kazakhstan(USDS 2009:2).

During the period of rule in pre Soviet Kazakhstan Kereit women, possibly because of the sophisticated image of Sorqhaqtani, were viewed, according to Professor Eitzen, as having higher status than other Mongol women. For some Kazak women, a Kereit genealogical past is a throwback to a time when Kazak women played a role in society not linked to the more submissive strictures of Islam. Yet as Professor Paula Michaels has pointed out in her essay on medical traditions among Kazak women, their status was not affected by the coming of Islam because of the traditions and constraints imposed on tribal Kazak society by a nomadic lifestyle. In fact, Professor Michaels argues, Kazak women traditionally played a very important role in a society that was not hindered by the idea of private property and the socio-economic inequalities that often followed from that. Ties to a Mongol imperial past, though, always had to be filtered through the Russian and Soviet linkages of Mongol nomadism with barbarism (Crowe 1998:398).

3. Kazakhstan under the Soviet Rule

In Kazakh economy women have always played a significant role that grew out of a rural nomadic system. Nomadism generated customs and traditions that inclined all spheres of human activity on the steppe. Ever since Women were high quality and reliable workmates in the difficult nomadic routines, their position of Society, family, and clan was advanced. They were never veiled and generally less restricted than women of non-nomadic Turkic groups.

The Kazakh nomad society was traditionally organized in large patriarchal families or family fraternity. The family and the patriarchal line were and still are very important for Kazakhs. A Kazakh Women's important position in society was demonstrated in the birth and marriage rites and in some of the old customs connected with these rites. It is striking that according to Kazakh Customary Law dowry goods could not be disposed of without the wife's consent and were not part of the husband's patrimony. This custom undoubtedly contributed to the Kazakh women's economic independence (Mendikulova 2008:21-22).

Between the late 18th and the early 20th centuries Russia conquered the Kazakh land, it transformed the traditional social, economic and political structure, which also influenced the position of women. Nonetheless there were some outstanding Kazakh women who were involved in ruling their clans or were members of the local authorities (Mendikulova 2008: 22). In 1917 after the establishment of the Soviet power in Kazakhstan, its policy on the position of Women and their role was anti-patriarchal. One of the first Soviet decrees declares that women and men had completely equal rights. Same year the country's patriarchal customs and subjugation of Kazakh women were declared illegal. The Kazakh women like Alma Urazbaeva, Sara Esova and Madina Begalieva fought for Soviet power in Kazakhstan. In 1923 a very productive special committee on the women's question was established in Kazakhstan (Mendikulova 2008:23).

Kazakhstan's industrialization drastically altered both the conditions in which women were employed and the division of female workers among the different sectors of the economy. The intensity of women's employment rose extremely swiftly, especially among ethnic Kazakhs. The majority of the Kazakh women were involved in collective farms and were active in socio-political activities. The economic changes occasioned by collectivization and industrialization had a greater impact on the employment of Kazakh women than on the women of other ethnic groups.

During the whole history of the Kazakhs, women as well as men had to fight against rival tribes and people. Kazakh Women fought in the wars with the Mongols and they took part in the many uprisings against the Russian colonization of Kazakhstan. During 1916 they were active members of the National Liberation Movement in

Kazakhstan, later they fought in the civil war (1918-1920). Following the Second World War many Kazakh women worked in government position in Kazakhstan. More than 250 were busy in the political activities in the Supreme Council of the Kazakh Soviet Socialist Republic and 50,000 women worked in local councils. Fourteen or more Kazakh women were even deputies of the Supreme Soviet of the USSR (Hammerle, Christa.et al. 2008:25).

To a certain extent few of these Kazakh women were in powerful political positions. Azure Omarova was Vice Prime Minister of the Kazakh Soviet Socialist Republic, Sheker Ermagambetova was Vice Chair of the Supreme Council of the Kazakh Soviet Socialist Republic, Bishamal Ramazanovna Ramazonova was secretary of the Supreme Council of Kazakhstan was a position that was always held by women in the Soviet period.

Ideologically the Marxist and the Soviet Bolshevik tradition have stood decisively and unequivocally committed to the social, political and economic emancipation of women. Woman was to be freed from her low place in traditional social and familial hierarchies, from the duty of unquestioning obedience to father and husband. Industrial production, which was already undermining her economic dependence on the male breadwinner, would be infinitely expanded, communalized and humanized under conditions of socialism. Women would cease to be mentally and physically stunted by lives of unremitting household drudgery; they would be freed from what Trotsky called the mind- and soul-destroying tyranny of nursery and kitchen, from a world that kept them out of politics, society and culture unless they belonged to the privileged few who were in fact, and virtually in status, superior courtesans (Soon Tay1972: 662).

As an ideology, Marxism has stressed the rights of women to a degree perhaps unparalleled among political movements. It has highlighted the subordinate position of women with respect to men in the capitalist system, denigrated attempts to achieve equality for women solely by legal means, and contended that female equality could only be achieved under a socialist system in the context of full participation of females in the labour force and the transformation of childbearing and housekeeping

into public responsibilities. The following quote from Frederick Engels, written in 1884, illustrates the Marxist viewpoint:

The modern individual family is based on the open or disguised domestic enslavement of the women.... In the family, he is the bourgeois; the wife represents the proletariat.... The democratic republic does not abolish the antagonism between the two classes; on the contrary, it provides the field on which it is fought out. And, similarly, the peculiar character of man's domination over women in the modern family, and the necessity, as well as the manner, of establishing real social equality between the two, will be brought out into full relief only when both are completely equal before the law. It will then become evident that the first premise for the emancipation of women is the reintroduction of the entire female sex into public industry; and that this again demands that the quality possessed by the individual family of being the economic unit of society be abolished (Heer and Youssef 1977:155-173).

The present Constitution of the USSR, enacted in 1936 and long called the Stalin Constitution, provides in article 122 Women in the USSR are accorded all rights on an equal footing with men in all spheres of economic, government, cultural, political and other public activity(Soon Tay1972:668). The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by State protection of the interests of mother and child, State aid to mothers of large families and unmarried mothers, maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens.

The opportunity for the attainment of these rights of women is guaranteed by the provision of rights equal to those of men with respect to work, pay, rest, social security and education, with governmental protections of the interests of mothers and children, governmental aid to single mothers and the mothers of many children, the granting of paid pregnancy leaves, and a broad network of maternity homes, crèches, and kindergartens.' Although most Western scholars are agreed that women in the USSR by no means attained equality with men as regards level of occupational achievement, there is also consensus that compared with most other nations the inequality is less. In the words of one high-ranking Soviet female academician: 'Here in the Soviet Union, when we women get together, we talk about what we are doing, not what our husbands are doing (Heer and Youssef 1977:155-173).

The principle of female equality, of course, was common concern of all the opposition parties that welcomed the collapse of the Tsarist autocracy, socialist and non-socialist. The Provisional Government established after the February Revolution, in a decree of 15 March 1917, provided for universal suffrage, thus giving women the vote, and began a program of legislation designed to create a complete system of equal rights for women (Soon Tay 1972: 668). The Marxists, both Mensheviks and Bolsheviks, stressed that political rights must be accompanied by economic emancipation. Women were especially prominent, as they long had been, in all the radical revolutionary parties. When Lenin and the Bolsheviks took power in October 1917, they not only wholeheartedly endorsed the socialist program for the emancipation of women, but put some special emphasis on bringing women as women into the work of the Revolution. In November 1,200 delegates to the First All-Russian Congress of Proletarian and Peasant Women met in Moscow to discuss how women's rights could be achieved. In January 1918, the Third All-Russian Congress of Soviets adopted the Declaration of the Rights of the Working and Exploited People, treated by subsequent Soviet writers as the first formal act of the Soviet Regime clearly implying the political and revolutionary equality of men and women.

The First Soviet (strictly, Russian) Constitution, adopted by the Fifth All-Russian Congress of Soviets in July 1918, proclaimed the equality of all citizens of the (Russian) Soviet Republic regardless of sex, race and nationality (art. 22) and the equal right of men and women to vote and to be elected to the Soviets was mentioned in article 64 (Soon Tay 1972: 669).

The 1926 Family Code marked the high water point of Soviet policy of eliminating "counter-revolutionary" influences on and within the family and of furthering the emancipation of women as a Marxist and Russian revolutionary ideal. Overcoming the economic and social dependence of women, the code required two fundamental preconditions: entry of women into economic production, giving them independence and social equality, and taking over household and childrearing as matters of public, social and State concern. Both themes were very much at the center of Soviet writings and public pronouncements in the 1920s. The citizen's right (and duty) to work proclaimed by the First Soviet Constitution of 1918 became a guaranteed right only under the 1936 Constitution.

Article 118 of the constitution of the Soviet Union defines the right to work as the right to guaranteed employment and payment for the work in accordance with its quality and quantity; this right "is ensured by socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment"(Soon Tay1972: 682). Article 122, as we have seen, declares women to have economically, politically and socially completely equal rights with men (Soon Tay1972: 682). The right of women to work is described by a representative writer "as encompassing the following related elements: the right to receive the same pay as men on the basis of ability; freedom to choose kinds of work and trade or professional training; the right of women to special protection of their work and to domestic conditions conducive to work" (Soon Tay1972: 682).

The right of Soviet women to work was dictated by the practical consideration of maintaining the family. The Soviet doctor or engineer who earned 125 to 140 roubles a month could not maintain a wife and even one child on that salary; it was assumed that his wife would also work. Soviet sources emphasize strongly the social prestige associated with working and the social opprobrium cast upon the non-working wife, at least if she is not obviously and devotedly involved in domestic duties (Soon Tay1972: 682).

Central to the theme of study is also the concept of empowerment which is hailed by the feminists. Empowerment is a process in which "oppressed persons gain some control over their lives by taking part with others in development of activities and structures that allow people increased involvement in matters which affect them directly"(Dmitriy and Evelyn 2004:441). Throughout the world, women have used various strategies for empowerment. These have ranged from participation in the formal governance of a country to local activities such as sewing and gathering food within an informal network (Dmitriy and Evelyn 2004:441).

Consequently, it is essential to appreciate that women's organizing and political activism has a long history in the former Soviet Union. Women were politically active throughout the Soviet era and evolution to democracy, although both periods created very different contexts and thus challenges for women. Under Socialism, recognized

equality was state sanctioned, imposed from above by the Communist Party of the Soviet Union (CPSU). The state claimed that women had equal rights with men and hence promoted women's education and employment, conceded labor laws, legalized abortion, provided generous maternity leave and benefits, and offered in effect free child care. Socialist policies helped women reach certain political and economic goals, and unprecedented heights in science, arts, industry, and education. In 1990, approximately half of the workforce was women, and literacy for both males and females was at an impressive 99%. Full employment for both men and women was one of the Soviet ideals, and approximately 90% of adult women were either employed or in school.

At the same time, it is surely open to discussion whether the socialist rulers were genuine in widely proclaiming the goal of establishing gender equality on the practical level. For example women were well within the limits of the unspoken 30 percent quotas when it came to lower and medium level political management, they remained underrepresented in high political positions within the CPSU hierarchy (Dmitriy and Evelyn 2004:442). Women also carried double burden because they not only were expected to work outside the home but also had the majority of responsibilities within the home in terms of child care and domestic labor, typically without labor-saving mechanical devices and hours spent in food lines. During the Soviet period, the fact was that community activity was institutionalized by the state. For example, in the late 1970s, statutory standing commission, such as the For the Problems of Labour and Everyday Life of Women and Mother and Child Protection, were organized (Dmitriy and Evelyn 2004:442). Women were not permitted, however, to independently organize and advance their own interests outside of state structures. The CPSU controlled all aspects of governance and discourse; political opposition was illegal.

According to Bebel, Engels, Marx, Kollontai and Lenin, a prerequisite of female emancipation is economic independence. Only through participation in the labour force outside the home can "the open or distinguished domestic enslavement of the women' begin to be challenged (Buckley: 79). Furthermore, a necessary condition for the successful outcome of class struggle is the integration of the sexes within the working class. Marx and Engels did not envisage that socialism would be won

through the economic oppression and subsequent revolt of one sex alone, any more than political change towards socialism could be activated by one sex to the exclusion of the other. As Lenin put it:

You cannot draw the masses into politics without drawing women into politics as well. For the female half of the human race is doubly oppressed under capitalism (Lenin 1977:85, Buckley 1981: 80)

Women's position in the Soviet workforce was particularly interesting because successive Soviet leadership had paid lip-service to the goal of equality of the sexes. This raises the question of the extent to which equality had been promoted. In fact, the Soviet labour force was heavily dependent upon female labour, including those involved in childbearing and nursing. In 1928 women constitute 24% of the labour force.

The other index of analyzing the status of women is the political participation of Women in Soviet Union. Until 1980 women constituted no less than 35% of the Supreme Council due to the quota system in Kazakh Soviet Socialist Republic. Democratic transition and development of the country brought about the cancellation of such quota system which negatively influenced women representation in decision making bodies. They also emphasized the extent, in comparison with most Western countries, to which women have been accepted in all branches of useful work and their high representation in the judiciary and political organs. To the outsider, however, it is still striking that Soviet women remain very strongly under represented not only in the very highest organs and in the genuine centers of power but even in the Communist Party itself, where women, in 1967, formed 20.9 percent of the membership (Soon Tay 1972:682).

According to figures published in 1969 by the Central Statistical Office of the Soviet Ministries of the USSR, the 1966 elections to the Supreme Soviet of the USSR resulted in the election of 425 women deputies or 28% of the total number of 1,517 deputies. In the Supreme Soviets of the Union and Autonomous Republics in 1967 2,983 women were represented or 34% of the total; in the territorial, regional and other local soviets of workers' deputies, there were 875,303 women or 42.8% of the

total (Soon Tay 1972:683). These women included workers, teachers, doctors, engineers, scholars and others. There were women ministers, deputy-ministers in Union and Republican ministries, chairmen and deputy-chairmen of the Presidium of the Supreme Soviets of the Republics, chairmen, deputy-chairmen and secretaries of the executive committees of local soviets of workers' deputies, supervisors of government committees and other societies.

Because of past Sovietization, women in Kazakhstan have long been accustomed to the idea of and the right to paid work. However, household work and chores have never been recognized as a shared responsibility. Women, therefore have the double burden of work outside and within the home. Sovietization limited the impact of Islamic-based constraints on participation in public activities, such as education. However, as Kazakhstan is embroiled in developing a national identity there may very well be a resurgence of Islamic fundamentalism. As early as 1990, an NGO was formed on the basis of women's Muslim identity. The League of Muslim Women of Kazakhstan is a national NGO and receives part of its funding from Islamic countries. However, political affiliation on the basis on religion is illegal and many Muslim groups have complained of persecution from the secular state ((IWRAW 2000: CEDAW/C/KAZ/1: 1).

Certain regional traditions reinforce sex roles that inhibit women's full political participation. In southern Kazakhstan, for example, bride stealing still occurs to some extent. In the southwestern region a cultural pattern of having large families burdens women and exacerbates conditions of severe poverty. The age for voting is the same for both men and women at 18. While women have become actively involved in NGO activity, their representation within the higher ranks of government office has been negligible. Women only make up about 11 percent of the Legislature and 3 percent of the Cabinet. Current numbers may be contrasted with the situation of Soviet times. "Allocation of a certain number of seats for women in the Supreme Soviets of the USSR and Union Republics created an outward show of equal participation in state government. The activity of women leaders in district committees and city committees of the Communist Party, as well as in executive committees, was quite noticeable." However, during the Soviet period, women did not occupy top positions within the party.

Soviet women participated for extended periods of time in economic and social roles than in political roles. Although women in most advanced industrial nations tend to be less politically active than men, in the USSR there was a sounder excuse for this since a higher percentage of women work full time often in physically demanding work, unsupported by their husbands in housework and childrearing (Buckley 1981: 98).

Although Soviet women had the right to vote since the Revolution, the totalitarianism of the State made this a somewhat empty privilege. Real political power was attached to Party membership and high rank within the Party. In 1972, only 23% of Party members were women even though women outnumbered men in the general population. Chances for Party membership were 1 in 8 for men and 1 in 40 for women (Shoemaker1983:46). The increasingly complex political hierarchy, in which women are found predominantly in the lower ranks, means that women have little influence on policies (such as the pronatalist policies) which affect their lives. At that time Party recruitment efforts among women may reflect the Party's desire to gain representation in newly expanding service and white-collar sectors which are dominated by women rather than an attempt to redress the sex imbalance in Party membership (Shoemaker1983:47).

Other political patterns which was not conducive for sex equality in Soviet society included the dominance of men in war-related industries, male control (through the Party) of the central institutions of the society, increasing general stratification since Stalin's reintroduction of wage-differentials between workers, and increasing separation between public and private spheres. The ban on voluntary associations in the U.S.S.R. has had an effect on the plausibility of social movements (Shoemaker1983:47). The women's movement in Russia has traditionally been under the control of men. Women were dependent upon the predominantly male leadership of the Party for policies which affect their lot: they could not work on their own behalf for changes. Emphasis on sex equality has drastically abated since the early Soviet period, although the same rhetoric is still used. Without an autonomous women's movement, women's issues did not get much attention in the U.S.S.R (Shoemaker1983:47).

All societies make prestige contingent upon certain chosen characteristics of their members. Male status in the Soviet Union was primarily based on occupational and Party status. Women tended to be low in status by these criteria, since many women's jobs were unskilled and low-ranking, especially on the kolkhoz, and few women belong to the Party, especially at higher levels. An alternative method of obtaining status for women is through motherhood and homemaking, but this was difficult given women's duty (and financial necessity) to engage in market work. Most women, including rural women, chosen to compromise between these demands by having fewer children and limiting their professional commitments. They therefore were not likely to attain high status in the society (Shoemaker1983:47).

Through Soviet affirmative action policies, Kazakh Women started to take on leadership roles in modern political system. As a general rule, women have successfully worked as middle level managers, especially in the educational and welfare sectors of the government, but they have had more difficulty reaching upper level position. The number of women occupying political position of power has decreased in the post-soviet period.

4. The Islamic Influence in the Soviet Union

According to the 1970 Census of the USSR approximately 15 per cent of the total population (about 35 million persons) belonged to nationalities which traditionally had adhered to Islam. Persons of these nationalities were mostly concentrated in the five Central Asian Republics (Kazakh, Uzbek, Kirgiz, Turkmen and Tadzhik) and in the Transcaucasian republic of Azerbaidzhan. However, many persons of Islamic nationalities are also found in the Russian Republic, particularly in the north Caucasus region and in the area between the Volga and the Urals. Historically, there were two reasons for the presence of persons of Islamic nationality in the USSR (Heer and Youssef 1977: 156). First, the Tatars, a Mongoloid group who were converted to Islam, overran much of Russia in the thirteenth century and remained its rulers for some 250 years. Much of the Islamic population of the Russian Republic dates from the period of Tatar domination. Secondly, the Russian armies succeeded in conquering Azerbaidzhan in the late eighteenth and early nineteenth centuries, and

Central Asia in the 1860s and 1870s. Following the revolution of 1917, the new Soviet government succeeded in retaining these areas despite considerable local opposition (Heer and Youssef 1977: 156). The attitude of Islam toward women is in great contrast to that of Marxism. Muslim culture is characterized by a traditionally sanctioned institutional structure noted for its strong familism, patriarchalism, a tradition of male supremacy, and the subordination of the women in the social structure. The criterion of pride and familial prestige depends largely, if not exclusively, upon conformity to behavioural norms that are conceived as having to do with family or male 'honour'. This 'honour' is symbolized in the idea of two sex-linked characteristics that distinguish the ideal character of women and men: the sexual purity of women and the manliness of man. Pre-marital chastity of the daughter and sister, sexual fidelity of the wife, the continence of the widowed and divorced mother, daughter or sister, these are basic principles upon which a family's reputation and status in the community depend. It is up to the male to guard the sexual purity, chastity and prudence of his female relatives in his role of father, brother, cousin or male relative, for if the woman's reputation is besmirched the stigma of immoral or unmanly behaviour falls upon him. Such principles of honour are at the highest level of cultural valuation and have a clear structural meaning. They reflect a solid corpus of values which control behaviour and act as effective checks on social relationships (Heer and Youssef 1977: 157).

As Western scholars and specialists in the Soviet Union have implied in their analyses, all of these diverse problems directly or indirectly reflect the frustrations of Soviet women as a group; and all of these various problems derive to some extent from the constant inability of Soviet women, as a major affected group, to have their distinct views and alternatives effectively expressed in main policy-making centers of the Soviet leadership. Because of the approximately complete absence of women from these major policy making centers, troubles have continued to be defined and solutions offered from the same narrow range of patriarchal attitudes and biases to be expected from the tremendously male-dominant nature of the policy-making leadership itself. The predominance of male biases and attitudes in policy-making would not be exclusive to the Soviet political system, nor would women constitute the only group to whose views the leadership has been steadily unresponsive. Yet, even more directly than for the unrepresented views of other potential groups in the Soviet

policy-making process, a direct causal association could be assumed between the process by which women have been almost totally excluded from the policy-making elite and the very conservative male prejudices inherent in much of Soviet domestic policy. That women have been denied access to the Soviet political elite and a significant voice in policy contradicts a long standing tenet of official doctrine that asserts the economic, social, and political equality of women in the USSR. Although the political consciousness of Soviet women may not have reached the point where they have sounded an open challenge to this tenet, two recent studies by Western political scientists clearly substantiate the marginal political status attained by women in Soviet society, particularly in their exclusion from influential leadership positions in the central Party power structure.

Basing their findings primarily upon aggregate statistics of membership in the Union republic and All-Union Central Committees and state councils of ministers, both Barbara Jancar and Gail Lapidus are able to demonstrate, from a broad historical perspective, that women have traditionally been underrepresented in these key policy-making organs. Like the female chairman of the All-Union Council of Nationalities in the Supreme Soviet, Ia. S. Nasriddinova, whose only apparent function during her brief tenure was the organization of receptions for visiting delegations from the Third World, individual women at best have been conspicuously placed for their external propaganda effect (Moses 1976: 526).

Influential female professional politicians, however, have been relatively few in the Soviet system, for the political ambitions of such women are typically thwarted at an early period of their political careers by their diversion into secondary "female" positions. As an indication of their secondary political status, a high proportion of women may be found among all deputies elected to the local urban and district Soviets (comparable to city and village councils in the United States), although even an authorized review of Party cadre policy in the All-Union Central Committee was recently forced to admit that, as late as 1973, less than 4 percent of all urban and district Party first secretaries were women, and that women were completely absent as chairmen of urban and district executive committees (comparable to mayors of cities and villages in the United States) in the state apparatus of a number of oblasts, krais, and republics (Moses 1976: 526-527). Both Jancar and Lapidus would thus conclude

that the informal structure of career opportunities, supported by male prejudices, clearly weighs against women's attaining a significant numerical influence in the Party power structure; and Lapidus, for one, finds a striking similarity to other societies in the subtle factors that have impeded female political advancement in the Soviet Union. As substantial as their data and historical perspective may be, both Jancar and Lapidus are less successful in offering conclusive explanations for the lack of political power among Soviet women. For example, they contend that the recruitment policies of the Party and the socialization process incline women to accept early political sex roles or functions from which they will have little opportunity for career advancement or mobility into higher levels of the political system. Evidence that women were discouraged from pursuing any but very secondary roles in the political system has been found in the low percentage of professional political women ever elected to the pinnacle of the power structure, the All-Union Central Committee. Because they are tracked into defined "female" political roles early in their careers, women will be precluded from forming those associations and demonstrating those leadership capabilities that would later qualify them for advancement to influential positions meriting simultaneous election to the Central Committee (Moses 1976: 527).

5. Welfare Measures for Women Adopted During the Soviet Times

Welfare is a necessary provision for the overall development of a Country. A Welfare State is responsible for, first, building an efficient framework and second, dispensing social service to all its citizens, combating social exclusion and subsequently promoting balance and sharing of responsibilities between the State and the citizens. The concept 'equality' and 'social justice' guarantees maximum welfare to the citizenry. Transparency and mutual co-operation among the three principal actors – State, Labour Market and Citizens, eventually leads to a successful Welfare State.

With the coming of Soviet Union came the changes and opportunities for women otherwise denied in pre Soviet Kazakhstan. In Soviet Union women enjoyed advantages, varying from state-supported childcare institutions, full abortion rights, to employment in a wide choice of trades and professions, and a degree of economic

equality with their male counterparts unmatched anywhere else in short, a status in some ways far in advance of capitalist societies today.

In Tsarist Russia woman had no rights whatever. She was disfranchised. The doors to government and civic activities were closed to her. The humiliating Tsarist laws regulating marriage relations made a actual slave of her. It was considered quite natural that there were more women than men among the illiterates (Pichugina 2002: 1).

A large number of the working class women were predominantly joyless. It was the working woman, often a minor, who did the most unskilled and back-breaking work, for which she received a much lower pay than the man. Like the man, she had to work ten and twelve hours a day, her life was one of semi-starvation, ignorance and want. Frequent periods of unemployment and savage exploitation were factors contributing to the break-up of the working class family.

Although Marx and Engels opposed the traditional family because of its property-holding functions, it is likely that the Bolsheviks opposed it because it diverted loyalty from the State (Shoemaker 1983: 44)

Despite the obstacles, the occupational distribution of women in the USSR was impressive although women held traditional women's jobs and/or lower level positions (Schwartz 1979; 74).

Nor was the position of the peasant woman, who worked from dawn to dusk without a moment's respite, any better. As for the women of the numerous smaller nationalities their lot was the most miserable of all. Thus, for instance, the: woman of the eastern regions of Tsarist Russia was deprived of the most elementary human rights. She was forced to conceal her face with the *parandjlah*, the traditional oriental veil (Pichugina 2002:2). She was forbidden to sit at table with the men. The birth of a daughter was considered a misfortune, and if several girls were born to a family it was regarded as a disgrace.

Although women until near the end of the Tsarist Russian regime were universally considered inferior and were subject to men in everything, still the women in the working and peasant classes did as much physical work as did the men, which means that they were a very important economic factor (Alice Withrow Field 1932:53-72).

On the other hand the Soviet Union was a Universalist and egalitarian welfare state which resembled Esping-Andersen's social democratic model. It came through the working class revolution and supposedly was reflecting the situation of working classes. The good living standards were provided by the state in exchange for political compliance of the citizens (Rose and Toni 1995: 203-224).

The ideological doctrine of gender equality encouraged the move towards higher participation and educational levels for women, but paid only lip service to supporting this move on the household front. Historical events-the revolution and civil war, the collectivization drive, and the Second World War-amplified some of these trends beyond the changes called for by normal economic development. Women's labor force participation was accelerated especially during and after the war to compensate for the heavy loss of men (Aaron Vinokur and Ofer Gur 1985: 330)

With the coming of the Great October Socialist Revolution in 1917 came emancipation of woman, giving her full equal rights with man. The 1917 Bolshevik Revolution made these gains possible. No mere cosmetic gloss on the surface, the Russian Revolution was, in the words of historian Richard Stites, a

“classical social revolution a process not an event, a phenomenon that cannot be fused, triggered, or set off by a mere turnover of power which confines itself to the center and confines its efforts to decrees and laws enunciating the principles of equality. True social revolution in an underdeveloped society does not end with the reshuffling of property any more than it does with the reshuffling of portfolios; it is the result of social mobilization. Put in plain terms, it means bodies moving out among the people with well-laid plans, skills, and revolutionary euphoria; it means teaching, pushing, prodding, cajoling the stubborn, the ignorant, and the backward by means of the supreme component of all radical propaganda: the message and the conviction that revolution is relevant to everyday life” (Stites2006:1).

This meticulous effort to restructure society was made possible by the destruction of Tsarist/capitalist rule and the Bolshevik-led seizure of power by the Soviets workers and peasants councils in October 1917. The estates of the landed nobility were abolished and the land nationalized; industry was soon collectivized. The new workers state took the first steps toward planning the economy in the interests of the toilers. This brought enormous gains to working women. The Russian Revolution

sought to bring women into full participation in economic, social and political life. Article 137 of the Constitution of the U.S.S.R. declares: "Women have the right to elect and be elected on equal terms with men" (Stites 2006:1).

The Bolsheviks began passing laws on Women's Rights in 1917. These were later modified, but basically they were as follows: Every person, whether man or woman, must have an equal chance at those advantages which the society affords. Both men and women must have the right to earn their own livings. They must have equal opportunity of educating themselves, and one group must not discriminate against the other in the matter of recreation. As one Communist said: "We want life to be like an open table from which the individual, regardless of his sex or mentality, can take that which interests him" (Alice Withrow Field 1932:53-72).

During the Soviet period there was a comprehensive welfare state, based on the principles of social solidarity. Education and health and other social services care were provided free and, with a guarantee of full employment, unemployment was unknown. The great Russian democrat of the past century, **N. Chernyshevsky**, who did so much for the cause of education in Russia, wrote:

"With what a true, powerful and penetrating mind nature has endowed woman; and this mind remains of no use to society, which spurns it, crushes it, smothers it, although the history of mankind would progress ten times as rapidly if this mind was not spurned and killed, but were exercised" (Pichugina 1939:13)

For those unable to work there was an extensive system of invalidity and old age benefits, and for families with young children generous child benefits. Coverage of benefits was universal and almost every household was eligible for at least one. In addition to cash benefits there were numerous 'benefits in-kind' including free pre-school and child care, free or heavily subsidised holiday camps, subsidised housing and utilities, free cultural and sports facilities and generous maternity leaves. Many of these social welfare benefits were provided via the industrial (Falkingham 1999:38-39).

The Soviet poor were pensioners, families with large number of children and single parent families. The category that described these groups was 'under-provisioned

(Falkingham 1999:15). This was a means-tested way of welfare provision similar to liberal model of welfare state. Yet individual choices in obtaining welfare were discouraged (Richard Rose and Makkai Toni 1995:203).

The social transfers in Soviet Union composed 14% of total gross income and 96% of work force was employed by state-owned enterprises (Falkingham 1999:8). Trade Unions were responsible for provision of social benefits. The employers provided health care and child care. Therefore, people who were not employed lost a great deal of social benefits which resembles the conservative welfare state model.

In the 1920s, the Soviet regime initiated a very determined assault on certain Islamic customs relating to women. Laws were passed outlawing the payment of bride-price, child marriage, and *polygyny*⁵. Women were also given the right to divorce, the right to equal inheritance of property, the right to education without discrimination, the right to vote, the right to witness in court on the same basis as men, and the right to hold public office (Heer and Youssef 1977:157).

In 1921, laws concerning Women's Rights were made specific, and have occasionally been modified though no serious changes have been made since 1926. Since that time no employer has had the right to refuse a woman a position simply because of her sex. Also since that time women could not be hired to work for more than eight hours in every twenty four, nor are they allowed to do night work except in the case of certain easy office work (Alice Withrow Field 1932:53-72).

The Zhenotdel (Women's Department) of the Communist Party of the USSR was set up to guarantee that the new rights granted to Soviet Islamic women were actually made available. In 1927, the Communist Party initiated a public campaign to force the unveiling of women. This effort evoked a massive backlash on the part of Islamic males. Furthermore, a large number of Islamic males succeeded in evading the new laws relating to bride-price, child marriage, and *polygyny*. In the face of the strong resistance which had been provoked, the Communist Party changed course in 1929,

⁵Polygyny means The condition or practice of having more than one wife at one time also see at <http://www.answers.com/topic/polygyny#ixzz20i66U7H4>

and put a brake on its highly concentrated campaign to ensure women's rights in the Islamic parts of the USSR (Heer and Youssef 1977:158).

Further D. M. Heer and Nadia Youssef have also assessed the impact of Marxist ideology upon the Islamic nationalities, as reflected in the status and position held by Muslim women in the USSR. This has been done by selecting institutional position of women that include the educational attainment of women relative to men, the relative participation in the paid non-agricultural labour force of females compared to males, and the burden of child dependency. The findings reflect slight tendency for the relative labour-force participation of women in the six Islamic Soviet republics to increase more rapidly than in the USSR as a whole (Heer and Youssef 1977:158). By 1970, the relative participation of women in the non-agricultural labour force in the Islamic republics of the USSR was far greater than in Islamic nations of the Middle East and North Africa. Also the relative educational attainment of women is much higher among Soviet Islamic nationalities than among Islamic nations of the Middle East and North Africa (Heer and Youssef 1977:158).

Moreover the Law of Equal Protection in the 1977 constitution continued the tradition of the 1936 constitution with respect to equal protection of law. It provided, *inter alia*, that all Soviet citizens were equal before the law regard-less of their national origin, social or property status, race or nationality, sex, education, language, religious beliefs, nature or type of employment, place of residence, or any other personal characteristic (Heer and Youssef 1977:158). On its face this provision means, among other things, that in the eyes of Soviet law a Russian or Ukrainian citizen had the same rights and obligations as does the Uzbek or Lithuanian. It meant that the worker (the industrial proletariat) would receive the same treatment under law as the peasant or member of the intelligentsia.

To fully understand the proper meaning of the equal-protection provision of article 34 of the constitution, one must bear in mind several other relevant principles of modern Soviet constitutional law. The Soviet constitution did not prohibit certain exclusive gender-based rights as long as those rights are associated with biological or anatomical considerations and do not result in invidious discrimination against members of the other sex. For example, it is not a violation of the equal-protection

provision of article 34 for the state to grant maternity leave with pay to expectant or nursing mothers. Maternity privileges are seen as peculiarly gender-based and as such do not discriminate against men. By the same reasoning, it is not viewed as violative of the spirit of article 34 for the state to lower the age of retirement for women or to impose military duty solely on male citizens of the USSR.

In these three cases, the legislative choice of unequal treatment of the sexes may not successfully be challenged under the equal protection clause of the USSR Constitution. Third, the equal-protection provision of article 34 elevated to the constitutional level protection of illegitimate children and unwed mothers against discrimination. It does not however preclude preferential treatment of such people under certain circumstances. Soviet law operated on the unarticulated assumption that all children, including illegitimates, are children of the state and that the state was the supreme father of all of its children. Since the single mother had no lawful husband to help her bring up her child the state comes to her rescue through package legislation designed to secure her equal treatment under law (Osakwe 1979:1387).

Nevertheless, labor legislation in the U.S.S.R. took account of the physical limitations of women and did not allow them to do work that was beyond their strength. Thus, for instance, Soviet law forbids the employment of women and young people below the age of 18 in industries which are considered hazardous to health. From the sixth month of pregnancy expectant mothers, as well as nursing mothers during the first six months of feeding their infants, are strictly barred from work on night shifts.

6. Shortcomings of the Soviet System According to Welfare Theorists

Standing (2001) argues that despite the visible egalitarianism of the Soviet welfare state, there were serious distortions of the concept due to the totalitarian nature of the Soviet state (Esping-Andersen ed. 2001: 227). The social support was based on individuals but planned centrally at very high levels without taking into account the real needs of the individuals. The wages were very low because the goal of the state was to 'decommodify labor' which meant that eventually there would not be a need

for money. (Esping-Andersen ed. 2001: 227). These wages were not enough to support one self and the state had to have very high subsidies for each person to maintain the wellbeing. It was not possible to save money for the future and this meant that if a person was not able to work temporarily, he or she would have a financial crisis. Not being employed was not an option, unemployed people (those who were of working age and ability) were perceived as 'parasites' (Esping-Andersen ed. 2001:227), publicly ridiculed and persecuted. In addition, the system heavily supported the party officials who had the most benefits without the actual need for them (Kirey:1) . Finally, the quality of the subsidized and free services was very low due to lack of motivation to work because of the salary remaining at the same level irrespective of performance. (Esping-Andersen ed. 2001:228)

Finally, some scholars are critical of the Soviet state's ability to solve women's problems. In studies of Soviet Women, Buckley (1989) and Lapidus (1978) argue that the state successfully increased women's participation in the workforce but did little to change gender relations at home. Thus, they argue that Soviet Women were stuck with the "double burden" of doing all the housework and working long hours outside of the home. Similarly, Michaels (1998) points out that Kazakh women who "free" themselves from unhappy marriages faced new economic burdens and unequal wage structures. Despite these critiques, most scholars do acknowledge that the Soviet state was responsible for making significant changes in women's lives. And, as Elizabeth Contantine (2001) and Arianne Kamp points out, Soviet policies were quite effective in changing women's expectations of the state and expectations for a certain quality of life (Jones Luong 2005:)

7. Summation

From the above analysis makes it clear that gender inequality exist in the society. An examination of the Pre Soviet Kazak society and Soviet Union helps sustain this conclusion. The patriarchal and traditionalism are structured to exclude the experiences and concerns of women.

Coming to the Pre Soviet Kazak Society, states was not concerns for the issues of women and as well they didn't enjoy their rights. But in the Soviet times women enjoy the rights to some extent. An inadequate women representation in the state was a complex phenomena that exit in the Kazak society. The sex of the society operates to legitimate understanding of sexual differences that rest on a model of (male) domination and (female) subservience within society as natural and undeniable. In fact, the absence or under representation of women from state institution is a major concern. By excluding women, these institutions have succeeded in keeping women's concern or outlook out of their decision making.

CHAPTER – III
POSITION OF WOMEN IN THE
CONSTITUTIONAL AND LEGAL SYSTEM
OF KAZAKHSTAN

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POSITION OF WOMEN IN THE CONSTITUTIONAL AND LEGAL SYSTEM OF KAZAKHSTAN

1. Introduction

This chapter will analyze the Constitutional and Legal provisions concerning the women's representation, participation and empowerment in the post Soviet Kazakhstan. Attempts will be made to assess overall position of women in the constitution of the Republic of Kazakhstan. Accordingly, an attempt will be made to compare the constitution of Soviet Union and the Republic of Kazakhstan concerning the position of women. The main focus will be on the rights enjoyed by women in the Republic of Kazakhstan. Moreover, it will also deal in the national policies with respect to women and as well as the international Commitments made by nations for the positions of women.

The Constitution of the Republic of Kazakhstan came into force with amendment on August 30, 1995 to be later amended in May, 2007. It is the highest law of the Republic of Kazakhstan. Constitution is an essential document, according to which the country carries out its functions. As Kenneth Wheare observed many years ago of modern constitutions, "Practically without exception, they were drawn up and adopted because people wished to make a fresh start, so far as their system of government was concerned" (Irving 2008: 1). It defends the privileges of the citizens of a concerned country, irrespective of their religion, caste, creed, sex or physical appearance. A constitution, thus, can be safely assumed to be a social contract among the government and the citizens it governs. It can also be considered as the fundamental principal structure of government for a nation.

2. Constitution of Kazakhstan

The constitution of Kazakhstan is loosely modeled on the constitution of France and provides for presidential republic. Values such as human rights and freedoms, the rule of law, unanimity and separation of power, as well as the liberalization of political and economic activity, that make the foundation of Kazakhstan's Constitution, stand sound even after seventeen years of its implementation. These values, in fact, enabled Kazakhstan to achieve its initial commitment to the idea of constitutionalism, solicitous attitude toward the Basic Law, and a vision of democratic institutions as a single set of measures destined to form and strengthen the civil society, maintaining the democratic, secular, and social state governed by the rule of law.⁶

Furthermore, several subsequent amendments resulted in the establishment of a system of party-list elections, which promoted active participation of political parties in a gradual process of transition to democracy in Kazakhstan. Along with transition to democracy, Kazakhstan state system also adopted a human face and introduced the Human Rights Ombudsman. Promotion of human rights and good governance; enhancement of the capacity of democratic institutions to be effective, sufficient and responsive in protecting the rights of citizens; and empowerment of the citizens to be active and effective participants in the democratic process are the main activities of the Ombudsman. In a similar vein, the National Human Rights Action Plan (NHRAP) for 2009-2012, approved by the President, has been put into force and gained wide recognition among international human rights organizations abroad⁷. The commitment of the constitution of Kazakhstan to democracy and human rights, notwithstanding there has been criticism regarding the actual implementation of these provisions.

“General Provisions”, Article 1 proclaims the Republic of Kazakhstan proclaims to be a democratic, Secular, Legal and Social state whose highest values are an individual, his life, rights and freedoms (The Constitution of Kazakhstan 1995: 1). In

⁶ Kazakhstan's Constitution, Fifteen Years Young and Counting [Online Web] Accessed 8 April 2012
URL [www.kazembassy.in/documents/1294899253_Constitution%20\(2\).doc](http://www.kazembassy.in/documents/1294899253_Constitution%20(2).doc)

⁷ Ibid

Section II “The Individual and Citizen”, there are no articles concerning to women or gender. According to Section II, Article 12, Human Rights and Freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with this Constitution. Human rights and freedoms shall belong to everyone by virtue of birth, be recognized as absolute and inalienable, and define the contents and implementation of laws and other regulatory legal acts(the Constitution of Kazakhstan 1995:2)(Also see Appendix 1).

Every citizen of the Republic shall have rights and bear responsibilities owing to his citizenship. According to article 14 (2) of the Constitution of Kazakhstan everyone shall be equal before the law and court. No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances (The Constitution of Kazakhstan 1995:2). This provision guarantees women opportunities equivalent to those of men in terms of education and professional training and in socio-political, cultural and all other spheres of activity.

There are no clear cut provisions in the Constitution of the Republic of Kazakhstan which guarantee equal status for women, for example equal pay for equal work for both men and women or the right to adequate means of livelihood as we find in many other liberal Constitutions or even in the Constitution of erstwhile Soviet Union.

In article 28, a citizen of the Republic of Kazakhstan shall be guaranteed minimum wage and pension, and guaranteed social security in old age, in case of disease, disability or loss of a breadwinner and other legal grounds. Voluntary social insurance, creation of additional forms of social security, and charity shall be encouraged (The Constitution of Kazakhstan 1995:4). Although the constitution failed to mention the widow pension but it only gives the minimum wage for social security in old age, in case of diseases, disability or loss of a breadwinner and other legal grounds.

According to the article 13 of the Constitution (b) everyone shall have the right to judicial defense of his rights and freedoms. (c) Everyone shall have the right to

qualified legal assistance. In cases stipulated by law, legal assistance shall be provided free of charge (the Constitution of Kazakhstan 1995: 2; also see appendix 1).

The Constitution deals with individuals and citizens and it explicitly means both women and men. The Constitution of Kazakhstan talks about the Universal Human Rights. There is no segregation of man and woman rights. The Constitution of Kazakhstan clearly talks about the Human Rights where men and women are placed on equal footing. Therefore the Constitution addresses issues concerning “Human Rights” and gives sanctity to Human Rights. Even though Muslims are in majority Kazakhstan evolved as Secular Democratic State, unlike other Islamic States. With its national policy and international commitments it has achieved a certain degree of democratization of politics and has also achieved a gender balance as reflected in the social indicators like employment, literacy etc

The country’s attempts to conduct a gender analysis of legislation to determine the extent to which it supports gender equality and international standards and norms, is being implemented as national law and has been particularly helpful. This resulted in the addition into the Criminal Code of the Republic of Kazakhstan (RK CC) of a law on trafficking in women. There are 38 Crisis Centres for Women and Children who have been victims of violence. National Commission of Women and Family Reports to the President.

3. Comparison between Constitution of Soviet Union and the Constitution of Kazakhstan

According to 1936 Constitution of USSR, Chapter X, ARTICLE 122, Women in the U.S.S.R. are accorded equal rights with men in all spheres of economic, state, cultural, social and political life. The possibility of exercising these rights is ensured to women by granting them an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interests of mother and child, prematernity and maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries and kindergartens (The Constitutions of USSR 1936:9).

According to 1977 Constitution of USSR, Article 35. Women and men have equal rights in the USSR. Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration, and promotion, and in social and political, and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling mothers to work; by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers and mothers, and gradual reduction of working time for mothers with small children(The constitution of USSR 1977:8) While in the Republic of Kazakhstan there is no article in the constitution of the Republic of Kazakhstan.

Article 35 of the Soviet Constitution undoubtedly affirms that women and men "have equal rights" and acquire equivalent access to education and training, service, promotions, and salary and to contribution in social, political, and cultural activity. Women moreover obtain unusual medical and workplace safeguard, including inducements for mothers to work outside the home and legal and material means to maintain their role as mothers; the final support includes 112 days of maternity put down at full pay. At the ending of their maternity put down, women may take up to a year of put down without pay and return to the same job if they wish to. Employers may not discriminate against pregnant or nursing women by reducing their pay or dismissing them, and mothers with small children have the right to work part time.

Nevertheless, both within society in general and within the family, the position of women in 1989 were not equal to that of men. Soviet authorities have often pointed to the high percentage of women in certain fields as proof of gender equality in the country. For example, in the 1980s women constituted just over half the country's work force, four-fifths of its health workers, more than two-thirds of its physicians and economists, and three-quarters of those employed in education. The authorities neglected to add, however, that the average pay for most women in these fields was below the country's average pay. Moreover, the higher the level in a profession, the smaller the percentage of women. For instance, in 1984 women constituted 83 percent of elementary school directors but only 42 percent of secondary school

directors and 38 percent of middle school directors. In the early 1980s, 46 percent of all collective farm workers were women, but they constituted only 1.9 percent of collective farm chairpersons.⁸

Women were also underrepresented in the Communist Party of Soviet Union (CPSU) and its leadership. In 1983 women constituted only 27.6 percent of the membership of the party and only 4.2 percent of the Central Committee; in 1986 they were totally absent from the Politburo.

Article 53 “Family, Marriage” of the Constitution mentioned that (1) the family enjoys the protection of the state. (2) Marriage is based on the free consent of the woman and the man; the spouses are completely equal in their family relations. (3) The state helps the family by providing and developing a broad system of child-care institutions, by organizing and improving communal services and public catering, by paying grants on the birth of a child, by providing children's allowances and benefits for large families, and other forms of family allowances and assistance (The constitution of USSR 1977: 11). While in the Kazakhstan constitution there is no provision on the Family and Marriage. However, a comparison of the constitution of Kazakhstan with that of USSR indicates that Kazakhstan in its attempts to be a gender neutral state may evolve specific provisions for women and follow the example set by USSR with respect to addressing women's needs, and thereby amend its constitution to incorporate provisions that deal specifically with women.

4. Rights Enjoyed by Women in Kazakhstan

4.1. Political Rights

The political rights of citizens of the Republic of Kazakhstan and their observance by State agencies and officials are guaranteed by the Constitution and other enactments of Kazakhstan. In article 33 of the Constitution, the citizens of the Republic of Kazakhstan have the right to participate in the State administration. The Republic of

⁸ Soviet Union- Role of Women Gender and Family Roles [Online Web] Accessed on 2 April 2012
URL

http://www.mongabay.com/history/soviet_union/soviet_union-role_of_women_gender_and_family_roles.html

Kazakhstan has created all the conditions necessary for ensuring that women can participate in State administration directly or through their representatives and on an equal footing with men, as well as can elect or be elected to State bodies and local governing bodies and participate in public referenda(CEDAW 2005:50-51).

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 but in practice the government severely limited the right of citizens to change their government (Klaveren, Tijdens et al 2010:8). In harmony with Paragraph 3 Article 33 of the Constitution of the Republic of Kazakhstan, the right to elect and be elected, to participate in the all-nation referendum shall not extend to the citizens judged incapable by a court as well as those held in places of confinement on a court's sentence(NAP 2002-2009: 58).

4.2 Social Rights

States parties shall acquire the entire suitable procedures to eradicate inequity against women in additional areas of financial and social life to make certain, on a basis of equality of men and women, the same rights, in particular:

4.2.1. The Right to Family Benefits

In Kazakhstan, family benefits are paid in the form of targeted social assistance, childbirth allowance, special State allowances and housing allowances. Targeted Social Assistance is governed by the law passed in 2001 on State targeted social assistance. It is provided to individuals (families) whose average per capita income is below the poverty line (40% of the subsistence minimum). In 2003, some 860,000 individuals received targeted social assistance. The average amount of targeted social assistance was a little over 1,000 tenge. The principal recipients of targeted social assistance are children, who account for 60% of recipients. Among other categories are the unemployed (15%) and women caring for children (11%). Introduced on 1 January 2003 was the payment of a one-time State child-birth allowance to women, irrespective of family income, in an amount equal to 15 times the monthly accounting index, which was 13,785 tenge in 2004(CEDAW 2005: 51-52).

To further improve the system of social protection for families with children, a draft law on State benefits to families with children has been prepared. It calls for payment of a child-care allowance (irrespective of family income) until the child reaches the age of 1 and an allowance for children from indigent families (based on average per capita family income) until they reach the age of 18. Either of the parents has the right to receive a child-care allowance. The law is geared to improving the conditions in which the children are raised in the family. The draft law is now under review in the Parliament. Mothers of large families who have given birth to and raised eight or more children, as well as large families who have four or more minor children living together, have the right to receive a special State allowance, irrespective of family income (CEDAW 2005:50). Special State benefits are also paid, irrespective of family income, to families and widows of deceased servicemen and responders to radiation accidents and other accidents, as well as to a whole array of other categories of citizens who have various services and benefits from the State. The average size of the State social benefit in 2003 was 20% larger than that of 1999 and amounted to 3,600 tenge. Nearly 800,000 people receive such benefits. The country has a system of housing allowances, the size of which and the rules for whose allocation are determined by local representative bodies, and they can set the share of personal expenses exceeding the value of community services at up to 30% of family income. Essentially, the recipients of the housing allowances are pensioners and women with children, who make up more than 200,000 families. The average pension size is constantly growing and amounted to more than 8,000 tenge in 2004, with the smallest pension at 5,800 tenge(CEDAW 2005:50).

4.2.2. 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. However, there were more girls in more advanced levels of education. No religious or cultural influences hamper the approach to sex equality or religious or cultural diversity. Moreover, many educational institutions strive for gender equality. In 2000, Kazakhstan signed the UN

Millennium Declaration for the purposes of to ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling (UNDP, Kazakhstan, Goal-2, 2012 :2).⁹ Kazakhstan has also joined the UNESCO Education for All process. Education for All (EFA) goals stress quality and access to general education, especially paying attention to girls, minorities, and disadvantaged children. At the same time, quality of education is as important in the EFA process as access. The EFA Global Monitoring Report of 2005 argues that “merely filling places called schools” with children would not address even quantitative objectives if no education occurred. EFA Goal 2 is to ensure that by 2015 all children, especially girls, children from disadvantaged backgrounds, and ethnic minorities have access to free and compulsory high quality primary education and are able to complete it. This goal is directly synergetic to the MDG2 as well as with the main aims of the State Program for Developing Education in Kazakhstan in 2005-2010. Achievements in the direction of MDG2 should therefore be assessed on the basis of that complex framework of goals: MDG2, EFA, and the State Program (MDGs 2005:20).

Since independence, pre-school education has been neglected. Remarkably for a country in which a majority of women works full-time, less than half of all children aged four and five are enrolled (UIS 2010). In its 2009 Anti-Crisis plan, the government has included “improved pre-school education” (Klaveren, Tijdens et al 2010:26).

However the impact of poverty and unemployment also effects the education of the students. 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.¹⁰ According to the information published

⁹ United Nations Development Programme in Kazakhstan” Achieve Universal Primary Education” [Online Web] Accessed 6 March 2012, URL:<http://www.undp.kz/en/pages/9.jsp>

¹⁰ Kazakhstan [Online Web] Accessed 8 May 2012, URL: <http://www.onlinewomeninpolitics.org/kz/kazakhstan.pdf>

by the Development Institution of Kazakhstan, the portion of GDP spent by the Government on education totaled 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 years, 26,900 children did not attend school, but there are no related gender statistics. In 2006, the combined gross enrollment rate in education was 91.8%, divided in 88.5% for females and 95.1% for males. Net enrollment in primary education was for 2007 set at 99.4% for girls and 98.6% for boys. Women to men parity in secondary education increased to 97% in 2007 (Klaveren, Tijdens et al 2010:4). In Kazakhstan total (% of GDP) was 3.06 as of 2009. Its highest value over the past 10 years was 3.89 in 1999, while its lowest value was 2.26 in 2004¹¹.

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 minus 40 degrees Celsius and the lack of proper clothing is a major problem).¹² The problem of access to education is greatest in rural areas, for socio-political reasons, because of the catastrophic poverty in many *Raions* (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.

¹¹ Kazakhstan, Public Spending on Education (2009), [Online Web] Accessed 11 May 2012, URL: <http://www.indexmundi.com/facts/kazakhstan/public-spending-on-education>

¹² Kazakhstan, [Online Web] Accessed 10 June 2012, URL: <http://www.onlinewomeninpolitics.org/kz/kazakhstan.pdf>

4.3 Economic Rights

(b) The right to bank loans, mortgages and other forms of financial credit; Women and men have equal rights in terms of administering property and obtaining loans and credits. No complaints of any sex-based discrimination have been filed with law-enforcement authorities.

4.3.1. 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.¹³ 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.¹⁴

¹³ Ibid. p. 3

¹⁴ Ibid. p. 4

4.3.2. 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.¹⁵

4.3.3. Equal Pay for Equal Work

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.¹⁶

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.

¹⁵ Ibid. p. 4.

¹⁶ United Nations Economic and Social Council, Implementations of the International Covenant on Economic, Social and Cultural Rights, [Online web] Accessed on 10 January 2012, URL:<http://www.unhcr.org/refworld/publisher.CESCR.STATEPARTIESREP..4a8eba0d5.0.html>

Women's average wages are considerably lower in those spheres where women dominate¹⁷.

United Nations Economic and Social Council's International Covenant Article 7 mentions that Right to Just and Favourable Conditions of Work. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.¹⁸

4.3.4 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,

¹⁷ Kazakhstan, [Online Web] Accessed 10 June 2012,
URL: <http://www.onlinewomeninpolitics.org/kz/kazakhstan.pdf>

¹⁸ Ibid. p. 28.

10,400 were women. Women also made up 9,100 of the 15,200 persons gaining jobs after training programmes.

4.3.5 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.

4.3.6 Rural and Urban Areas

Approximately 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.¹⁹ 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 *Raions* (administrative districts), the wages are now 30% below the living wage (equivalent to USD 15 per month). In 11 *Raions*, 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.²⁰

4.4. 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.

4.4.1 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; defense 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 defense 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

¹⁹ Kazakhstan[Online Web] Accessed 7 April 2012, URL: <http://www.onlinewomeninpolitics.org/kz/kazakhstan.pdf>

²⁰ Ibid. p. 5

for men and 17 years for women.²¹ 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 organizations. According to article 60 of the Kazakh Family Code mothers and fathers should share parental authority and make joint decisions regarding their children's education, taking into account the best interests of the children(Klaveren, Tijdens et al 2010:9). Upon divorce, spouses may either revert to their own pre-marital family names or keep the chosen marital name.

4.4.2 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 organization, 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

²¹ Ibid. p. 6.

equal. However, spouses are entitled to change the established legal approach to common property through a marriage contract.

4.4.3 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. Parental rights are effective from the birth of the child, and cease when he or she reaches the age of 18 or acquires full legal capacity before the age of 18 in accordance with the law. The right of parents to raise their children prevails over that of any other persons. The two parents - even a parent living separately from the child - have equal rights in relation to their children. Parents are the legal representatives of their children and defend their rights and interests in relations with other private individuals and legal entities, including in the courts, without requiring any special authority²².

4.5 Cultural Rights

(c) The right to participate in recreational facilities, sports and all aspects of cultural life. There are no restrictions of any kind on the participation of women in such activities.

5. National Policies of Kazakhstan with respect to women.

Although initially Kazakhstan failed to address the concerns of women as is evident from the Constitution. However this position has been rectified eventually with the adoption of various International and National policies and commitments.

²² Committee on the Rights of the Child (2001)[Online Web] accessed 5 July 2012, URL: www.law.yale.edu/rcw/rcw/.../assc/.../Kazakhstan_crc_reports.doc

Socio-economic transformations going on in Kazakhstan have a diverse break down on men and women appropriate to diverse gender roles and gender disparity. Majority of women are inferior to men. In spite of the fact that women account for 51.9% of the population.²³ Their involvement in political life remains low. Women account for a majority of the poor (in Kazakhstan incomes of 45.9% of women, and only of 33.2% of men, are below the subsistence level at the outset of this millennium) a majority of the jobless (57.3% in 2004); women's average wages were 60.7% compared to men's average wages in 2003²⁴; the status of women as a party to market relations and a seller of their working power is less favourable than that of men. On the other hand, women's life expectancy is 11.3 years longer than that of men²⁵, which testifies to a high death rate and vulnerability of men.

Globalization has reinforced interaction between countries and accelerated their involvement in international affairs. Being a part of the world community, Kazakhstan joined many international treaties devoted to women's interests and rights aimed at solution of gender issues.

In so far as national policies of Kazakhstan is concerned, it has adopted several policies and programmes concerning women status which are discussed under the following headings.

1. National Action Plan (for improving the status of women in the Republic of Kazakhstan)
2. Non-governmental Organisation and Women's Non-governmental Organisation.

5.1 National Action Plan

Since the era of independence, Kazakhstan has adopted several National Policies concerning women's status and gender equality. In the early 1990s, Kazakhstan was follow the policies based on authoritatively enshrined impartiality of men's and women's rights aimed at "enabling women to effectively combine professional,

²³ Strategy of Gender Equality in the Republic of Kazakhstan For 2006-2016, 2005 [Online Web] Accessed 2 June 2012, URL: e.gov.kz/wps/.../Gender_Equality_Strategy_2006-16.doc?

²⁴ United Nations Kazakhstan: Gender Mainstreaming Strategy, 2006, p. 8

²⁵ Strategy of Gender Equality in the Republic of Kazakhstan For 2006-2016, 2005 [Online Web] Accessed 2 June 2012, URL: e.gov.kz/wps/.../Gender_Equality_Strategy_2006-16.doc?

maternal and family responsibility” (UNDP 2005:51). Such policies provided for representation of women in elective authorities, a very extensive system of government guaranteed allowances and benefits for women with maternal and familial responsibilities and limitations for use of female labour.

In order to implement the concept of National Policies for Improving Women’s Status in Kazakhstan and Beijing Platform for Action, Kazakhstan adopted the National Action Plan for Improving Women’s Status in Kazakhstan(UNDP 2005:51). The National Action Plan (NAP) goals and targets are to be achieved stage by stage. The priorities are grouped into four main areas of activities defined by the National Commission for Family and Women’s Affairs. These include

1. Political Empowerment,
2. Economic Advancement,
3. Improvement of Women’s Health and
4. Combating Violence against women

As for political participation, NAP provides for the creation of mechanism to promote women’s involvement in decision making, revision of existing laws as well as the development of new legislation based on gender sensitive approach, including a law concerning equal rights and opportunities.

Economic Advancement of Women implies ensuring equal access to economic and land resources, facilitating the development of Women’s enterprises, and improving social protection of families and women.

The major targets in the area of Women’s health are improved reproductive health and family planning, reduced anemia incidence among women and negative environment impact on women’s and children’s health, prevention of sexually transmitted diseases, etc. The NAP provides for the establishment of mechanism to protect women from violence along with the rehabilitation of victims through revision of existing legislation, creation of an information data base, crisis centers and hot lines for women, etc(UNDP 2005:52).

5.2 Non-governmental Organization

In Kazakhstan Non-governmental Organization, (NGOs) play an important role in improving women's status. In 2005 there was 4,500 NGOs in Kazakhstan with approximately 150 of them being Women's NGOs.²⁶ There is also a coalition of Women's NGOs in Kazakhstan. The adoption of the Law "On State Social Procurement" will promote more extensive NGOs involvement in achieving national goals²⁷. Women's NGOs have established employment and professional guidance centres, centres for small business development, and legal advice. NGOs also do extensive work to develop a network of crisis centres to fight violence against women. There were 38 centres in 2003, most of them funded out of non-governmental sources.

6. International commitments of Kazakhstan

These are the international commitments of Kazakhstan for combating trafficking, and promote women's participation in decision making. These have also contributed towards: achieving gender impartiality in financial field, improvement of private enterprise among women, rising women's competitiveness at labor market, creating circumstances for family unit members to be able to join labor with household responsibilities and raising children, strengthening the institution of family and achieving gender impartiality in family relations.

The following are the Key international Commitments:

6.1 United Nation Development Programme

The UN Charter (1945) providing for "equal rights of men and women" was the first international document to call for equal rights and fundamental freedoms for all, without gender based discrimination. Since then, United Nations efforts to improve women's situation have gone through a number of changes, from viewing women almost only from the standpoint of their developmental needs, to recognition of their

²⁶ Answers to the Questions on Implementation of Beijing Platform of Actions (1995) and Resolutions of the 23d Special Session of the UN General Assembly (2000).p.4[Online Web] Accessed %5 December 2011, URL: <http://www.un.org/womenwatch/daw/Review/responses/KAZAKHSTAN-English.pdf>

²⁷ Ibid. 8

significant contribution to overall developmental process, and finally towards a will to enhance women's rights and opportunities to fully participate in all human activities. Thus, at the current stage, "Women's status" is not regarded as a synonym of "women issues" but rather from the viewpoint of achieving gender equality and partnership between women and men for development (UNDP 2005:6). The Fourth World Conference on Women organized by the UN in Beijing in 1995 was an important milestone to voice the need to shift focus from women as such onto a concept of gender equality, by recognizing the necessity of revising and reforming accordingly the overall social structure and relations between men and women in all spheres of life. The Forum showed that only through such fundamental reorganization of society and its institutions would it be possible for women and men to become equal partners in all sectors of life. Gaps between men and women in areas of education and health have narrowed rapidly since the 1970s; however, this progress has been disproportionate between countries and spheres of life. Fewer opportunities have opened up for women in economic and political spheres.

6.2 UN Millennium Development Goals (UNMDG)

In 2000, Kazakhstan signed the UN Millennium Declaration designating the encouragement of equality of men and women, extension of women's privileges and opportunities as major goals of improvement of the humanity in the third millennium. Kazakhstan has achieved the first three Millennium Development Goals and has set more ambitious 'MDG+' goals and targets: halve poverty among the rural population; achieve universal secondary education; ensure gender mainstreaming in national planning and budgeting; prevent violence against women; and increase women's representation in legislative and executive bodies.²⁸ Till now the government of Kazakhstan jointly through the UN country group issued four Millennium Development Goals' reports in 2002, 2005, 2007 and 2010.

Among the Millennium Development Goals in Kazakhstan, Goal 3 that was most significant "promote gender equality and empower women" is one of the most likely

²⁸ United Nations Development Programme [Online Web] Accessed 18 June 2012, URL: <http://www.undp.kz/en/pages/9.jsp>

to be reached and yet, strangely enough, one of the hardest to achieve.²⁹ Assessed against universally accepted indicators, Target 4 has already been achieved in Kazakhstan: there is no quantitative gender disparity in primary and secondary education, and there is no problem preventing girls' access to any level of education. However, the issue of the quality of education remains topical, regardless of gender, as it creates equal starting conditions for all people so that they might have access to higher education and a successful career in the future, irrespective of their place of residence, household income level, ethnic identity, or physical ability. Achieving gender equality is not limited to fulfilling Target 4. By another global indicator the proportion of women in the Parliament – Kazakhstan holds 85th place among 128 countries. In Kazakhstan, the proportion of women in parliament is 9.6% till 2005.

In the 4th MDG Report of Kazakhstan one can see a remarkable progress towards achieving the MDGs. Kazakhstan has already achieved some of the original targets of the MDGs, such as poverty reduction, access to primary education and promotion of women's rights.³⁰ MDGs is very significant policies of the UNDP .The rules of MDGs seeks to extend protection to a wide range of Women. Although the encouraging authorized structure providing for the equal rights of men and women, there are observable disparities. Women encompass additional trouble finding employment; they habitually obtain lesser wages than men for the similar type of work, and encompass trouble breaking into areas of male-dominated activities.

Thus, important steps towards achieving MDG 3 in Kazakhstan are the following:

- Creation of a favorable social and political environment for promoting women to the decision-making level in governance, economics, and politics.
 - Conducting state socio-economic policy in a manner conducive to ensuring equal employment opportunities and conditions for women and men.
 - Further promotion of a gender-oriented approach to development programs, and introduction of gender analysis and assessment in large-scale development projects in the country.

²⁹ MDG 3 promote Gender Equality in Kazakhstan,[Online Web] Accessed 10 January 2012, URL: http://www.undp.kz/library_of_publications/files/1570-43657.pdf

³⁰ UN in Kazakhstan [Online Web] Accessed 4 March 2012, URL: <http://www.un.kz/en/articles/1/16.jsp>

Active implementation of gender equality policy by the government of Kazakhstan; ensuring control over the enforcement of decisions and the monitoring of results in the area of gender relations by the National Commission on Family and Women's Affairs.³¹

6.3 Convention on the Elimination of All Forms of Discrimination against Women

Kazakhstan joined the Convention on Elimination of all Forms of Discrimination against Women in 1998. Kazakhstan also ratified the Convention on the Political Rights of Women and the Convention on the Nationality of Married Women. The international treaties on civil, political, economic, social and cultural rights, etc. were signed. For purposes of implementing the recommendations of CEDAW on the creation of an integrated policy and institutional approach in matters involving the achievement of equality between men and women in all spheres of life and public activity, a government resolution in November 2003 approved the Concept of Gender Policy in the Republic of Kazakhstan, which was developed with the assistance of international and non-governmental organizations (UNIFEM, UN Gender in Development Bureau, etc.). Its main objectives are to achieve balanced participation of women and men in management structures; provide equal opportunities for economic independence, development of one's own business, and job advancement; create conditions for the equal exercise of rights and responsibilities in the family, and ensure freedom from gender-based violence (CEDAW 2005). The Concept anticipates the introduction of gender education in the country, the gender-based evaluation of laws, the incorporation of gender indicators into budget policy, State plans and programmes, and the definition of areas for further work to improve health and to eliminate violence against women. Thus, the country undertook a good many measures over the reporting period that involved democratization and the creation of a political structure for ensuring the rights and legal interests of women.

There are many articles in the Convention on Elimination of all Forms of Discrimination against Women, concerning to women that include protection from

³¹“Promote Gender Equality and Empower Women” [online Web] Accessed 2 May 2012, URL: http://www.undp.kz/library_of_publications/files/1570-43657.pdf

discrimination, domestic violence and measures in the pursuit of gender equality(also see Appendix 2).

6.4 Organization for Security and Cooperation in Europe

Organization for Security and Cooperation in Europe (OSCE) applies to security. Kazakhstan joined the Organization for Security and Co-operation in Europe on 30 January 1992. It also lays emphasis on the significance of dealing with women's involvement in the entire aspects of efficient participation and representation. Prominently, women's equivalent participation be supposed to not only be seen as an end in itself, but also as one of the most important guarantors of a vibrant, constant and successful democracy. In Kazakhstan Organization for Security and Co-operation in Europe (OSCE) organized a regular roundtable, workshop and meeting for the purpose to focuses on monitoring and reporting on women's rights in the country.

In the workshop of 2008, Eugenia Benigni, Human Dimension Officer at the OSCE Centre in Astana. said that "International instruments, including different OSCE documents and commitments, stress that gender equality can be reached only when international and national law is fully put into practice". "Monitoring is a key tool to analyse the progress made and identify areas where further work and assistance are needed (OSCE 2008:1).

The OSCE organization seeks to extend protections to a wide range of women. The basic distinction drawn has been between those who are involved in the households works and not involved in the politics and as well as those in office .The OSCE meetings of December 2008, covered on monitoring and reporting on Women's rights in Kazakhstan.

In 2008 meetings of the OSCE emphasized how to address the under-representation of women in public and political life, violence against women and trafficking in women and girls. The meeting also addressed the scarcity of information on the situation of rural and elderly women and limited access to adequate health care for rural women (OSCE 2008:1)

Kazakhstan's OSCE chair accorded priority to the protection of women's rights and the policy of gender equality. One of the supplementary human dimension meetings was devoted to the promotion of gender balance and participation of women in political and public life. The meeting was held in Vienna in 2010. The event gave the participants an opportunity to assess the current situation among member states and to share experiences in addressing the questions of gender balance and equality. Director of ODIHR Janez Lenarčič stated that full and true equality between men and women is a fundamental aspect of a just and democratic society based on the rule of Law (OSCE 2010:3).

6.5 Strategy of Gender Equality in the Republic of Kazakhstan

A Gender Equality Strategy was adopted for 2006–2016, which commits to the objective of at least 30 per cent representation of women in all elected and appointed positions by 2016. The legal framework, however, contains no incentives for political parties to involve women in politics (OSCE Reports 2012). The enactment of the President of Kazakhstan of November 29, 2005 No. 1677 has approved the Strategy of Gender Equality in the Republic of Kazakhstan for the years 2006-2016. The Strategy is an important document directed at the implementation of the gender policy of the government and is an instrument for its implementation and monitoring on the part of the government and civil society, an important factor for the development of democracy. The implementation of the Strategy will promote conditions for equal realization of the rights of women and men and ensures the resolution of the problems of achievement of equality of the rights and opportunities of men and women during the period of 2006 through 2016(NAP 2007: 111-112).

7. Summation

After reading the Constitution of Kazakhstan and analysing the implications of legal provisions for women it appears that there exists an attempt to understand the need of gender equality in the country. Even if there is an inherent existence of stable traditional stereotypes about the role and place of a woman in the society the Constitution still aims and has even achieved to break these stereotypes.

Realization of the need for gender equality policy by the government bodies is evident from the beginning. Formal equality of men and women are characteristic of the

Kazakh polity. However, paucity of effective mechanisms for achieving real equality of men and women has rendered society not absolutely free of gender biases.

Although there are NGO'S along with government bodies, the insufficient cooperation between government bodies and non-governmental organizations, involved in protection of rights and legitimate interests of men and women have seriously hampered the positive growth in this direction.

Effective government monitoring system over implementation of the gender policy, as well as gender analysis and gender indicators are required to enable the government to take measures for legal protection of women. Serious analysis is also important and is hampered by the presence of hurdles like insufficient amount and use of the statistical data, which leaves one with inaccurate picture.

CHAPTER –IV
WOMEN’S PARTICIPATION IN THE
POLITICAL PROCESSES

CHAPTER-IV

WOMEN'S PARTICIPATION IN THE POLITICAL PROCESSES

1. Introduction

This chapter will deal with participation and representation of women in various state structures, institution and political parties etc. Attempt will be made to asses overall political status of women in contemporary Kazakhstan. The main focus will be on representation of women in the politics of the state and the politico–legal status of women. Women's participation in mainstream political activity has important implications for the broader arena of governance in any country. Governance relates to a set of rules, institutions, and values that are involved in the management of state and society. Governance institutions and processes include political parties, parliaments, government and their interactions with society. Although governance is a generic term which could mean good government or management, the governance values, types of government, the nature of political processes, the political parties and organizations, which/whose interests are represented and protected, and the extent of power that the masses have to challenge the state or in suggesting alternatives in methods of governance etc. may vary in different political systems.

In the early of the Soviet era the leaders were committed to the idea of women's freedom in all regions of the country. They advocated the idea of placing women on an equal footing with men in all aspects of economic, social and political life while simultaneously providing them with full good and material support for fulfilling their role as mother. Nevertheless women's representation in top political party decision making structures and state organs was limited. In addition in different regions of the country women empowerment and political participation was achieved under very different conditions and in very different ways.

Following independence, women's participation in politics and governmental structures in Kazakhstan is comparatively low and at the high level political decision making it is very limited. The right to participate in the government, the right to elect

and be elected to governmental agencies and institutions of local government are established by Article 33 of the Constitution of the Republic of Kazakhstan, and also by Article 21 of the Universal Declaration of Human Rights and as well as in Article 25 of the International Covenant on Civil and Political Rights, which Kazakhstan has acceded to (NHRAPK 2009-2012: 58).

Although there are no legal restrictions on the participation of women and minorities in politics, yet the persistence of traditional attitudes allow few women to actually hold high office or play active part in political life. For example, despite government's repeated calls for the representation of women at all levels of decision-making both the government itself and the President have expressed their opposition to introducing a quota system, as demanded by women's NGOs, and committees and commissions. NGOs based their struggle on the fact that, despite formal equal access to public service and electoral rights, there remains only one woman minister among 14 ministers and few women MPs in Kazakhstan. Of 39 Senate members, only 5 are women; of 77 *Mazhilis* members, 8 are women. Out of 80 deputy heads of regional administrations, only five are women. There are no female provincial governors (*akims*).³²

In the First Congress of Women of Kazakhstan, held in Astana on March 5, 2011 Nazarbayev said Kazakhstan's women played a prominent role in establishing and strengthening the country's independence, and their contribution to population growth is invaluable. 'The Gender Equality Strategy for 2006-2016 aims to achieve a 30 percent representation of women among the heads of government bodies, among other things. In 2010, the figure was only 10 percent, Nazarbayev noted. "Women are poorly appointed to senior positions both in central and local bodies. Today, there is no woman *akim* (*mayor*) of region or city, only three district *akims*, and five deputy *akims* of regions," Nazarbayev said, instructing the government to develop a concrete action plan until 2016 to promote women to decision-making level (Nazarbayev 2011:2).

³² "Women in politics, governance and decision-making [Online Web] Accessed 25 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>

2. Participation of Women in Decision Making

In the Republic of Kazakhstan, all conditions have been created for women to participate equally with men in the governing of the state directly and through their representatives, and also to elect and be elected to the state bodies and institutions of local governing, and to take part in public referendums. A number of innovations in the electoral legislation is aimed at raising the role of the parties in electoral process, creating equal conditions for candidates and political parties in electoral campaign and expanding possibilities for citizens to participate in elections.³³

2.1. Women's Representation in Executive

In compliance with the Law of the Republic of Kazakhstan, a new model of public service namely "On Public Service" has been introduced in Kazakhstan since 2000. The principle of equal rights to access public service and promotion according to abilities and professional training forms the basis of the model. Consequently, the proportion of women government staff increased from 56% in 2000 to 58% in 2004. Of heads of executive bodies only 22% are women (CEDAW 2005:). On the instruction of the President, every ministry, agency, and oblast administration has established a reserve of women specialists to be promoted into the decision-making levels.

The total number of Civil Servants in 2003 was 81,702 people, of whom 47,813 were women. Thus the proportion of women in the crops of civil servants was 58.9%. In 2003, women constituted the majority among administrative civil servants, 60.4% of those who work on a permanent professional basis in a governmental body (UNDP2005:45).

At the same time among political appointed positions the proportion of women is very small. Among 3'105 political civil servants of Kazakhstan there are only 346 women (11.1%). Monitoring the status of government service staff shows an improvement and tendency for an increased number of women in government services by many, including the highest, categories.

³³ Kazakhstan, Answers to the Questions on Implementation of Beijing Platform of Actions(1995) and Resolutions of the 23d special Session of the UN Genral assembly (2000)

Moreover, in 2004, a woman was appointed as the Deputy Prime Minister for the first time. Two women were Ministers (at the end of 2002 there was not a single woman heading a ministry) (UNDP2005:45), 5 women were oblast deputy *Akims* (there are still no women among oblast *Akims*). Among deputy *Akims* of *Raions*, 17% are women; among *Akims* of rural and settlement okrugs 11% and their deputies 18% are women.³⁴

As of April 23, 2012 women are represented as 3 Ministers, 4 Vice-Ministers, 6 Executive Secretaries. Among the Deputy *Akims* only 5 are women. In local executive bodies there are 2607 political civil servants, of which only 282 or 10.8% are women. Of the 298 administrative officials of the central apparatus, only 26 or 8.7% - are women. At the same time, the proportion of women among all public servants is 58.9%. The main conclusion: the higher the level of decision making, the lower representation of women, the press service of the UNDP in Kazakhstan said.³⁵

In harmony with Article 12 of the Law of the Republic of Kazakhstan “On Government Service”, no gender restrictions were permitted in the employment of government service. The number of women in governmental executive agencies has increased and currently is 58%. The posts of political government employees, i.e. at the level of decision-making, are held by only 7% women (NHRAP 2007:85).

2.2. Women Representation in Legislature

According to the 1995 Constitution of Kazakhstan, the Parliament of the Republic of Kazakhstan is the bicameral legislature of Kazakhstan. It consists of two houses, the lower house is called the Mazhilis and the upper house is the Senate. Both have regularly been overlooked when concerning centers of power in the country. Women’s participation in politics and governance structures in Kazakhstan is rather low.

³⁴ “Promote Gender Equality and Empower Women“ (2004) [Online Web] Accessed 4 January 2012 ,URL:http://www.undp.kz/library_of_publications/files/1570-43657.pdf

³⁵ Admin (2012)” Women’s leadership in Kazakhstan: The higher the level of decision making the lower representation of womensl [Online Web] Accessed 3 March 2013, URL:<http://kazworld.info/?p=21030>

2.2.1 Lower House (the Mazhilis)

The representation of women in the *Mazhilis* is low. There were 89 women among 500 candidates standing for the *Mazhilis* elections in October 1999. Women gained only 8 mandates out of 77, i.e women constituted 10.4 % of the *Mazhilis*(NHRAP 2007:44). For the election in September 2004 there were 106 registered female candidates out of 623. Nine women were elected to the *Mazhlis*. Later this number was reduce to remain at her current post. Thus, in 2004 *Mazhilis* there were 8 women or 10.4% of all deputies. In 2004, 11 deputies in the Parliament are women (9.5%)— 8 in the lower house (10.4%). In 2009 there were 19 women in the 107-member *Mazhilis* (17.8%). Currently as on Jan 15, 2012, in the *Mazhilis* (House of Representative) there are 26 women and 81 men and the percentage women is 24.30% out of 107 seats³⁶.

2.2.2 Upper House (the Senate)

According to 2003 data from the Agency on Statistics, there were only 3 women among 39 Senators. The first woman Deputy Prime Minister was elected in 2003. In 2004, 3 deputies in the Senate were women (7.7%), (CEDAW, 2005). Similarly in 2009 there were two women in the 47-seat senate (4.3%).

In the Kazakh Soviet Socialist Republic, Women constituted until 1989 no less than 35% of the Supreme Council due to the quota system. Democratic Transition and development of the country brought about the cancellation of such quotas, which negatively influenced women's representation in decision making bodies.

Now there are no legislative limits in the country preventing women from participating in the political activities. At present the local legislation is formally gender neutral at the level of decision making. However, it is not gender-sensitive, i.e it does not consider how the same law would have a different impact on women and men as candidates and aspirants for high positions, and the Kazakhstani electoral

³⁶Inter-Parliamentary Union, Kazakhstan, Mazhilis,[Online web] Accessed 10 April 2012, URL:www.ipu.org/parline-e/reports/2165_A.htm

system does not yet provide incentives or obligations to political parties to attract women to public positions, whether elected or appointed.

In modern Kazakhstan, one might talk about a developing tradition of women's representation at the level of decision making, since at present there is a gap in political participation and representation at the level of decision making. Women are poorly represented in governmental and political structures. It is a typical gender pyramid of power, where women are present at lower and middle levels but they are not represented at higher positions. There is evidence of existence of a so-called "glass ceiling" for Kazakhstani women (a social and cultural barrier to promotion from medium levels of government to higher levels) (Kazakhstan 2005:43). According to 2003 data from the Agency on Statistics, the representation of women in the two Chambers of Parliament the Senate and the Mazhilis were only 3 women among 39 Senators.

From 2000 to 2007, women occupied eight seats in the 77-member cabinet, or 10.4%. In 2009 there was one woman in the cabinet and one chaired a state agency (US Dept of State 2010; website Inter-Parliamentary Union; UN indicators). The US Dept of State (2010) notes that traditional attitudes may prevent women from holding high office or playing active roles in political life, although there are no legal restrictions on the participation of women and minorities in politics (Klaveren and Tijdens et al 2010:9).

As of January 15, 2012, in the Senate there are 2 women and 45 men and the percentage of women is 4.26%.³⁷

Women Representation in Judiciary

The proportion of women in the staff of judicial power in Kazakhstan is significant. In 2010 it was 43.4%. Among the personnel of the Supreme Court of Kazakhstan

Inter-Parliamentary Union, Kazakhstan, Mazhilis(2012),[Online Web] Accessed 2 March 2012, www.ipu.org/parline-e/reports/2165_A.htm.

36.2% were women (the Chairperson of the Supreme Court of the RK is a man, but one of the two Chairpersons of the Panels of Judges is a woman) In oblast court (including Almaty and Astana city Courts) women constitute 46.3% of all employees (there were no women Chairpersons of oblast courts, but among 33 Chairpersons of panels there are 10 women). Although 39.9% *Raion* court members are women and out of 206 chairpersons in *Raion* courts 28 are women.³⁸

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 is women, only two out of 51 such institutions have women rectors³⁹. The Distribution of employees in Judicial Branch of Power as in 2010 was 5276 total personnel of which 2615 were women and the percentage was 49.6% and Similarly 2661 were men and percentage of men were 50.4% (Statistic Collection 2010: 110)

3. Implication of the Limited Representation

The limited nature of female participation and representation in national decision making institutions has important consequences for women and for the legitimacy of the institutions. Where women comprise half the population in a political system which supports equality and where both women and men are legally eligible for political office, women's participation should be equal to that of men. If this is not the case, it signifies deep flaws within the political system. Representation is not only a means of ensuring individual participation but also the duty of the representatives to take action on behalf of the constituents, including women, who elected them and reflect their ideas and objectives.

Women's inadequate presence in the political process would mean that the apprehensions of half the population cannot be sufficiently attended to or acted upon as their viewpoints hardly get ground or sufficient occasion to be incorporated in the political system. The nature of politics is an important factor for the inclusion or

³⁸ Ibid, p. 46

³⁹ Kazakhstan , [Online Web] Accessed 2 March 2012
URL: www.onlinewomeninpolitics.org/kz/kzmain.htm.

exclusion of women in politics. Vicky Randall defines politics as an “articulation, or working out of relationships within an already given power structure”, which is in contrast with the traditional view of politics that defines it as an activity, a conscious, deliberate participation in the process by which resources are allocated among citizens. This conception of politics restricts political activity only in public arena and the private sphere of family life is rendered as apolitical. This public-private dichotomy in traditional definition of politics is used to exclude women from public political sphere and even when women are brought into politics they are entered as mothers and wives.⁴⁰

There are ideological historical, social and cultural factors that have limited women’s capacity and chances to exercise their freedom to participate in the political processes. Most important factor that affects the social standing of women is ideological. Patriarchy as a system of male domination shapes women’s relationship in politics. It transforms male and females into men and women and construct the hierarchy of gender relations where men are privileged (Eisenstein 1984). Andrienne Rich defines patriarchy as:

“A familial-social, ideological, political system in which men by force, direct pressure or through ritual, tradition, law, and language, customs etiquette, education, and the division of labor, determine what part women shall or shall not play in which the female is everywhere subsumed under the male.” (Rich1977: 57)⁴¹.

The gender role used as an ideological tool by patriarchy to place women within the private sphere of home as mothers and wives and men in the public sphere. The restriction of women within the private sphere is one of the vital factors that shape the level of women’s political participation globally.

However, this ideological segregation does not give insight of the certainty. The precincts between public and private are time and again vague in the daily lives of women. Domestic domain continues to be supposed as the valid space for women while public space is associated with men. Women have to bargain their access into

⁴⁰ [Online Web] Accessed 2 April 2012 , URL:<http://www.un.org/womenwatch/daw/egm/enabling-environment2005/docs/EGM-WPD-EE-2005-EP.12%20%20draft%20F.pdf> as accessed on 30th June,2012

⁴¹ Ibid.

and assert on public arena according to the rationale and material opportunities existing in a given culture and society. Although the gender role ideology is not static rather remained in a flux while intersecting with economic, social and political systems of a particular society, women continue to be defined as private across countries which resulted in their exclusion from politics.

Among the socio-cultural factors the subordinate status of women in respect to men is a common fact, though with a disparity in the character and degree of subordination across countries. As discussed above ideological implications does not limit itself only to perpetuating duality but also establishes a hierarchy between them. Female sex is by and large respected less than male sex because of their generally endorsed roles in reproductive sphere. The state society and the family maintain low resource allocation to women's human development. This is reflected in the social indicators which reflect varying degrees of gender disparities in education, health, employment, ownership of productive resources and politics. Furthermore gender is arbitrated through class, caste and ethnicity that structure right to use to resources and opportunities. The socio-cultural dependence of women is one of the key detrimental factors to their political participation in public political domain.

Women also find it hard to participate in politics due to inadequate time available to them because of their twofold functions in the productive and reproductive spheres. With their principal roles as mothers and wives and competing domestic responsibilities and care work, they are left with little time to participate in politics. Women also face cultural constraints on their mobility. The means of sex separation and *purdah* are used to restrict their mobility. Politics requires women's exposure to interact with male and female constituents and address public meeting which is not approved by their male counterparts.

4. Women's Representation and Participation in the Political Parties

There are twelve political parties in Kazakhstan .Out of these two are headed by women. Still, women are not sufficiently involved in the activities of political parties, especially in terms of leadership. During the elections to Mazhilis, women were placed fifth or below in most of the party lists. Political parties, with the exception of

Asar and Ak Zhol, do not have gender policy and female empowerment mechanisms, limiting their programs to demanding welfare payments, and protecting families, mothers, and children. As a result, only 9 out of 166 female candidates were elected to *Mazhilis*, and one of them was rejected, her place consequently taken by a man.⁴²

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 only men. Out of 11 registered parties, only one party (Vozrojdienie or "Revival") is headed by a woman and nominated equal numbers of male and female candidates. Its party membership is 60% women.⁴³

In Kazakhstan's bureaucracy, 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 the international level, three women Ambassadors represent Kazakhstan. With the exception of the UN, Kazakh women are not represented in any international organizations. 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.⁴⁴

In 2009 the representation of women in the 47 member Senate was only two (4.3%), and 19 in the 107 member *Mazhilis* (17.8%) of Kazakhstan. In the same year there was just one woman in the cabinet and another was chairing a national agency (US Dept of State 2010; website Inter-Parliamentary Union; UN MDG Indicators). The US Dept of State (2010) mentions that traditional attitudes may hinder women from holding high office or playing active roles in political life, although no legal

⁴² "Promote Gender Equality and Empower Women" (2004) [Online Web] Accessed 4 January 2012, URL: http://www.undp.kz/library_of_publications/files/1570-43657.pdf

⁴³ Kazakhstan, [Online Web] Accessed 2 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>

⁴⁴ Kazakhstan, [Online Web] Accessed 2 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>

restrictions on the participation of women and minorities in politics are in existence.⁴⁵ In the Early Parliamentary Elections, 15 January 2012, Women constituted 21 per cent in the political party lists.⁴⁶

Though voting is an imperative indicator of political participation and mobilization, it is not automatically indicative of representation. Voting is a tool of political equality and it mobilizes women but voting by itself does not result in the desired end of equality. Almost all parties vie with each other in appealing to women's votes at the time of elections but very few women get to contest in the elections. Almost all parties hesitate to nominate women candidates. Hence the number of women candidates nominated by various political parties has always been very low as compared to their numbers in the population. Though a large number of women participate in voting, their low numbers in decision making bodies including those of political parties is notable. Among women who manage to rise in the political echelons, in spite of their ability in administration and the art of political articulation, very few women reach the level of high offices.

In the inner party structures in the decision-making levels and the posts within the party, women are even less represented in most political parties. Women have a very low representation if at all in the actual decision-making bodies and rarely influence the more significant party policies. Political parties will probably assert that it is difficult to get sufficiently qualified women candidates. It has been apprehended that women are dependent voters; a majority of them make their preference on the basis of advice from male members of their families-husbands or sons. It is made out that women lack information and political awareness or that women are not politically conscious. Whereas, in reality women have been active and vocal both in times of peace and crisis.

⁴⁵ U.S. Department of States, Policy in Action, Human Rights Report(2010): Kazakhstan, [Online Web] Accessed 10 April 2012, URL: <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154481.htm>

⁴⁶ Republic of Kazakhstan, Early Parliamentary Elections, 15 January 2012, OSCE|ODIHR Elections Observations Mission Final Reports.p. 11

5. Local Administration

According to 1997 figures, 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.⁴⁷ In 1999 among 3,322 deputies elected to *Maslikhats* there were 639 women (19.2 %), while in 2003 there were 568 women (17.1%).⁴⁸ Currently there is also quite a wide representation of women, where leading positions belong to Kostanai with 31%, Aktobe with 28%, and Pavlodar with 23%.⁴⁹

5.1 Local Administration at the Oblast Level

Oblast-level *Akimats*, including *Akimats* of cities of central subordination, form part of the uniform system of state administration. The *Akimat* is created and headed by the *Akim* and consists of deputies, the chief of staff and heads of local budgetary institutions (Meruert 2001:23). *Akims* themselves are appointed by the president upon nomination by the prime minister. They represent the interests of their oblast or city in interactions with government agencies, organizations and citizens. They coordinate activities of lower-level *Akimats* and *Akims* and cooperate with the local self-governments through lower-level *Akims*. The *Akim* appoints and dismisses the following officials:

- Deputy Akims, in coordination with the authorized superior government bodies. The maximum number of deputies is determined by the government of Kazakhstan;
- The chief of the Akim's office and the heads of its structural divisions;
- Heads of executive bodies financed from the oblast-level budget, excluding military positions, positions in uniformed services or other special ranks. The heads of

⁴⁷ Kazakhstan, [Online Web] Accessed 2 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>

⁴⁸ Kazakhstan, Answers to the Questions on Implementation of Beijing Platform of Actions(1995) and Resolutions of the 23d special Session of the UN Genral assembly (2000)

⁴⁹ [Online Web] Accessed 1 February 2012, URL:<http://www.akorda.kz/en/news/2012/06/ddd>

divisions of interior services funded from the local budgets are appointed and dismissed in accordance with Kazakh legislation. Akims are empowered to license business activities in cases specified by legislation and according to legally established procedures. Akims also organize measures to ensure compliance with legislation on universal military service, civil defense, mobilization preparations and mobilization itself (Meruert 2001:24). Akims take part in signing contracts for the privatization, lease or sale of enterprises, deposits and other state owed assets and exercise control over their implementation, together with the authorized state agency.

In oblast-level governments, as well as *Raions* or cities of oblast subordination, the office of the *Akim* provides information, analytical, organizational, legal, material and technical support. The office of the *Akim* is a state institution funded through the local budget and is established, dissolved or reorganized by the *Akim*. If the *Akim* should be dismissed from office, Kazakh legislation regulates the employment of the civil servants within the *Akim's* office as well as terms for appointing a new *Akim*. Territorial agencies of the central state administration are structural divisions which perform central administration functions within the administrative-territorial unit. Heads of territorial agencies funded from the national budget are appointed directly by the head of the central agency, without coordination with the *Akim* (Meruert 2001:24). This measure is intended to increase the responsibility of central government members for regional staff policy. The *Akim* establishes, dissolves and reorganizes executive bodies funded through local budgets and determines the scope and organization of their activities. An approximate list of the divisions, directorates and departments in oblasts, Almaty and Astana has been drafted and approved by the national government. Based on this list, *Akims* develop corresponding administration structures.

Oblast executive bodies include the office of the *Akim*, the archives and the departments of public administration, health care, land use, industry, trade and business development, local economy, transport and communications, local property, culture, medical services, education, agriculture, social protection, labor, tourism and sports, finance, economy, interior affairs and the administrative department of the *Akim*. Territorial divisions of central administration include the department of the Committee for National Security; committees on state property and privatization, on

the regulation of natural monopolies and the protection of competition, on land resource management and on taxes; and the departments of migration and demography, customs, protection of environmental resources, information and public relations, treasury, tax police, forestry, justice, environmental protection, emergencies, statistics and agriculture.

In accordance with legislation, the *Akim* may decide whether to pursue disciplinary action for administrative violations by heads of local budgetary institutions or lower-level *Akims*. Penalties may also be imposed on employees of the interior services funded from local budgets in accordance with the legislation. The oblast level is responsible to the president and government of Kazakhstan for issues within his competence and within the jurisdiction of the oblast-level *Akimat*. *Akims* may delegate some of their authorities to lower-level *Akims*.

In *Maslikhats*, the local representative bodies, the proportion of women is higher than at the national level, but they still constitute a significant minority. In 2003 there were only 17.1% of women among deputies of this level. However, the level of representation is very uneven among the oblasts⁵⁰. In 2005 the representation of women in the Oblast was seven deputy Oblast *Akims* only.⁵¹

5.2 Local Administration at the Raion Level

Raion-level *Akims*, including *Akims* in cities of oblast subordination, head the *Raion* or city *Akimat*, which they constitute from deputy *Akims*, the head of the *Raion Akim's* office and heads of local executive bodies. *Akimat* members may also include heads of territorial divisions of oblast-funded bodies in coordination with the heads of their superior institutions. Heads of territorial agencies of the central administration may also participate in *Akimat* activities and possess a deliberative vote. *Raion*-level *Akimats* are accountable to their corresponding *Maslikhat* for performance of their functions.

⁵⁰ Gender Equality and Status of Women in Kazakhstan, UNDP, 2005, p 44.

⁵¹ Promote Gender Equality and Empower women as quoted in http://www.undp.kz/library_of_publications/files/1570-43657.pdf

Raion-level *Akimats* are also accountable to the president, government and oblast *Akim* for exercise of the powers conferred on them upon their appointment as well as other responsibilities derived from their subordinated territories. The structure of a *Raion*-level administration should be approved by the oblast *Akim*. *Raion* administration bodies may include the office of the *Raion Akim*; a department of the interior, a department of education and directorates for communal economy, agriculture, social policy, finance and economy. *Akims* in *Raions* or cities of *Raion* subordination develop their administrative structures and submit them for the approval to *Raion Maslikhats* (Meruert 2001:25).

At the *Raion* Level the representation of women in the 2005 was 17% deputy rayon *Akims*, are women; among rural and community district *Akims*, 11% are women, and among their deputies 18% are women.⁵²

5.3. Local Administration at the Sub-raion Level

The following levels of government—city districts in cities of central subordination, cities of *Raion* subordination, towns, villages and rural countries—do not possess *Akimats*. Instead, the *Akims* of these territorial units are responsible for reviewing the appeals, applications and complaints of local inhabitants; for undertaking measures to protect the rights and freedoms of local citizens; and for ensuring the collection of taxes and other obligatory fees. In addition, *Akims* estimate overhead costs for their offices, including expenditures for maintaining the administrative-territorial unit, and submit these cost estimates for approval to their corresponding *Maslikhat*.

The *Akim* ensures compliance with the Constitution and laws of Kazakhstan by citizens and legal entities; regulates land relationships within his or her competence; organizes construction and repair of housing stock; oversees the operation and maintenance of roads; supports the establishment of peasants' farms and the development of entrepreneurial activities; ensures compliance with legislation on

⁵² Promote Gender Equality and Empower Women MDG 3. [Online Web] Accessed 2 March 2012
URL:http://www.undp.kz/library_of_publications/files/1570-43657.pdf

universal military service and civil defense; organizes notary services; registers acts of civil status according to legally established procedures; arranges for the preservation of historical and cultural heritage; submits proposals to superior bodies on assistance to socially vulnerable population groups; facilitates the development of local social infrastructure; organizes public transportation and regulates traffic; and cooperates with local self-government bodies. These *Akims* are accountable to superior *Akims* and the *Maslikhats* of *Raions*, cities, cities of republican subordination and the capital city for issues within their competence. They are appointed or elected according to procedures determined by the president of Kazakhstan (Meruert 2001:26).

6. Local Administration in Cities with Special Status

In 1998, the Kazakh government passed the Law on the Status of the Capital City of Kazakhstan and the Law on the Special Status of Almaty City. These laws established the legal, organizational, political and economic basis for the functioning of the two cities and granted additional powers to their *Maslikhats* and *Akimats*. Article 3 of the Law on the Status of Capital City outlines the powers of the Astana city *Akim* and *Maslikhat*. The law confers additional powers on the executive bodies which underscore the special legal status of the capital and its representative and executive bodies. These include the power to develop measures for ecological safety and control their implementation. In addition, the local administration is responsible for providing government bodies or diplomatic representative offices with land for their construction needs or with other locally owned buildings, structures or facilities in accordance with legally established procedures. Until recently, a free economic zone (FEZ) was effective in Astana. The FEZ Administrative Council, headed by a chairman appointed and dismissed by the president, was responsible for administrative issues throughout the territory of the FEZ. However, throughout the lifetime of the FEZ, there was no council chairman that could function alongside the *Akims*. FEZ was created within city or *Raion* boundaries (Meruert 2001:26).

The Almaty city *Akimat* approves the list of local property not assigned to communal legal entities; owns, uses and disposes of the state share of economic entities registered in Almaty, excluding legal entities determined by the government; privatizes local property according to legally established procedures; issues licenses to public catering enterprises, casinos, bookmakers, fuel stations, tourist agencies, local lotteries and organizations that provide disinfecting services. The Almaty city *Akimat* also licenses medical practices, veterinary activities, motor transportation for passengers or cargo and activities which attract a foreign labor force or export the local labor force. In addition, the *Akimat* authorizes institutions of secondary and specialized education to issue diplomas for certain professions in accordance with government established procedures. The above list of functions contains a great number of central government responsibilities that have been delegated to the Almaty city *Akimat*.

In 2003, in Astana city and Akmola oblast there were 24% of women in *Maslikhats* but in Atyrau oblast, Women constitute only 7.5% (UNDP 2005:44). However this implicates less voice given to women and their absence from these local governments prevents them from having a say in the regional problems and often relegates them to the background.

The under representation of women in the political sphere is inextricably linked with the low and inferior status of women, violence and crimes against women and their marginalized status in employment, education and health sectors. There are fewer women in the paid workforce than men. Women's work is undervalued and unrecognized. Women are overburdened with work than men and carry the major share of household and community work which is unpaid and invisible. Most women have very little say in decisions affecting their own lives. The cumulative effect of all this is that women tend to lack the self-confidence and skills needed to function effectively in the public sphere. The under representation of women and absence of women from positions of power and decision-making reinforces their exploitation and deprivation. It is in this context that women's greater political representation becomes all the more necessary.

A few women no doubt managed positions as members of parliament and state legislatures and as leaders of political parties, etc. mostly through family dynasties or through male political benefaction. However, the percentage of women in legislatures and decision making positions always remained low. Women do not share the power of decision- making and are not involved in policy making in proportion to their numerical strength. Thus there is a gap between the prescribed idea of women's participation and their evocative use of power. The pursuit of greater political representation of women is, therefore, still relevant.

There is certainly a requirement for women's increased role in decision-making processes for the democratic and constitutional declaration of equal citizenship and rights in the Constitution to become an actuality at the operational level. Citizenship is associated to political participation and representation and therefore lack of ability and opportunity to participate in the political system reduces the possibility of full association in the system. For proper equality to become a actuality for women, the distribution of power on equal provisions with men is crucial. But the reality is that women continue to be marginally represented even in areas where the various policies have a direct impact on them. There is still a great gap between constitutional certification and the genuine representation of women in the political system in Kazakhstan.

7. Non Governmental Organizations.

Most decision-making positions in NGOs are held by women and the number of women in supervisory positions of NGOs increased from 47.8% in 1995 to 51.4% in 1997. Though, it must be prominent that many NGOs created since the 1990's have ceased functioning for various reasons.⁵³

In 2000 over 100 women's NGOs were functioning in Kazakhstan. The NGOs are concerned with a broad range of issues: ecological deterioration, AIDS education, single motherhood, entrepreneurial support, and general health care education. All NGOs must register to have legal status, that is in order to engage in public organizing

⁵³ Kazakhstan, [Online Web] Accessed 2 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>

(for which a permit must be obtained), enter into contracts, etc. Women's NGOs are allowed to organize and have no real difficulty obtaining registration papers, especially because of their role in providing social support services that are no longer offered through the state because of fiscal constraints. In general, women's NGOs are not viewed as posing any political threat to President Nazarbayev. However, actions by women's NGOs regarded as critical of the state do meet resistance.⁵⁴

In Kazakhstan there are over 4,500 non-governmental organizations including 150 NGOs for women in 2005. A Coalition of women's non-governmental organization has been established. Adoption of the Concept of State Support to Non-Governmental Organizations of the Republic of Kazakhstan and the Program of State Support to Non-Governmental Organizations of the Republic of Kazakhstan for 2003-2005 was a significant event in the development of the nongovernmental sector.⁵⁵

8. Challenges and Prospects

These are the main challenges which are discussed under the following heading. Along with the achievements made in effecting progress in the advancement of women, there are also problems and obstacles, among which the most significant are as follows:

- society still does not understand the essence or importance of introducing gender equality;
- Women are still poorly represented at the decision-making level. They make up only 8% of chief executive officers. There are no women serving as oblast or rayon *Akims*;
- educational work to change the mentality of society is inadequate;

⁵⁴Kazakhstan, Initial report submitted on 26 January 2000 (CEDAW/C/KAZ/1)[Online Web] Accessed 8 May 2012,
URL:<http://www1.umn.edu/humanrts/iwraw/publications/countries/kazakhstan.htm>

⁵⁵ Kazakhstan, Answers to the Questions on Implementation of Beijing Platform of Actions (1995) and Resolutions of the 23d Special Session of the UN General Assembly (2000), [Online Web] Accessed 5 December 2011' URL: <http://www.un.org/womenwatch/daw/Review/responses/KAZAKHSTAN-English.pdf>

- despite something of an increase in wages, the average wage for women remains lower than that for men;
- the health index for women remains low;
- Violence and sexual exploitation of women has not been eliminated.⁵⁶

There is a need to address the above mentioned challenges in order to ensure equal representation of women in the public sphere. It is only when the overall situation of women with respect to education, health, wages and so on are improved, women will be able to compete at par with men in the public sphere of work and politics.

9. Summation

Thus the Kazakhstan political system cannot be said to be non-receptive to the emergence and dominance of women leaders even though the political representation of women has not particularly registered a significant increase over the period. While on the one hand most women politicians have found it difficult to rise within male dominated party hierarchies, on the other hand some women have managed to become leaders and occupy high offices.

Whether an improvement in number of women in the political process and decision making bodies surely leads to a greater transfer in authority and whether women on equilibrium give better consideration to the concern of women more than male politicians is a matter of debate. It leads to the questions of the possible tokenism to give visibility to women. Therefore women's rights and responsibilities to contribute equally in political life should not however be treated as an alternative issue. The political space must belong to all citizens – women and men. If there are lesser women in public life then there are less probability of characteristically female values, priorities and characteristics finding space. Hence women's involvement in political process and decision-making in greater numbers can make a significant difference.

⁵⁶ Convention on the Elimination of All Forms of Discrimination against Women

The question should not only be to bring women to positions of power. it is similarly indispensable to sensitize those in power whether men or women about gender. Besides, with this the significance of women's financial sovereignty, education and consciousness and their development in the socio economic sphere can hardly be stressed. The streamlining of gender relations within both the family and society is an equally important step towards freedom, equality and justice.

It is important to point that like the equal right to vote, participation and representation in legislative bodies is not in itself sufficient for women's political empowerment or to cure the problems of inequity faced by women. Only by high representation of women in legislatures and other public bodies the targets of equality with equity is not achieved. It has to be reinforced by other encouraging actions.

CHAPTER –V
CONCLUSION

CHAPTER - V

CONCLUSION: TOWARDS AN 'IDEAL MODEL'?

Examination of the Pre Soviet Kazak society and Soviet Union shows that gender inequality existed in the society in the past. Patriarchy and traditionalism were structured to exclude the experiences and concerns of women. Kazakh culture was traditionally a patriarchal one, with much respect being given to men, especially elderly men. Symbols in the culture often represented the power and warrior likequalities, often associated with men. This was seen in the Kazakh households. In villages and small towns women always prepared the food, poured the tea, and cleaned the dishes.

During the Pre Soviet Kazak Society, that was marked with tribalism, state was not concerned with the women's issues and therefore they didn't enjoy equal rights. An inadequate women representation in the state was a phenomenon that existed in the Kazak society. The sex of the society operates to legitimate understanding of sexual differences that rest on a model of (male) domination and (female) subservience within society as natural and undeniable. In fact, the absence or under representation of women from state institution is a major concern. By excluding women, these institutions have succeeded in keeping women's concern or outlook out of their decision making. But in the Soviet times things improved considerably and women got equal rights to some extent. There came changes and new opportunities for women arose, otherwise denied in pre Soviet Kazakhstan. In Soviet Union women enjoyed advantages, varying from state-supported childcare institutions, full abortion rights, to employment in a wide choice of trades and professions, and a degree of economic equality with their male counterparts, unmatched anywhere else. In short, they enjoyed a status in some ways far in advance of capitalist societies today. To sum it up I would conclude by quoting Iankova's (Soon-Tay1972:689) argument on women during the Soviet period:

In the years of Soviet power, woman has come to fulfill in the family qualitatively new roles as educator, organizer of the home, of family leisure, etc . . . These new roles are fully consistent with [woman's] contemporary social roles. As social [roles] they also form her personality, assist in the unfolding of her creative potentiality. The appearance of these new roles is a manifestation of the overcoming of the former inequality of women in domestic life, creating conditions for the formation of

families of a new type, of a familial collective, members of which are bound to each other in relations of comradeship, mutual help and mutual understanding.

Independent Kazakhstan continued with the process of women welfare and has taken steps for women empowerment. The reading of the Constitution of Kazakhstan and analysing the implications of legal provisions for women it appears that there exists an attempt to understand the need of gender equality in the polity. Even if there is an inherent existence of stable traditional stereotypes about the role and place of a woman in the society the Constitution aims and has attempted to break these stereotypes and has stuck to the national policies as well as international commitments for the empowerment of women. Realization of the need for gender equality policy by the government bodies is evident from the beginning. Formal equality of men and women are all characteristic of the Kazakh polity. However, paucity of effective mechanisms for achieving real equality of men and women has rendered society not absolutely free of gender biases.

Kazakhstan has achieved institutional mechanism to protect women's rights and improve their status. Further fine-tuning and improvement of the mechanisms takes place on an ongoing basis taking an increasing account of the realities of today's life.

At the same time gender equality concepts are not integrated into the national legislation in full and do not underlie all legislative and normative acts adopted in Kazakhstan. In addition, some laws, for example the labour law, go against the principle of gender equality by providing for traditional division of labour. Some laws providing for women's rights do not fully comply and sometimes contradict the international treaties and conventions that Kazakhstan has either acceded to and/or ratified. There is a need to continuously explore new methods for overcoming gender inequality as well as gender "blindness" in an institutional context. (UNDP: 2005, 55)

There is certainly a requirement for women's increased role in decision-making processes for the democratic and constitutional declaration of equal citizenship and rights in the Constitution to become an actuality at the operational level. Citizenship is associated with political participation and representation and therefore lack of ability and opportunity to participate in the political system reduces the possibility of full association of women in the system. For proper equality to become an actuality for women, the distribution of power on equal basis with men is crucial. But the reality is

that women continue to be marginally represented even in areas where the various policies have a direct impact on them. There is still a great gap between constitutional certification and the genuine representation of women in the political system in Kazakhstan.

Kazakhstan's political system is non-receptive to the emergence and dominance of women leaders and the political representation of women has not registered a significant increase over the period. While on the one hand most women politicians have found it difficult to rise within male dominated party hierarchies, on the other hand some women have managed to become leaders and occupy high offices.

Whether an improvement in number of women in the political process and decision making bodies surely leads to a greater transfer in authority and whether women on equilibrium give better consideration to the concerns of women more than male politicians is a matter of debate. It leads to the questions of the possible tokenism to give visibility to women. Therefore women's rights and responsibilities to contribute equally in political life should not however be treated as an alternative issue. The political space must belong to all citizens – women and men. If there are lesser women in public life then there are less probability of characteristically female values, priorities and characteristics finding space. Hence women's involvement in political process and decision-making in greater numbers can make a significant difference.

The question should not only be to bring women to positions of power. It is equally indispensable to sensitize those in power, whether men or women, about gender issues. Besides, with this the significance of women's financial autonomy, education and consciousness and their development in the socio economic sphere can hardly be stressed. The streamlining of gender relations within both the family and society is an equally important step towards freedom, equality and justice.

It is important to point that equal right to vote, participation and representation in legislative bodies is not in itself sufficient for women's political empowerment or to cure the problems of inequity faced by women. Only by higher representation of women in legislatures and other public bodies the targets of equality with equity is not achieved. It has to be reinforced by other positive actions and therefore certain challenges still remain.

Thus in a nutshell, I would argue that a historical glimpse at the evolutionary process of the Kazakh society from traditional to the present day Republican form of the government it appears that women with the growth of opportunity have shown improved political participation. However it is limited by women occupying important position only marginally. This appears to be the affect of the conservative society which has held women in the shackles of traditionalism. With the coming of the Soviet regime and the legislation passed by them in favour of political participation of women, the improvement is only limited and therefore a set of stricter and more affirmative legislation needs to be passed to get a larger proportion of women in the mainstream. The present situation may not be the 'ideal model', but there remains hope of Kazakhstan's political system further evolving and implementing laws that would bring women at par with the men in the society and polity.

APPENDIX 1

APPENDIX 1

August 30, 1995 (with amendments of May, 2007)

THE CONSTITUTION

Section I. General Provisions

Section II. The Individual and Citizen

Section III. The President

Section IV. The Parliament

Section V. Government

Section VI. The Constitutional Council

Section VII. Court and justice

Section VIII. Local public administration and self-administration

Section IX. Concluding and transitional provisions

We, the people of Kazakhstan, united by a common historic fate, creating a state on the indigenous Kazakh land, considering ourselves a peace-loving and civil society, dedicated to the ideals of freedom, equality and concord, wishing to take a worthy place in the world community, realizing our high responsibility before the present and future generations, proceeding from our sovereign right, accept this Constitution.

Section I. General Provisions

Article 1

1. The Republic of Kazakhstan proclaims itself a democratic, secular, legal and social state whose highest values are an individual, his life, rights and freedoms.
2. The fundamental principles of the activity of the Republic are public concord and political stability; economic development for the benefit of all the nation; Kazakhstan patriotism and resolution of the most important issues of the affairs of

state by democratic methods including voting at an all-nation referendum or in the Parliament.

Article 2

1. The Republic of Kazakhstan is a unitary state with a presidential form of government.
2. The sovereignty of the Republic extends to its entire territory. The state ensures the integrity, inviolability and inalienability of its territory.
3. The administrative and territorial division of the Republic of Kazakhstan, location and status of its capital are determined by law.
4. The names "Republic of Kazakhstan" and "Kazakhstan" have the same meaning.

Article 3

1. The people shall be the only source of state power.
2. The people shall exercise power directly through an all-nation referendum and free elections as well as delegate the execution of their power to state institutions.
3. Nobody shall have the right to appropriate power in the Republic of Kazakhstan. Appropriation of power shall be persecuted by law. The right to act on behalf of the people and the state shall belong to the President as well as to the Parliament of the Republic within the limits of the constitutional powers. The government and other state bodies shall act on behalf of the state only within the limits of their delegated authorities.
4. The state power in the Republic of Kazakhstan is unified and executed on the basis of the Constitution and laws in accordance with the principle of its division into the legislative, executive and judicial branches and a system of checks and balances that governs their interaction.

Article 4

1. The provisions of the Constitution, the laws corresponding to it, other regulatory legal acts, international treaty and other commitments of the Republic as well as regulatory resolutions of Constitutional Council and the Supreme Court of the Republic shall be the functioning law in the Republic of Kazakhstan.

2. The Constitution shall have the highest juridical force and direct effect on the entire territory of the Republic.
3. International treaties ratified by the Republic shall have priority over its laws and be directly implemented except in cases when the application of an international treaty shall require the promulgation of a law.
4. All laws, international treaties of which the Republic is a party shall be published. Official publication of regulatory legal acts dealing with the rights, freedoms and responsibilities of citizens shall be a necessary condition for their application.

Article 5

1. The Republic of Kazakhstan shall recognize ideological and political diversity. The merging of public and state institutions, and the formation of political party organizations in state bodies shall not be permitted.
2. Public associations shall be equal before the law. Illegal interference of the state in the affairs of public associations and of public associations in the affairs of the state, imposing the functions of state institutions on public associations, and financing of public associations by the state shall not be permitted.
3. Formation and functioning of public associations pursuing the goals or actions directed toward a violent change of the constitutional system, violation of the integrity of the Republic, undermining the security of the state, inciting social, racial, national, religious, class and tribal enmity, as well as formation of unauthorized paramilitary units shall be prohibited.
4. Activities of political parties and trade unions of other states, religious parties as well as financing political parties and trade unions by foreign legal entities and citizens, foreign states and international organizations shall not be permitted in the Republic.
5. Activities of foreign religious associations on the territory of the Republic as well as appointment of heads of religious associations in the Republic by foreign religious centers shall be carried out in coordination with the respective state institutions of the Republic.

Article 6

1. The Republic of Kazakhstan shall recognize and by the same token protect state and private property.
2. Property shall impose obligations, and its use must simultaneously benefit the society. Subjects and objects of ownership, the scope and limits of the rights of proprietors, and guarantees of their protection shall be determined by law.
3. The land and underground resources, waters, flora and fauna, other natural resources shall be owned by the state. The land may also be privately owned on terms, conditions and within the limits established by legislation.

Article 7

1. The state language of the Republic of Kazakhstan shall be the Kazak language.
2. In state institutions and local self-administrative bodies the Russian language shall be officially used on equal grounds along with the Kazak language.
3. The state shall promote conditions for the study and development of the languages of the people of Kazakhstan.

Article 8

The Republic of Kazakhstan shall respect principles and norms of international law, pursue the policy of cooperation and good-neighborly relations between states, their equality and non-interference in each other's domestic affairs, peaceful settlement of international disputes and renounce the first use of the military force.

Article 9

The Republic of Kazakhstan shall have its state symbols - the flag, emblem and anthem. Their description and order of official use shall be established by the constitutional law.

Section II. The Individual and Citizen

Article 10

1. Citizenship of the Republic of Kazakhstan shall be acquired and terminated as prescribed by law, shall be indivisible and equal regardless of the grounds of its acquisition.

2. A citizen of the Republic of Kazakhstan under no circumstances may be deprived of citizenship of the right to change his citizenship, and may not be exiled from the territory of Kazakhstan.
3. Foreign citizenship of a citizen of the Republic shall not be recognized.

Article 11

1. A citizen of the Republic of Kazakhstan may not be extradited to a foreign state unless otherwise stipulated by international treaties of the Republic.
2. The Republic shall guarantee its citizens protection and patronage outside its boundaries.

Article 12

1. Human rights and freedoms in the Republic of Kazakhstan shall be recognized and guaranteed in accordance with this Constitution.
2. Human rights and freedoms shall belong to everyone by virtue of birth, be recognized as absolute and inalienable, and define the contents and implementation of laws and other regulatory legal acts.
3. Every citizen of the Republic shall have rights and bear responsibilities owing to his citizenship.
4. Foreigners and stateless persons in the Republic shall enjoy rights and freedoms as well as bear responsibilities established for the citizens unless otherwise stipulated by the Constitution, laws and international treaties.
5. Exercise of a citizen's human rights and freedoms must not violate rights and freedoms of other persons, infringe on the constitutional system and public morals.

Article 13

1. Everyone shall have the right to be recognized as subject of the law and protect his rights and freedoms with all means not contradicting the law including self-defense.
2. Everyone shall have the right to judicial defense of his rights and freedoms.

3. Everyone shall have the right to qualified legal assistance. In cases stipulated by law, legal assistance shall be provided free of charge.

Article 14

1. Everyone shall be equal before the law and court.
2. No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances. BR>

Article 15

1. Everyone shall have the right to life.
2. No one shall have the right to arbitrarily deprive life of a person. The law shall establish the death penalty as an extraordinary measure of punishment for the terrorist crimes connected with death casualties and also for especially grave crimes committed in wartime with granting the sentenced person the right to appeal for pardon.

Article 16

1. Everyone shall have the right to personal freedom.
 2. Arrest and detention shall be allowed only in cases stipulated by law and only with the sanction of a court or prosecutor of law. The detained person shall be provided with the right to appeal. Without the sanction of a procurator, a person may be detained for a period no more than seventy-two hours.
 3. Every person detained, arrested and accused of committing a crime shall have the right to the assistance of a defense lawyer (defender) from the moment of detention, arrest or accusation.
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1. A person's dignity shall be inviolable.
 2. No one must be subject to torture, violence or other treatment and punishment that is cruel or humiliating to human dignity.

Article 18

1. Everyone shall have the right to inviolability of private life, personal or family secrets, protection of honor and dignity.
2. Everyone shall have the right to confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other messages. Limitation of this right shall be permitted only in the cases and according to the procedure directly established by law.
3. State bodies, public associations, officials, and the mass media must provide every citizen with the possibility to obtain access to documents, decisions and other sources of information concerning his rights and interests.

Article 19

1. Everyone shall have the right to determine and indicate or not to indicate his national, party and religious affiliation.
2. Everyone shall have the right to use his native language and culture, to freely choose the language of communication, education, instruction and creative activities.

Article 20

1. The freedom of speech and creative activities shall be guaranteed. Censorship shall be prohibited.
2. Everyone shall have the right to freely receive and disseminate information by any means not prohibited by law. The list of items constituting state secrets of the Republic of Kazakhstan shall be determined by law.
3. Propaganda of or agitation for the forcible change of the constitutional system, violation of the integrity of the Republic, undermining of state security, and advocating war, social, racial, national, religious, class and clannish superiority as well as the cult of cruelty and violence shall not be allowed.

Article 21

1. Everyone who has a legal right to stay on the territory of the Republic of Kazakhstan shall have the right to freely move about its territory and freely choose a place of residence except in cases stipulated by law.

2. Everyone shall have the right to leave the territory of the Republic. Citizens of the Republic shall have the right to freely return to the Republic.

Article 22

1. Everyone shall have the right to freedom of conscience.
2. The right to freedom of conscience must not specify or limit universal human and civil rights and responsibilities before the state.

Article 23

1. Citizens of the Republic of Kazakhstan shall have the right to freedom of forming associations. The activities of public associations shall be regulated by law.
2. The military, employees of national security, law-enforcement bodies and judges must abstain from membership in political parties, trade unions, and actions in support of any political party.

Article 24

1. Everyone shall have the right to freedom of labor, and the free choice of occupation and profession. Involuntary labor shall be permitted only on a sentence of court or in the conditions of a state of emergency or martial law.
2. Everyone shall have the right to safe and hygienic working conditions, to just remuneration for labor without discrimination, as well as to social protection against unemployment.
3. The right to individual and collective labor disputes with the use of methods for resolving them, stipulated by law including the right to strike, shall be recognized.
4. Everyone shall have the right to rest. Working labor agreements stipulating the length of working time, days-off and holidays, and paid annual leave shall be guaranteed by law.

Article 25

1. Housing shall be inviolable. Deprivation of housing shall not be permitted unless otherwise stipulated by a court decision. Penetration into housing, its inspection

and search shall be permitted only in cases and according to the procedure stipulated by law.

2. Conditions shall be created in the Republic of Kazakhstan to provide citizens with housing. Citizens in need of housing shall be categorized in a manner to be prescribed by law and provided with housing at an affordable price from the state housing funds in accordance with the norms stipulated by law.

Article 26

1. Citizens of the Republic of Kazakhstan may privately own any legally acquired property.
2. Property, including the right of inheritance, shall be guaranteed by law.
3. No one may be deprived of his property unless otherwise stipulated by a court decision. Forcible alienation of property for the public use in extraordinary cases stipulated by law may be exercised on condition of its equivalent compensation.
4. Everyone shall have the right to freedom of entrepreneurial activity, and free use of his property for any legal entrepreneurial activity. Monopolistic activity shall be regulated and limited by law. Unfair competition shall be prohibited.

Article 27

1. Marriage and family, motherhood, fatherhood and childhood shall be under the protection of the state.
2. Care of children and their upbringing shall be a natural right and responsibility of parents.
3. Able-bodied children of age must take care of their disabled parents.

Article 28

1. A citizen of the Republic of Kazakhstan shall be guaranteed a minimum wage and pension, and guaranteed social security in old age, in case of disease, disability or loss of a breadwinner and other legal grounds.
2. Voluntary social insurance, creation of additional forms of social security, and charity shall be encouraged.

Article 29

1. Citizens of the Republic of Kazakhstan shall have the right to protection of health.
2. Citizens of the Republic shall be entitled to free, guaranteed, extensive medical assistance established by law.
3. Paid medical treatment shall be provided by state and private medical institutions as well as by persons engaged in private medical practice on the terms and according to the procedures stipulated by law.

Article 30

1. The citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory.
2. A citizen shall have the right to receive on a competitive basis a higher education in a state higher educational establishment.
3. The citizens shall have the right to pay and receive an education in private educational establishments on the basis and terms established by law.
4. The state shall set uniform compulsory standards in education. The activity of any educational establishment must comply with these standards.

Article 31

1. The state shall set an objective to protect the environment favorable for the life and health of the person.
2. Officials shall be held accountable for the concealment of facts and circumstances endangering the life and health of the people in accordance with law.

Article 32

Citizens of the Republic of Kazakhstan shall have the right to peacefully and without arms assemble, hold meetings, rallies and demonstrations, street processions and pickets. The use of this right may be restricted by law in the interests of state security, public order, protection of health, rights and freedoms of other persons.

Article 33

1. Citizens of the Republic of Kazakhstan shall have the right to participate in the government of the state's affairs directly and through their representatives, to address personally as well as to direct individual and collective appeals to public and local self-administrative bodies.
2. Citizens of the Republic shall have the right to elect and be elected into public and local self-administrations as well as to participate in an all-nation referendum.
3. The right to elect and be elected, to participate in the all-nation referendum shall not extend to the citizens judged incapable by a court as well as those held in places of confinement on a court's sentence.
4. Citizens of the Republic shall have the equal right to serve in a public office. The requirements for candidates for public offices shall be conditioned only by the character of the office duties and shall be established by law.

Article 34

1. Everyone must observe the Constitution, legislation of the Republic of Kazakhstan and respect the rights, freedoms, honor and dignity of other persons.
2. Everyone must respect the state symbols of the Republic.

Article 35

Payment of legally established taxes, fees and other obligatory payments shall be a duty and responsibility of everyone.

Article 36

1. Defense of the Republic of Kazakhstan shall be a sacred duty and responsibility of its every citizen.
2. Citizens of the Republic shall perform military service according to the procedure and in the forms established by law.

Article 37

Citizens of the Republic of Kazakhstan must care for the protection of historical and cultural heritage, and preserve monuments of history and culture.

Article 38

Citizens of the Republic of Kazakhstan must preserve nature and protect natural resources.

Article 39

1. Rights and freedoms of an individual and citizen may be limited only by laws and only to the extent necessary for protection of the constitutional system, defense of the public order, human rights and freedoms, health and morality of the population.
2. Any actions capable of upsetting interethnic concord shall be deemed unconstitutional.
3. Any form of restrictions to the rights and freedoms of the citizens on political grounds shall not be permitted. Rights and freedoms stipulated by articles 1011; 13-15 paragraph 1 of article 16; article 17; article 19; article 22; paragraph 2 of article 26 of the Constitution shall not be restricted in any event.

Section III

The President Article 40

1. The President of the Republic of Kazakhstan shall be the head of state, its highest official determining the main directions of the domestic and foreign policy of the state and representing Kazakhstan within the country and in international relations.
2. The President of the Republic shall be the symbol and guarantor of the unity of the people and the state power, inviolability of the Constitution, rights and freedoms of an individual and citizen.
3. The President of the Republic shall ensure by his arbitration concerted functioning of all branches of state power and responsibility of the institutions of power before the people.

Article 41

1. The President of the Republic shall be elected by universal, equal and direct suffrage under a secret ballot for a seven-year term in accordance with the constitutional law by the citizens of the Republic who have come of age.
2. A citizen of the Republic shall be eligible for the office of the President of the Republic of Kazakhstan if he is by birth not younger than forty and has a perfect command of the state language and has lived in Kazakhstan for not less than fifteen years.
3. Regular elections of the President of the Republic shall be held on the first Sunday of December and shall not coincide with the election of a new Parliament of the Republic.
4. The candidate who receives more than 50 percent of the votes of the constituents that took part in the election shall be deemed elected. If none of the candidates receives the above number of votes, a second round of elections shall be held between the two candidates who obtained the largest number of votes. The candidate who receives the larger number of votes of the constituents who take part in the second round of elections shall be deemed elected.

Article 42

1. The President of the Republic of Kazakhstan shall take office from the moment of swearing to the people the following oath: "I solemnly swear that I will faithfully serve the people of Kazakhstan, strictly observe the Constitution and the laws of the Republic of Kazakhstan, guarantee the rights and freedoms of the citizens, honestly perform the high duties of the President of the Republic of Kazakhstan entrusted to me."
2. The oath shall be taken on the second Wednesday of January in a ceremonial atmosphere in the presence of the deputies of Parliament, the members of the Constitutional Council, the judges of the Supreme Court as well as all former Presidents of the Republic. In case, stipulated by Article 48 of the Constitution, the oath shall be taken by a person who has taken the powers of the President of the Republic of Kazakhstan within one month since taking the powers of the President of the Republic.
3. The powers of the President of the Republic shall terminate from the moment the newly elected President of the Republic takes office as well as in the case of

premature release from office, resignation or death. All former Presidents of the Republic except those who were discharged from office shall have the title of ex-President of the Republic of Kazakhstan.

4. One and the same person may not be elected the President of the Republic more than two times in a row.

Article 43

1. The President of the Republic of Kazakhstan shall not have the right to be a deputy of a representative body, hold other paid offices and engage in entrepreneurial-activity.
2. The President of the Republic shall suspend activity in any political party for the period he exercises his powers.

Article 44

1. The President of the Republic of Kazakhstan shall: 1) annually address the people of Kazakhstan with a message on the state of the country and main directions of the domestic and foreign policy of the Republic of Kazakhstan; 2) appoint regular and extraordinary elections to the Parliament of the Republic; convene the first session of Parliament and accept the oath of its members to the people of Kazakhstan; call extraordinary joint sessions of the Chambers of Parliament; sign laws submitted by the Senate of Parliament within fifteen working days, promulgate the law or return the law or its separate articles for a second discussion and vote; 3) appoint a Prime Minister of the Republic with the Parliament's consent; release him from office; determine the structure of the Government of the Republic at the proposal of the Prime Minister, appoint to and release from office its members, as well as form, abolish and reorganize central executive bodies of the Republic which are not included into the Government; accept the oath of the members of the Government; preside at the meetings of the Government on especially important issues; charge the Government with bringing a bill into the Majilis of Parliament; annul or suspend completely or partially the effect of the Government's acts and those of the akims of the oblasts, major cities and the capital; 4) appoint the Chairperson of the National Bank of the Republic of Kazakhstan with the Parliament's consent; release him from office; 5) appoint the Procurator General and Chairperson of the (committee of

National Security of the Republic with the consent of the Senate of Parliament; release them from office; 6) appoint and recall heads of diplomatic representative offices of the Republic; 7) appoint the Chairperson and two members of the Accounts Committee for control over Execution of the Republican Budget for a five year term; 8) approve state programs of the Republic; 9) approve a unified system of financing and labor payment for all bodies financed by the state budget of the Republic at the proposal of the Prime Minister of the Republic; 10) adopt a resolution on conducting the all-nation referendum; 11) conduct negotiations and sign international treaties of the Republic; sign ratification instruments; receive letters of credentials and recall from diplomatic and other representatives of foreign states accredited to him; 12) act as the Commander-in-Chief of the Armed Forces of the Republic, appoint and replace the highest command of the Armed Forces; 13) award state decorations of the Republic and confer-honorary, highest military and other ranks, ranked positions, diplomatic ranks and qualification degrees; 14) resolve issues of citizenship of the Republic, and political asylum; 15) exercise pardon of citizens; 16) in the event of a serious and immediate threat to the democratic institutions of the Republic, its independence and territorial integrity, political stability of the Republic, security of its citizens and the disruption of normal functioning of the Constitutional bodies of the state, the President shall have official consultation with Prime Minister and Chairpersons of the Parliamentary Chambers of the Republic and take measures, caused by a state of emergency on the entire territory or in particular areas of Kazakhstan, and immediately inform the Parliament of the use of the Armed Forces of the Republic; 17) in the case of aggression against the Republic or immediate external threat to its security, the President shall impose martial law on the entire territory of the Republic or in particular areas, declare a partial or total mobilization and immediately inform the Parliament of the Republic to the effect; 18) form the Republican Guard as well as the Presidential Guard subordinated to the President; 19) appoint to and release from office the State Secretary of the Republic of Kazakhstan, define his status and powers; form the administration of the President of the Republic; 20) form the Security Council, the Higher Judicial Council and other consultative and advisory bodies; 21) exercise other powers in accordance with the Constitution and the laws of the Republic.

Article 45

1. The President of the Republic of Kazakhstan, on the basis of and with the exercise of the Constitution and the laws, shall issue decrees and resolutions which are binding on the entire territory of the Republic.
2. In the case envisioned by subparagraph 4 of Article 53 of the Constitution the President of the Republic shall issue laws, and in the case envisioned by subparagraph 2 of Article 61 of the Constitution, - the President of the Republic shall issue decrees having the force of laws in the Republic.
3. The acts of Parliament signed by the President of the Republic as well as the acts of the President issued on the initiative of the Government shall be preliminarily signed respectively by the Chairperson of each Parliaments Chambers or the Prime Minister who bear juridical responsibility for the legality of these acts.

Article 46

1. The President of the Republic of Kazakhstan, his honour and dignity shall be inviolable.
2. Provision, service, and guard of the President of the Republic and his family shall be carried out at the state's expense.
3. The provisions of this article shall extend to ex-Presidents of the Republic.

Article 47

1. The President of the Republic of Kazakhstan may be prematurely released from office in the case of continued incapacity to perform his duties due to illness. In this case the Parliament shall form a commission consisting of equal numbers of deputies from each Chamber and specialists of the respective areas of medicine. The decision of premature release based on the conclusion of the commission and that of the Constitutional Council confirming observance of the established constitutional procedures shall be adopted at a joint sitting of the Parliament's Chambers by the majority of no less than three-fourths from the total number of deputies of each Chamber.
2. The President of the Republic shall bear responsibility for the actions performed while exercising his duties and only in the case of high treason may be discharged

from office by Parliament. The decision to bring an accusation and conduct its investigation may be adopted by the majority of the deputies of the Majilis at the initiative of no less than one-third of the total number of its deputies. Investigation of the accusation shall be organized by the Senate and by the majority of votes of the total number of the deputies of the Senate its results are transferred for consideration at a joint session of the Parliament's Chambers. The final decision of this issue shall be adopted at a joint session of the Parliament's Chambers by the majority of no less than three-fourths of the total number of the deputies of each Chamber, provided the Supreme Court concludes the validity of the accusation and conclusion by the Constitutional Council that the established constitutional procedures were observed. The failure to arrive at a final decision within two months from the moment of the accusation shall result in the recognition that the accusation against the President of the Republic is rejected. Rejection of the accusation of the President of the Republic in perpetration of high treason at any stage shall result in premature termination of the powers of the deputies of the Majilis who initiated the consideration of this issue.

3. The issue of discharge of the President of the Republic from office may not be initiated in the period when the President is considering premature termination of the powers of the Parliament of the Republic.

Article 48

1. In case of premature release or discharge of the President of the Republic of Kazakhstan from office as well as in case of his death the powers of the President of the Republic shall be transmitted to the Chairperson of the Senate of the Parliament for the rest of the term; if the Chairperson of the Senate is unable to assume the powers of the President they shall be transmitted to the Chairperson of the Majilis of the Parliament; if the Chairperson of the Majilis is unable to assume the powers of the President they shall be transmitted to the Prime Minister of the Republic. A person who has taken the powers of the President of the Republic shall correspondingly withdraw his powers of the Chairperson of the Senate, the Majilis, the Prime Minister. In this case filling of those state positions shall be carried out in the order, stipulated by the Constitution. A person who has taken the powers of the President of the Republic of Kazakhstan, on the basis and in the order stipulated by Paragraph 1 of the

present Article, has no right to initiate amendments and additions to the Constitution of the Republic of Kazakhstan.

Section IV Parliament

Article 49

1. Parliament of the Republic of Kazakhstan is the highest representative body of the Republic performing legislative functions.
2. Parliament's powers shall begin from the opening of its first session and terminate with the first session of a new convocation.
3. The powers of Parliament may be prematurely terminated in cases and according to the procedure stipulated by the Constitution.
4. The organization and activities of Parliament, the legal status of its deputies shall be determined by constitutional law.

Article 50

1. Parliament shall consist of two Chambers acting on a permanent basis: the Senate and the Majilis.
2. The Senate shall be composed of deputies elected in twos from each oblast, major city and the capital of the Republic of Kazakhstan, at a joint session of the deputies of all representative bodies of the respective oblast, major city and the capital of the Republic. Seven deputies of the Senate shall be appointed by the President of the Republic for the term of the Senate.
3. The Majilis shall consist of seventy-seven deputies. Sixty-seven deputies shall be elected in constituencies having one mandate and formed according to the administrative-territorial division of the Republic with an approximately equal number of constituents. Ten deputies shall be elected on the basis of the Party Lists according to the system of proportional representation and in the territory of a unified national constituency.
4. A deputy of Parliament may not be a member of both Chambers simultaneously.
5. Term of the powers of Senate deputies shall be six years, term of the powers of the Majilis deputies shall be five years.

Article 51

1. Elections of the deputies of the Majilis shall be carried out on the basis of the universal, equal and direct right under secret ballot. Regular elections of the deputies of the Majilis shall be held no later than two months before the termination of the powers of current Parliament.
2. The elections of the deputies of the Senate shall be carried out on the basis of indirect electoral right under secret ballot. Half of the elected deputies of the Senate shall be re-elected every three years. In this case, their regular elections shall be held no later than two months before the end of their term in office.

3 Extraordinary elections of the deputies of Parliament shall be held within two months from the moment of premature termination of Parliament's powers.

- 4 A deputy of the Senate may be a citizen of the Republic of Kazakhstan who has been a citizen of the Republic for not less than five years and who has reached thirty years of age, has a higher education and length of service of not less than five years, and has been a permanent resident for not less than three years on the territory of the respective oblast, major city or the capital of the Republic. A deputy of the Majilis may be a citizen of the Republic of Kazakhstan who has reached twenty-five years of age.
- 5 A candidate shall be deemed elected if he receives more than fifty percent of the votes of constituents or electors who took part in the voting in a constituency having one mandate, at the joint session of deputies of all the representative bodies correspondingly of the oblasts, the city of republican significance and the capital of the Republic. If none of the candidates receives the aforementioned number of votes, a second round of voting shall be held between the two candidates who obtained the largest number of votes. The candidate who receives the larger number of votes of the constituents or electors who took part in voting shall be deemed elected. Only those political parties which received not less than seven percent of votes of constituents who took part in the elections, shall be admitted to distribution of deputy mandates in accordance with the results of elections to the Majilis on the basis of Party Lists. Elections to the Senate shall be deemed valid in case more than fifty

percent of electors took part in the voting. Procedure of elections of the deputies of the Parliament of the Republic shall be determined by constitutional law.

6 A deputy shall take an oath before the people of Kazakhstan.

Article 52

1. A deputy of Parliament shall not be bound by any imperative mandate.
2. The deputies of Parliament must take part in its work. The deputies shall only vote in person in Parliament. Absence of a deputy at sittings of the Chambers and their bodies without a good reason for more than three times as well as transferring the right to vote shall cause the imposition of penalties established by law.
3. A deputy of Parliament shall have no right to be a deputy of another representative body, hold other paid offices, except teaching, research and creative activities, engage in entrepreneurial activity, enter a managing body or a supervisory board of a commercial organization. Violation of this rule shall result in the termination of a deputy's powers.
4. A deputy of Parliament during the term of his office may not be arrested, subject to detention, measures of administrative punishment imposed by a court of law, arraigned on a criminal charge without the consent of a respective Chamber except for the cases of being apprehended on the scene of a crime or committing grave crimes.
5. The powers of the deputies of Parliament shall be terminated in cases of resignation, being recognized as incapable, dissolution of Parliament and in other cases stipulated by the Constitution. A deputy of Parliament shall be deprived of his mandate in cases being duly convicted in a court of law, establishing permanent residency beyond the boundaries of the Republic of Kazakhstan.
6. Preparation of questions concerning the imposition of penalties on the deputies, their observance of the requirements of paragraph 3 of this article, principles of the deputies' ethics, as well as termination of the deputies' powers and deprivation of their powers and deputy immunity, shall be delegated to the Central Election Commission of the Republic of Kazakhstan.

Article 53

Parliament at a joint session of the Chambers shall: 1) introduce amendments and make additions to the Constitution; adopt constitutional laws, introduce amendments and make additions to the Constitution at the proposal of the President of the Republic of Kazakhstan; 2) approve the republican budget, the reports of the Government, and the Accounts Committee about its implementation, and introduce changes into the budget; 3) conduct a second round of discussion and voting on the laws or articles of the law that caused objections of the President of the Republic within a month's term from the moment the objections were presented. Non-observance of this term denotes the acceptance of the President's objections. If Parliament by the majority of two-thirds of votes from the total number of deputies from each Chamber confirms the decision adopted earlier, the President shall sign the law within seven days. If the President's objections are not overruled, the law shall be deemed not adopted or adopted in the version proposed by the President; 4) have the right to delegate legislative Powers for a term not exceeding one year to the President by two-thirds of the votes from the total number of deputies of each Chamber at the initiative of the President ; 5) give consent to the appointment of the Prime Minister of the Republic and the Chairperson of the National Bank of the Republic by the President of the Republic; 6) hear the report of the Prime Minister on the Government's program and approve or reject the program. A second rejection of the program brought about by the majority of two-thirds of votes from the total number of deputies of each Chamber denotes a vote of no confidence in the Government. The absence of such a majority implies the approval of the Government's program; 7) express a vote of no confidence in the Government by the majority of two-thirds of votes from the total number of deputies of each Chamber at the initiative of no less than one-fifth of the total number of the Parliament's deputies and in cases established by this Constitution; 8) decide issues of war and peace; 9) adopt a decision concerning the use of the Armed Forces of the Republic to fulfill international obligations in support of peace and security at the proposal of the President of the Republic; 10) put forward an initiative calling for an all-nation referendum; 11) hear annual messages of the Constitutional Council of the Republic on the state of the constitutional legality in the Republic; 12) form joint commissions of the Chambers; elect and release from office their chairpersons; hear

reports on the activity of the commissions; 13) exercise other powers assigned to Parliament by the Constitution.

Article 54

Parliament at separate sessions of the Chambers through consecutive consideration of issues first in the Majilis and then in the Senate shall: 1) adopt laws; 2) discuss the republican budget and reports about its implementation, changes and additions in the budget, establish and annul state taxes and fees; 3) establish the procedure for resolving the issues of the administrative-territorial division of the Republic of Kazakhstan; 4) establish state awards, honorary, military and other titles, ranked positions, diplomatic ranks of the Republic of Kazakhstan, and define state symbols of the Republic; 5) decide issues of state loans and rendering of economic and other assistance by the Republic; 6) issue acts of amnesty to citizens; 7) ratify and denounce international treaties of the Republic.

Article 55

The following shall belong to exclusive jurisdiction of the Senate: 1) election and discharge from office, the Chairperson of the Supreme Court, the Chairpersons of the Collegium of Justice, and judges of the Supreme Court of the Republic at the proposal of the President of the Republic of Kazakhstan, and swearing them into office; 2) approval of the appointment of the Procurator General and the Chairperson of the Committee of National Security by the President of the Republic of Kazakhstan ; 3) deprivation of inviolability of the Procurator General, the Chairperson and judges of the Supreme Court of the Republic; 4) premature termination of the powers of local representative administrative bodies in accordance with the legislation of the Republic; 5) delegation of two deputies to the Highest Judicial Council of the Republic of Kazakhstan; 6) consideration of the issue raised by the Majilis about the discharge from office of the President of the Republic and submitting the results for consideration at a joint session of the Chambers.

Article 56

The following belongs to exclusive jurisdiction of the Majilis: 1) accepting drafts of laws for consideration and consideration of the drafts of laws; 2) preparation of suggestions concerning the objections of the President of the Republic of Kazakhstan

to laws adopted by Parliament of the Republic; 3) election and discharge from office of the Chairperson, Deputy Chairperson, Secretary and members of the Central Election Commission of the Republic at the proposal of the President of the Republic of Kazakhstan; 4) announcing regular elections of the President of the Republic; 5) delegation of two deputies to the Qualification Collegium of Justice; 6) bringing an accusation of high treason against the President of the Republic.

Article 57

Each Chamber of the Parliament independently, without participation of the other Chamber shall: 1) appoint three members for a five-year term to the Accounts Committee for control over execution of the republican budget; 2) delegate half of the members of the commission formed by Parliament in the case envisaged by paragraph I of article 47 of the Constitution; 3) elect half of the members of joint commissions of the Chambers; 4) terminate powers of the deputies of the Chambers, as well as resolve the issues of depriving deputies of their deputy immunity at the proposal of the Procurator General of the Republic of Kazakhstan; 5) hold Parliamentary hearings on the issues of its jurisdiction; 6) have the right to hear reports of the members of the Government of the Republic on the issues of their activities, at the initiative of no less than one-third from the total number of the deputies of the Chambers, and adopt an appeal by a majority of two-thirds of the total number of the deputies of the Chambers to the President of the Republic of Kazakhstan to discharge a member of the Government from office in the case of nonobservance of the laws of the Republic, if the President of the Republic refuses such appeal, then the deputies, by majority of not less than two-thirds of votes of the total number of deputies of the Chamber, shall possess the right to put a question to the President anew on release from the position of a member of the Government on expiration of six months since the first appeal. In this case the President of the Republic shall release from the position of a member of the Government. 7) form coordinating and working bodies of the Chambers; 8) adopt procedural orders of their activities and other decisions on the issues connected with organization and the internal routine of the Chambers.

Article 58

1. The Chambers shall be headed by their chairpersons who are elected by the Senate and the Majilis from among the deputies who have a perfect command of the state

language, under secret ballot by a majority of votes from the total number of the deputies of the Chambers. The candidacy for the Chairperson of the Senate shall be nominated by the President of the Republic of Kazakhstan. The candidacy for the Chairperson of the Majilis shall be nominated by the deputies of the Chamber.

2. The Chairpersons of the Chambers may be recalled from office and also have the right to submit their resignation if the majority of the total number of the deputies of the Chambers have voted against them.
3. The Chairpersons of Parliament's Chambers shall: 1) convene sessions of the Chambers and preside over them; 2) exercise general supervision in preparation of the issues under consideration by the Chambers; 3) nominate the candidacies of Deputy Chairpersons to the Chambers; 4) ensure the observance of the procedural orders in the activities of the Chambers; 5) supervise the activities of the coordinating bodies of the Chambers; 6) sign acts issued by the Chambers; 7) each appoint two members to the Constitutional Council of the Republic of Kazakhstan; 8) fulfill other duties assigned to them by the procedural orders of Parliament.
4. The Chairperson of the Majilis shall: 1) open sessions of Parliament; 2) convene regular joint sessions of the Chambers, preside at regular and extraordinary joint sessions of the Chambers.
5. The chairpersons of the Chambers shall issue instructions on the items of their jurisdiction.

Article 59

1. Parliament's sessions shall proceed in the form of joint and separate sessions of its (chambers).
2. The first session of Parliament shall be convened by the President of the Republic of Kazakhstan no later than thirty days from the day of publishing of the election results.

3. Regular sessions of the Parliament shall be held once a year from the first working day of September to the last working day of June.
4. Session of Parliament shall be opened by the President of the Republic and closed at joint sessions of the Senate and Majilis. In the period between Parliament's sessions, the President of the Republic of Kazakhstan may call an extraordinary joint session of the Chambers on his own initiative, at the suggestion of the chairpersons of the Chambers or no less than one-third from the total number of the deputies of Parliament. Only the issues that were the reason for convocation shall be reviewed at this session.
5. Joint and separate sessions of the Chambers shall be held on condition that no less than two-thirds from the total number of the deputies of each Chamber are present.
6. Joint and separate sessions of the Chambers shall be open. In cases stipulated by the procedural orders, sessions may be closed. The President of the Republic, the Prime Minister and members of the Government, the Chairperson of National Bank, the Procurator General, the Chair-person of the Committee of National Security shall have the right to be present at any session and be heard.

Article 60

1. The Chambers shall form standing committees, the number of which shall not exceed seven in each Chamber.
2. The Senate and Majilis shall have the right to form joint commissions on a parity basis for solution of issues dealing with the joint activity of the Chambers.
3. The committees and commissions shall issue resolutions on items of their jurisdictions.
4. The procedure of formation, the powers and organization of the activities of the committees and commissions shall be determined by law.

Article 61

1. The right of a legislative initiative shall belong to the deputies of Parliament of the Republic of Kazakhstan, the Government of the Republic and shall be realized exclusively in the Majilis.

2. The President of the Republic of Kazakhstan shall have the right to determine priority consideration of draft of laws as well as to declare consideration of a draft of law urgent signifying that Parliament must consider this draft within a month from the day of its submission. If the Parliament does not meet this requirement, the President of the Republic shall have the right to issue a decree having the force of law which shall be in effect until Parliament adopts a new law as established by the Constitution.
3. Parliament shall have the right to issue laws that regulate the most important public relations, establish fundamental principles and standards dealing with: 1) legal capacity of individuals and legal entities, civil freedoms and rights, obligations and responsibility of individuals and legal entities; 2) conditions of ownership and other rights of property; 3) foundations of organization and activity of state bodies and bodies of local self-administration, state and military service; 4) taxation, establishment and levying of duties and other obligatory payments; 5) the republican budget; 6) issues of the judicial system and legal proceedings; 7) education, health care and social provision; 8) privatization of enterprises and their property; 9) environmental protection; 10) administrative-territorial structure of the Republic; 11) ensuring defense and security of the state. All other relations shall be regulated by legislative acts.
4. A draft of law considered and approved by the majority of votes from the total number of the deputies of the Majilis shall be transmitted to the Senate where it shall be considered for no more than sixty days. A draft of law approved by the majority of votes of the total number of deputies of the Senate shall become the law and shall be submitted to the President to be signed within ten days. A draft of law rejected as a whole by the majority of votes from the total number of the Senate's deputies shall be returned to the Majilis. If the Majilis approves the draft of law again by the majority of two-thirds of votes from the total number of its deputies, it shall be transferred to the Senate for a second discussion and voting. A twice-rejected draft may not be submitted again during the same session.
5. Amendments and additions to a draft of law proposed by the majority of votes from the total number of the Senate's deputies shall be sent to the Majilis. If the Majilis by the majority of votes from the total number of its deputies agrees with the proposed amendments and additions, the law shall be deemed to be adopted. If the Majilis by the same majority of votes objects to the amendments and additions

proposed by the Senate, the disagreement between the Chambers shall be resolved through conciliatory procedures.

6. Drafts of law envisioning reduction of state revenues or increase in state expenditures may be submitted only when supplied with the positive resolution of the Government of the Republic.
7. In the case when of a draft of law submitted by the Government is not adopted, the Prime-Minister shall have the right to raise an issue of nonconfidence in the Government at a joint session of the Chambers. Voting on this issue shall be held not earlier than within forty-eight hours from the moment of calling for a vote of confidence. If the call for a vote of no confidence does not receive the necessary number of votes established by this Constitution, a draft of law shall be deemed adopted without voting. However, the Government may not use this right more than twice a year.

Article 62

1. The Parliament shall adopt legislative acts in the form of laws of the Republic of Kazakhstan, resolutions of the Parliament, resolutions of the Senate and the Majilis having obligatory force on the entire territory of the Republic.
2. Laws of the Republic shall come into effect after they are signed by the President of the Republic.
3. Amendments and additions to the Constitution shall be introduced by the majority of no less than three-fourths of votes from the total number of the deputies of each chamber.
4. Constitutional laws shall be adopted on the issues stipulated by the Constitution by the majority of no less than two-thirds of votes from the total number of the deputies of each Chamber.
5. Legislative acts of the Parliament and its Chambers shall be adopted by the majority of votes from the total number of the deputies of the Chambers unless otherwise stipulated by the Constitution.
6. No less than two readings introducing amendments and additions to the Constitution, adopting constitutional laws or introducing of changes and additions into them shall be obligatory.

7. Laws of the Republic, resolutions of the Parliament and its Chambers must not contradict the Constitution. Resolutions of the Parliament and its Chambers must not contradict laws.
 8. The procedure for development, submission, discussion, bringing into effect and promulgation of legislative and other regulatory legal acts of the Republic shall be regulated by a special law and the procedural orders of Parliament and its Chambers. Article 63
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1. The President of the Republic of Kazakhstan may dissolve Parliament in cases: expressing by Parliament of a vote of no confidence in the Government, twice refusal of Parliament to give consent to the appointment of the Prime Minister, political crisis resulting from of insurmountable differences between the Chambers of Parliament or Parliament and other branches of state power.
 2. The Parliament may not be dissolved in the period of a state of emergency or martial law, during the last six months of the President's term, as well as within a year after a previous dissolution.

Section V Government

Article 64

1. The Government shall implement the executive power of the Republic of Kazakhstan, head the system of executive bodies and exercise supervision of their activity.
2. The Government in its entire activity shall be responsible before the President of the Republic as well as accountable to the Parliament of the Republic in the case stipulated by paragraph 6 of article 53 of the Constitution.
3. Members of the Government shall be accountable to the Chambers of Parliament in the case stipulated by paragraph 6 of Article 57 of the Constitution.
4. The jurisdiction, the procedure of organization and activity of the Government shall be determined by constitutional law.

Article 65

1. The Government shall be formed by the President of the Republic of Kazakhstan according to the procedure stipulated by this Constitution.
2. Suggestions about the structure and composition of the Government shall be submitted to the President of the Republic of Kazakhstan by the Prime Minister of the Republic within ten days after his appointment.
3. The members of the Government shall take an oath to the people and President of Kazakhstan.

Article 66

The Government shall: 1) develop the main directions of the socio-economic policy of the state, its defense capability, security, guarantee of public order and organize their realization; 2) present to the Parliament the republican budget and a report about its performance, ensure implementation of the budget; 3) introduce draft of laws into the Majilis and ensure enforcement of laws; 4) organize management of state property; 5) develop measures for the conduct of the foreign policy of the Republic of Kazakhstan; 6) manage the activity of ministries, state committees, other central and local executive bodies; 7) annul or suspend completely or partially, the effect of acts of ministries, state committees, other central and local executive bodies of the Republic; 8) appoint to and release from office heads of central executive bodies not encompassed by the Government; 9) perform other functions assigned to it by this Constitution, laws and acts of the President.

Article 67

The Prime Minister of the Republic of Kazakhstan shall: 1) organize and supervise the work of the Government, personally answer for its work; 2) within a month after his appointment, present to the Parliament a report about the Program of the Government and in the event of its rejection, present a new report about the Program within two months; 3) sign resolutions of the Government; 4) report the main directions of the Government's activity and all of its important decisions to the President; 5) perform other functions connected with organization and supervision of the Government's activity.

Article 68

1. Members of the Government shall be independent in making decisions within their competence and bear personal responsibility before the Prime Minister for the activity of bodies subordinated to them . A member of the Government who does not agree with the policy, pursued by the Government, or who does not pursue it shall resign or subjected to release from his office.
2. Members of the Government shall not have right to be deputies of a representative body, hold other paid offices except teaching, scientific and other creative activities, engage in entrepreneurial activity, enter governing body or a supervisory board of a commercial organization.

Article 69

1. The Government of the Republic of Kazakhstan shall issue resolutions on the items of its jurisdiction having obligatory force on the entire territory of the Republic.
2. The Prime Minister of the Republic shall issue directions having mandatory force on the entire territory of the Republic.
3. Resolutions of the Government and directions of the Prime Minister must not contradict the Constitution, legislative acts, decrees and resolutions of the President of the Republic.

Article 70

1. The Government shall resign its powers to the newly elected President of the Republic of Kazakhstan.
2. The Government and any of its members shall have the right to submit a resignation to the President of the Republic of Kazakhstan if they consider further performance of the functions assigned to them to be impossible.
3. The Government shall submit its resignation to the President of the Republic of Kazakhstan in the event that Parliament passes a vote of no confidence in the Government.
4. The President of the Republic within a period of ten days shall consider the issue of accepting or declining the resignation.

5. Acceptance of the resignation shall denote the termination of the powers of the Government or a respective member. Acceptance of the resignation of the Prime Minister shall denote the termination of the powers of the entire Government.
6. In the event that the resignation of the Government or its member is declined, the President shall charge the Government or its member with continued performance of their responsibilities. In the event that the resignation of the Government owing to the passage of a vote of no confidence is declined, the President shall have the right to dissolve Parliament.
7. The President of the Republic shall have the right on his own initiative to adopt a decision to terminate the powers of the Government and to release any of its members from their offices. The release of the Prime Minister from office shall denote the termination of the powers of the entire Government.

Section VI The Constitutional Council

Article 71

1. The Constitutional Council of the Republic of Kazakhstan shall consist of seven members whose powers shall last for six years. The ex-Presidents of the Republic shall have the right to be life-long members of the Constitutional Council
2. The Chairperson of the Constitutional Council shall be appointed by the President of the Republic, and in case the votes are equally divided, his vote shall be decisive.
3. Two members of the Constitutional Council shall be appointed by the President of the Republic, two - by the Chairperson of Senate, and two - by the Chairperson of the Majilis. Half of the members of the Constitutional Council shall be renewed every three years.
4. The Chairperson and members of the Constitutional Council shall not be deputies, hold paid offices except teaching, scientific or other creative activities, engage in entrepreneurial activity, enter a governing body or a supervisory board of a commercial organization.
5. The Chairperson and members of the Constitutional Council during their term in office may not be arrested, subject to detention, measures of administrative punishment imposed by a court of law, arraigned on a criminal charge without the

consent of Parliament, except in cases of being apprehended on the scene of a crime or committing grave crimes.

6. Organization and activity of the Constitutional Council shall be regulated by Constitutional Law.

Article 72

The Constitutional Council by appeal of the President of the Republic of Kazakhstan, the chairperson of the Senate, the Chairperson of Majilis, not less than one-fifth of the total number of deputies of Parliament, the Prime Minister shall: 1) decide on the correctness of conducting the elections of the President of the Republic, deputies of Parliament, and conducting an all-nation referendum in

case of dispute; 2) consider the laws adopted by Parliament with respect to their compliance with the Constitution of the Republic. before they are signed by the President; 3) consider the international treaties of the Republic with respect to their compliance with the constitution, before they are ratified; 4) officially interpret the standards of the Constitution; 5) conclude in cases stipulated by paragraphs 1 and 2 of Article 47 of the Constitution.

2. The Constitutional Council shall consider the appeals of courts of law in cases stipulated by Article 78 of the Constitution.

Article 73

1. The inauguration of the President, registration of the elected deputies of Parliament or results of all-nation referendum shall be suspended in cases of appeal to the Constitutional Council on issues mentioned in subparagraph 1) of paragraph 1 of Article 72 of the Constitution.
2. The term of signing or ratifying of the corresponding acts shall be suspended in case of appeal to the (constitutional Council on issues mentioned in subparagraphs 2) and 3) of paragraph I of Article 72 of the Constitution.
3. The Constitutional Council shall pass a resolution within one month from the day of appeal. This period of time, at the demand of the President or the Republic, may be shortened by 10 days if the issue is urgent.

4. The President of the Republic may object, in whole or in part to the resolutions of the Constitutional Council. These objections shall be overruled by two-thirds of the votes of the total number of the members of the Constitutional Council. If the objections of the President are not overruled, the resolution of the Constitutional Council shall be considered not adopted.

Article 74

1. Laws and international treaties recognized not to be in compliance with the Constitution of the Republic of Kazakhstan, may not be signed or, accordingly, ratified and brought into effect.
2. Laws and other regulatory legal acts, recognized as infringing on the rights and freedoms of an individual and citizen secured by the Constitution, shall be canceled and shall not be in effect.
3. Resolutions of the Constitutional Council shall come into effect from the day they are adopted, shall be binding on the entire territory of the Republic, Final and not subject to appeal.

Section VII Court and justice

Article 75

1. Justice in the Republic of Kazakhstan shall be exercised only by the court.
2. Judicial power shall be exercised through the constitutional, civil, administrative, criminal and other forms of judicial procedure as established by law. In cases, stipulated by law, criminal procedure shall be carried out with participation of jurymen.
3. The courts of the Republic shall be the Supreme Court of the Republic and local courts of the Republic established by law.
4. The judicial system of the Republic shall be established by the Constitution of the Republic and the constitutional law. The establishment of special and extraordinary courts under any name shall not be allowed.

Article 76

1. Judicial power shall be exercised on behalf of the Republic of Kazakhstan and shall be intended to protect the rights, freedoms, and legal interests of the citizens and organizations for ensuring the observance of the Constitution, laws, other regulatory legal acts, and shall ensure international treaties of the Republic.
2. Judicial power shall be extended to all cases and disputes arising on the basis of this Constitution, laws, other regulatory legal acts, international treaties of the Republic.
3. Decisions, sentences and other judgments of courts shall have an obligatory force on the entire territory of the Republic.

Article 77

1. A judge when executing justice shall be independent and subordinate only to the Constitution and the law.
2. Any interference in the activity of the court in the exercise of justice shall be inadmissible and accountable by the law. Judges shall not be held accountable with regard to specific cases.
3. In application of law a judge must be guided by the following principles: 1) a person shall be considered to be innocent of committing a crime until his guilt is established by a court's sentence that has come into force; 2) no one may be subject twice to criminal or administrative prosecution for one and the same offense; 3) no one may have his jurisdiction, as stipulated by law changed without his consent; 4) everyone shall have the right to be heard in court; 5) the laws establishing or intensifying liability, imposing new responsibilities on the citizens or deteriorating their conditions shall have no retroactive force. If after the commitment of an offense accountability for it is canceled by law or reduced, the new law shall be applied; 6) the accused shall not be obligated to prove his innocence; 7) no person shall be compelled to give testimony against oneself, one's spouse and close relatives whose circle is determined by law. The clergy shall not be obligated to testify against those who confided in them with some information at a confession; 8) any doubts of a person's guilt shall be interpreted in the favor of the accused; 9) evidence obtained by illegal means shall have no

juridical force. No person may be sentenced on the basis of his own admission of guilt; 10) application of the criminal law by analogy shall not be allowed.

4. The principles of justice established by the Constitution shall be common and uniform for all courts and judges in the Republic.

Article 78

1. The courts shall have no right to apply laws and other regulatory legal acts infringing on the rights and liberties of an individual and a citizen established by the Constitution. If a court finds that a law or other regulatory legal act subject to application infringes on the rights and liberties of an individual and a citizen it shall suspend legal proceedings and address the Constitutional Council with a proposal to declare that law unconstitutional.

Article 79

1. Courts shall consist of permanent judges whose independence shall be protected by the Constitution and law. A judge's powers may be terminated or suspended exclusively on the grounds established by law.
1. A judge may not be arrested, subject to detention, measures of administrative punishment, imposed by a court of law, arraigned on a criminal charge without the consent of the President of the Republic of Kazakhstan based on a conclusion of the Highest Judicial Council of the Republic or in a case stipulated by paragraph 3) of Article 55 of the Constitution; without the consent of Senate except for the cases of being apprehended on the scene of a crime or committing grave crimes.
2. Judges may be citizens of the Republic who have reached twenty-five years of age, have a higher juridical education, length of service of not less than two years in the legal profession and who have passed a qualification examination. Additional requirements to the judges of the courts of the Republic may be established by law.

3. The office of a judge shall be incompatible with a deputy's mandate, holding other paid offices except teaching, research or other creative activity engaging in other entrepreneurial activity, or being a member of a managing body or supervisory board of a commercial enterprise.

Article 80

Financing of courts, provision of judges with housing shall be performed from the republican budget and must ensure the possibility of complete and free exercise of justice.

Article 81

The Supreme Court of the Republic of Kazakhstan shall be the highest judicial body for civil, criminal and other cases which are under the courts of general jurisdiction; exercises the supervision over their activities in the forms of juridical procedure stipulated by law, and provide interpretation on the issues of judicial practice.

Article 82

1. The Chairperson of the Supreme Court, the Chair-persons of the Collegiums and judges of the Supreme Court of the Republic of Kazakhstan shall be elected by the Senate at the proposal of the President of the Republic based on a recommendation of the Highest Judicial Council of the Republic.
2. The Chairpersons of oblast and equivalent courts, the Chairpersons of the Collegiums and judges of the oblast and equivalent courts shall be appointed by the President of the Republic at the recommendation of the Highest Judicial Court of the Republic.
3. The Chairperson and judges of other courts of the Republic shall be appointed by the President of the Republic at the proposal of the Minister of Justice based on a recommendation of the Qualification Collegium of Justice.
4. The Highest Judicial Council shall be headed by the Chairperson who is appointed by the President of the Republic and consist of the Chairperson of the Constitutional Council, the Chairperson of the Supreme Court, the Procurator General, the Minister of Justice, deputies of the Senate, judges and other persons appointed by the President of the Republic. The Qualification Collegium of

Justice shall be an autonomous, independent institution formed from deputies of the Majilis, judges, public prosecutors, teachers and scholars of law and workers of the bodies of justice.

5. The status of the Highest Judicial Council and the Qualification Collegium of Justice, and their procedure of formation and organization of their work shall be determined by law.

Article 83

1. The procurator's office on behalf of the state shall exercise the highest supervision over exact and uniform application of law, the decrees of the President of the Republic of Kazakhstan and other regulatory legal acts on the territory of the Republic, legality of preliminary investigation, inquest and inspection, administrative and executive legal procedure; and take measures for exposure and elimination of any violations of the law, the independence of courts as well as the appeal of laws and other regulatory legal acts contradicting the Constitution and laws of the Republic. The Procurator's office of the Republic shall represent interest of the state in court as well as conduct criminal prosecution in cases using procedures and within the limits, stipulated by law.
2. The procurator's office of the Republic shall be a unified centralized system with subordination of junior procurators to their seniors and the Procurator General of the Republic. It shall exercise its authorities independently of other state bodies and officials and be accountable only to the President of the Republic.
3. The Procurator General of the Republic during the term of his office may not be arrested, subject to detention, measures of administrative punishment imposed by a court of law, arraigned on a criminal charge without the consent of the Senate except for the cases of being apprehended on the scene of a crime or committing grave crimes. The term of the Procurator General shall be five years.
4. The jurisdiction, organization and procedure of the activity of the procurator's office of the Republic shall be determined by law.

Article 84

1. Inquiry and preliminary investigation of criminal cases shall be carried out by special bodies and be separated from the court and the procurator's office.

2. The powers, organization and procedure of the activity of the inquest and investigation bodies, other questions of preliminary investigation in the Republic of Kazakhstan shall be regulated by law.

Section VIII Local public administration and self-administration

Article 85

Local public administration shall be exercised by local representative and executive bodies which are responsible for the state of affairs of the respective territory.

Article 86

1. Local representative bodies -maslikhats -shall express the will of the population of respective administrative-territorial units and with regard to the common public interests shall determine the measures needed for its realization, and control their implementation.
2. Maslikhats shall be elected by the population on the basis of universal, equal suffrage under secret ballot for a four -year term.
3. A deputy of a maslikhat may be a citizen of the Republic of Kazakhstan who has reached twenty years of age. A citizen of the Republic may be a deputy of only one maslikhat.
4. The jurisdiction of maslikhats shall include: 1) approval of plans, economic and social programs for development of the territory, local budget and reports of their performance; 2) decision of issues of local administrative-territorial organization in their jurisdiction; 3) consideration of reports by heads of local executive bodies on the issues delegated by law to the jurisdiction of a maslikhat; 4) formation of standing commissions and other working bodies of a maslikhat, nearing reports about their activity, decision of other issues connected with organization of the work of a maslikhat; 5) exercise other authorities for insuring of the rights and legitimate interests of citizens in accordance with the legislation of the Republic.
5. The powers of a maslikhat shall be prematurely terminated by the Senate on the grounds and according to the procedure established by law as well as in the case of adoption of a decision about self-dissolution.
6. The jurisdiction of maslikhats, procedure of their organization and activity, and legal status of their deputies shall be established by law.

Article 87

1. Local executive bodies shall be a part of a unified system of the executive bodies of the Republic of Kazakhstan, and ensure conduct of the general state policy of the executive power in conjunction with the interests and development needs of the respective territory.
2. The jurisdiction of local executive bodies shall include: 1) development of drafts of plans, economic and social programs for development of the territory, local budget and provision of their realization; 2) management of public property; 3) appointment to and release from office the heads of local executive bodies, resolution of other issues connected with organization of the work of local executive bodies; 4) exercise other powers delegated to local executive bodies by the legislation of the Republic in the interests of local public administration.
3. A local executive body shall be headed by an akim of the respective administrative-territorial unit who is a representative of the President and the Government of the Republic.
4. Akims of the oblasts, major cities and the capital shall be appointed to office by the President of the Republic on the recommendation of the Prime Minister. Akims of other administrative-territorial units shall be appointed or elected to office in the order, determined by the President of the Republic of Kazakhstan. The President of the Republic shall have the right to release akims from office at his own discretion.
5. A maslikhat shall have the right by two-thirds of votes from the total number of its deputies to express non-confidence in the akim and raise the issue of his release from office respectively before the President of the Republic or a senior akim. The powers of akims of the oblasts, the major cities and the capital shall terminate when a newly elected President assumes office.
6. The jurisdiction of local executive bodies, organization and procedure of their activity shall be established by law.

Article 88

1. Maslikhats shall adopt decisions on the issues of their jurisdiction, akims shall adopt decisions and resolutions which are binding on the territory of the respective administrative-territorial unit.

2. Drafts of decisions of maslikhats envisioning a reduction of local budgetary revenues or an increase of local budgetary expenditures may be submitted for consideration only with a positive resolution of the akim.
3. Decisions of maslikhats not corresponding to the Constitution and the laws of the Republic of Kazakhstan may be annulled by a legal process.
4. Decisions and resolutions of akims may be respectively annulled by the President, the Government of the Republic of Kazakhstan or a senior akim, as well as by a legal process.

Article 89

1. In the Republic of Kazakhstan, local self-administration which ensures that the issues of local significance shall be resolved independently by the population, shall be recognized.
2. Local self-administration shall be exercised by the population directly through elections as well as through elective and other bodies of local self-administration in rural and urban local communities covering the territories on which groups of the population live compactly.
3. The procedure or organization and activity of the bodies of local self-administration shall be determined by citizens themselves within the limits of their powers established by law.
4. The independence of the bodies of local self-administration shall be guaranteed within the limits of their powers established by law.

APPENDIX 2

APPENDIX 2

CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Preamble

The States Parties to the present Convention,

Noting that the Charter of the United Nations reaffirms faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women, Noting that the Universal Declaration of Human Rights affirms the principle of the inadmissibility of discrimination and proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, including distinction based on sex,

Noting that the States Parties to the International Covenants on Human Rights have the obligation to ensure the equal rights of men and women to enjoy all economic, social, cultural, civil and political rights,

Considering the international conventions concluded under the auspices of the United Nations and the specialized agencies promoting equality of rights of men and women,

Noting also the resolutions, declarations and recommendations adopted by the United Nations and the specialized agencies promoting equality of rights of men and women,

Concerned, however, that despite these various instruments extensive discrimination against women continues to exist,

Recalling that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes

more difficult the full development of the potentialities of women in the service of their countries and of humanity,

Concerned that in situations of poverty women have the least access to food, health, education, training and opportunities for employment and other needs,

Convinced that the establishment of the new international economic order based on equity and justice will contribute significantly towards the promotion of equality between men and women,

Emphasizing that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neo-colonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women,

Affirming that the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament, in particular nuclear disarmament under strict and effective international control, the affirmation of the principles of justice, equality and mutual benefit in relations among countries and the realization of the right of peoples under alien and colonial domination and foreign occupation to self-determination and independence, as well as respect for national sovereignty and territorial integrity, will promote social progress and development and as a consequence will contribute to the attainment of full equality between men and women,

Convinced that the full and complete development of a country, the welfare of the world and the cause of peace require the maximum participation of women on equal terms with men in all fields,

Bearing in mind the great contribution of women to the welfare of the family and to the development of society, so far not fully recognized, the social significance of maternity and the role of both parents in the family and in the upbringing of children, and aware that the role of women in procreation should not be a basis for

discrimination but that the upbringing of children requires a sharing of responsibility between men and women and society as a whole,

Aware that a change in the traditional role of men as well as the role of women in society and in the family is needed to achieve full equality between men and women,

Determined to implement the principles set forth in the Declaration on the Elimination of Discrimination against Women and, for that purpose, to adopt the measures required for the elimination of such discrimination in all its forms and manifestations,

Have agreed on the following:

Article 1

Definition of discrimination against women

According to the Convention, the term "discrimination against women" means any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Article 2

Obligations to Eliminate Discrimination

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

- (a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and

to ensure, through law and other appropriate means, the practical realization of this principle

- (b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women.
- (c) to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination
- (d) to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation
- (e) to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise
- (f) to take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women
- (g) to repeal all national penal provisions which constitute discrimination against women

Article 3

Development and advancement of women

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

Acceleration of the achievement of equality between men and women

Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Article 5

Gender roles and stereotypes

States Parties shall take all appropriate measures:

- (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;
- (b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases.

Article 6

Exploitation of women

States Parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation of prostitution of women.

Article 7

Political and public life

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country

Article 8

International representation and participation

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Article 9

Nationality

(a) States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

(b) States Parties shall grant women equal rights with men with respect to the nationality of their children.

Article 10

Education

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same quality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

- (d) The same opportunities to benefit from scholarships and other study grants;
- (e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;
- (f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;
- (g) The same Opportunities to participate actively in sports and physical education;
- (h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Article 11

Employment

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

- (a) The right to work as an inalienable right of all human beings;
- (b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment
- (c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;
- (d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Article 12

Equal access to medical services

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Article 13

Social and economic benefits

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Article 14

Rural women

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:

- (a) To participate in the elaboration and implementation of development planning at all levels;
- (b) To have access to adequate health care facilities, including information, counselling and services in family planning;
- (c) To benefit directly from social security programmes;
- (d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;
- (e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self employment;
- (f) To participate in all community activities;
- (g) To have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;
- (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Article 15

Equality before the law and civil law

1. States Parties shall accord to women equality with men before the law.
2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Article 16

Equality in marriage and family law

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

REFERENCES

REFERENCES

(* Indicates Primary Resources)

*Administration (2012) *Women's Leadership in Kazakhstan: The Higher the Level of Decision Making the Lower Representation of Women* [Online Web] Accessed 3 March 2013, URL: <http://kazworld.info/?p=21030>.

Aaron Vinokur and Ofer Gur, (1985), *Work and Family Roles of Soviet Women: Historical Trends and Cross-Section, Analysis*' Journal of Labor Economics, Vol. 3, No.1, Part 2: trends in Women's Work, Education and Family Building.

Adle Chahryar, Habib Irfan (2003), *History Of Civilization of Central Asia, Development in Contrast : From the Sixteenth to Mid- Nineteenth Century*, Volume, V, Publication UNESCO [Online web] Accessed 15 March 2012, URL: <http://unesdoc.unesco.org/images/0013/001302/130205e.pdf>.

Arat, Resid Rahmati (1955), *Kazakistan, Islam Ansiklopedisi*, Istanbul: Maarif Basimevi, Vol. 6.

Bari, Farzana, (2005) *Women's Political Participation: Issues and Challenges*, United Nations, Division for the Advancement of Women (DAW), Expert Group Meeting ,Enhancing Participation of Women in Development through an Enabling Environment for Achieving Gender Equality and the Advancement of Women Bangkok, Thailand.

Buckley, Mary (1981) *Women in the Soviet Union*, Palgrave Macmillan Journals
Carol, R. Ember, and Ember Melvin (ed) (2003) "Encyclopedia of Sex and Gender, Men and Women in the World's Cultures" Publication, Springer Science +Business Media,Inc, USA.

Chenoy, M Anuradha (1996): *Islam, Women and Identity in Contemporary Central Asia*, Economic and Political Weekly, Vol. 31, No. 9.

*Committee on the Rights of the Child (2001), *Consideration of Report Submitted by States Parties Under Articles 44 of the Convention, Initial Reports of States Parties Due to in 1996, Kazakhstan*, [Online Web] accessed 5 July 2012, URL: www.law.yale.edu/rcw/rcw/.../assc/.../Kazakhstan_crc_reports.doc

Crowe David .M, (1998) *The Kazakh and Kazakhstan: The struggle for ethnic identity and nationhood, Nationalities Papers: The Journal of Nationalism and Ethnicity*, Routledge.

*CEDAW (2005) *Convention on the Elimination of All Forms of Discrimination against Women*, Consideration of reports submitted by States Parties articles 18 of the Elimination of All Forms of Discrimination against Women, Kazakhstan.

**Culture of Kazakhstan - History, People, Traditions, Women, Beliefs, Food, Customs, Family, Social*, [Online Web] Accessed 2 July 2012, URL: [http://www.everyculture.com/Ja Ma/Kazakhstan.html#ixzz1m00tY5Ib](http://www.everyculture.com/JaMa/Kazakhstan.html#ixzz1m00tY5Ib).

**Division for the Advancement of Women, Department of Economic and Social Affairs (CEDAW)* [Online Web] Accessed 10 July 2012 URL: <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>.

Dmitriy Vyortkin and Evelyn Zellerer (2004), *Women's Grassroots Struggles for Empowerment in the Republic of Kazakhstan Social Politics*, Volum 11, Oxford University press [Online web] Accessed 2 January 2012, URL: http://muse.jhu.edu/journals/social_politics/v011/11.3zellerer.pdf.

Erh, Alice –Tay Soon (1972), *The Status of Women in Soviet Union*, the American Journal of Comparative Law, Vol. 20 No.4 [Online Web] Accessed: 14/09/ 2011, URL: <http://www.jstor.org/stable/839036>.

*Goetz, Anne Maria, (2003), *Women's Education and Political Participation, Background paper prepared for the Education for All Global Monitoring Report 2003/4 Gender and Education for All: The Leap to Equality, United Nations Educational Scientific and Cultural organization* [Online Web] Accessed 20 November 2011, URL: <http://unesdoc.unesco.org/images/0014/001467/146770e.pdf>.

Hammerle, Christa.et al. (2008) *Gender Politics in Central Asia: historical perspectives and current living conditions of Women*, Germany, Copyrighted Materials [Online Web] Accessed 7 December 2011 URL: <http://books.google.co.in/books?id=c5kXyj82xfQC&pg=PA153&lpg=PA153&dq=Gender+Politics+in+Central+Asia:+historical+perspectives+and+current+living+conditions+of+Women&source=bl&ots=KgflVzzj0C&sig=LrF5udp28JmS7>.

Haydar, Dughl̄ et at. (1898), It was, therefore, apt that peasants fleeing enserfed communities in Russia should have been called 'Cossacks, in book of Adle Chahryar,

Habib Irfan (2003), "History Of Civilization of Central Asia, Development in Contrast: from the Sixteenth to mid- nineteenth century", Volume, V, Publication.

Heer, M D and Youssef, Nadia (1977), *Female Status among Soviet Central Asian Nationalities: the Melding of Islam and Marxism and Its Implications for Population Increase*. Population Studies, Vol. 31, No.1 Population Investigation Committee [Online Web] URL:<http://www.jstor.org/stable/2173494> .Accessed: 15/09/2011 03:42.

**Inter-Parliamentary Union, Kazakhstan, Mazhilis*, [Online web] Accessed 10 April 2012, URL:www.ipu.org/parline-e/reports/2165_A.htm.

Irvin, Helen (2008), *Gender and the Constitution: Equality and Agency in Comparative Constitutional Design*, Cambridge University Press: New York.

Jones Luong, Pauline(2005), *Transformation of Central Asia, States and Societies from Soviet Rule to Independence*, Manas publications: New Delhi.

Kazakhstan Answers to the Questions on Implementation of Beijing Platform of Actions (1995) and Resolutions of the 23d Special Session of the UN General Assembly (2000), [Online Web] Accessed 5 December 2011 URL: <http://www.un.org/womenwatch/daw/Review/responses/KAZAKHSTAN-English.pdf>.

**Kazakhstan, Public Spending on Education (2009)*, [Online Web] Accessed 11 May 2012, URL: <http://www.indexmundi.com/facts/kazakhstan/public-spending-on-education>.

Khassanova, Galiya, *On the Way to Democracy: Women's Activism in Kazakhstan*, [Online Web] Accessed 2 March 2012, URL: http://www.gwu.edu/~ieresgwu/assets/docs/demokratizatsiya%20archive/08-3_Khassanova.PDF.

Klaveren, Maarten, Van et al. (2010) *Overview of Women's Work and Employment in Kazakhstan Decisions for Life MDG3 Project Country Report*, No. 10 University of Amsterdam /Amsterdam Institute for Advanced Labour Studies (AIAS) Amsterdam, Netherlands, [Online Web] Accessed 3 June 2012, URL: www.uva.nl/aias.

**Kazakhstan* [Online Web] Accessed 8 May 2012, URL: <http://www.onlinewomeninpolitics.org/kz/kazakhstan.pdf>.

**Kazakhstan, Initial Report Submitted on 26 January 2000 (CEDAW/C/KAZ/1)*, [Online Web] Accessed 8 May 2012, URL:

<http://www1.umn.edu/humanrts/iwraw/publications/countries/kazakhstan.htm>.

**Kazakhstan*, [Online Web] Accessed 2 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>.

**Kazakhstan's Constitution, Fifteen Years Young and Counting* [Online Web] Accessed 8 April 2012

URL: [www.kazembassy.in/documents/1294899253_Constitution%20\(2\).doc](http://www.kazembassy.in/documents/1294899253_Constitution%20(2).doc)

LoBue, Elise Helen (2007), *Kazakhstan's Soviet Past, Globalised Present, and "Emancipated women": A Case for New Gender and Development Domain*, The University of Iowa. Copyright. [Online Web] Accessed 4 November 2011, URL: http://books.google.co.in/books?id=o_WBsO0HZpwC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false.

Makhmutova, Meruert (2001) *Local Government in Kazakhstan, Local governments in eastern Europe in the Caucasus and in Central Asia, local government in Kazakhstan Developing new rules in the old environment*, [Online Web] Accessed 10 March 2012, URL: <http://lgi.osi.hu/publications/2001/84/Ch8-Kazakhstan.pdf>.

Moses, Joel, C. (1976) *Indoctrination as Female Political Role in the Soviet Union*, Comparative Politics, Volume .8, No. 4, PP 525-547, Ph.D. Program in Political Science of the City University of New York [Online web] Accessed: 14/09/2011 09:54 URL: <http://www.jstor.org/stable/421542> .

*MDG 3 *Promote Gender Equality in Kazakhstan*, [Online Web] Accessed 10 January 2012, URL: http://www.undp.kz/library_of_publications/files/1570-43657.pdf.

*Millennium Development Goals in Kazakhstan (2004) *Promote Gender Equality and Empower Women* [Online Web] Accessed 4 January 2012, URL;http://www.undp.kz/library_of_publications/files/1570-43657.pdf.

**National Human Rights Action Plan of The Republic of Kazakhstan, 2009-2012* (2007) [Online Web] Accessed 5 March 2012, URL: http://www.kazakhstan.pl/index.php?option=com_content&view=article&id=322%3Anational-human-rights-action-plan-of-the-republic-of-kazakhstan-2009-2012&catid=8%3Aaktualnoci-2009&Itemid=19&lang=ru.

*OSCE (2008), *Organization for Security and Cooperation in Europe, Meeting Focuses on Monitoring and Reporting on Women's Rights in Kazakhstan* [Online Web] Accessed 2 July 2012 URL: <http://www.osce.org/odihr/50483>.

*OSCE (2010), *Supplementary Human Dimension Meeting, Promoting Gender Balance and Participation of Women in Political and Public Life*, Vienna, Austria, [Online web] Accessed 10 July 2012, URL: <http://www.osce.org/odihr/71180>.

*OSCE (2012), *Republic Of Kazakhstan, Early Parliamentary elections*, 15 January 2012, OSCE/ ODIHR Election Observation Mission Final Report, Warsaw.[Online Web] Accessed 20 April 2012, URL: <http://www.osce.org/odihr/elections/89401>.

Osakwe, Christopher (1979), *The Theories and Realities of Modern Soviet Constitutional Law: An Analysis of the 1977 USSR Constitution*, *University of Pennsylvania Law Review*, Volume. 127, No. 5.

Pichugina. M (1939) *Women in the USSR*, Foreign Language Publication House, Transcribed April , 2002 [Online Web] Accessed 17 March 2012, URL: <http://www.marxists.org/subject/women/authors/pichugina/women.html>.

**Promote Gender Equality and Empower Women* [online Web] Accessed 2 May 2012, URL: http://www.undp.kz/library_of_publications/files/1570-43657.pdf.

**Protection of Women and Children in Soviet Russia Legal Phases of women's Rights in the U.S.S.R.* [Online Web] Accessed 10 December 2011, URL: www.marxists.org/reference/archive/field-alice/protect/ch03.html.

Rose, Richard, Toni Makkai. (1995) *Consensus and Dissensus about welfare in post-Communist Societies*, *European Journal of Political Research*.

Schuster, Alice (1971), *Women's Role in the Soviet Union: Ideology and Reality*, Russian Review, Vol. 30, No.3, Blackwell Publishing on behalf of The Editors and Board of Trustees of the Russian Review [Online Web] URL: <http://www.jstor.org/stable/128134> .Accessed: 14/09/2011 08:29.

Schwartz, Janet S. (1979), *Women under Socialism: Role Definitions of Soviet Women, Social Forces*, Vol. 58, No. 1, pp 67-88, Oxford University Press Stable [Online Web] URL: <http://www.jstor.org/stable/2577785> .Accessed: 07/03/2012 09:13.

Shoemaker Susan (1983) *Status of Women in the Rural U.S.S.R.* Population Research and policy Review, Vol. 2, No.1, pp 35-51, Springer in cooperation with the Southern Demographic Association Stable[Online Web] URL: <http://www.jstor.org/stable/40229861> .Accessed: 14/09/2011 09:49.

Soviet Union- Role of Women Gender and Family Roles [Online Web] Accessed on 2 April 2012 URL: http://www.mongabay.com/history/soviet_union/soviet_union-role_of_women_gender_and_family_roles.html.

Stites, Richard (2006) *The Russian Revolution and the Emancipation of Women: Women and Revolution Pages* [Online: web] Acseesed on 1st July 2012: 20. URL:<http://www.icl-fi.org/english/esp/59/emancipation.html>.

**Strategy of Gender Equality in the Republic of Kazakhstan For 2006-2016*, 2005 [Online Web] Accessed 2 June 2012, URL: http://e.gov.kz/wps/.../Gender_Equality_Strategy_2006-16.doc.

Teorell, Jan. et al. (2007) *Political participation: Mapping the Terrain*" in Torcal, Mariano.and Montero, Jose Ramon. Deth, Jan W.Van, et al. ed. "Citizenship and involvement in European Democracies: A Comparative analysis": Routledge Mentero. Jose Ramon, and Westholm, Anders New York.

**The Constitution of Kazakhstan* (2005) [Online Web] Accessed 5 June 2012, URL: <http://www.wipo.int/wipolex/en/details.jsp?id=7255>.

**The Constitution of USSR* (1936), [Online Web] Accessed 5 June 2012 URL: <http://www.departments.bucknell.edu/russian/const/1936toc.html>.

**The Constitution of USSR* (1977), [Online Web] Accessed 10 June 2012, URL: <http://www.friends-partners.org/oldfriends/constitution/const-ussr1977.html>.

*UNDP (2005), United Nations Development Programme, *Gender Equality and the Status of Women in Kazakhstan*” United Nations Development Programmed Kazakhstan, Almaty.

*U.S. Department of States, *Policy in Action, Human Rights Report (2010): Kazakhstan*, [Online Web] Accessed 10 April 2012, URL:

<http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154481.htm>.

**United Nations in Kazakhstan* [Online Web] Accessed 4 March 2012, URL: <http://www.un.kz/en/articles/1/16.jsp>.

*UNESCO [Online web] Accessed 15 March 2012, URL: <http://unesdoc.unesco.org/images/0013/001302/130205e.pdf>.

*United Nations Development Programme (2007), *Kazakhstan: Gender Mainstreaming Strategy Kazakhstan*, United Nations Development Assistance Framework (UNDAF) 2005 – 2009, Midterm Review Development with a Human Face: Creating Opportunities for All.

**United Nations Development Programme in Kazakhstan Achieve Universal Primary Education* [Online Web] Accessed 6 March 2012 URL <http://www.undp.kz/en/pages/9.jsp>.

**United Nations Economic and Social Council, Implementations of the International Covenant on Economic, Social and Cultural Rights* (2009), [Online web] Accessed on 10 January 2012, URL: http://www.unhcr.org/refworld/publisher_CESCR,STATEPARTIESREP,,4a8eba0d5,0.html.

**Women’s Role in Kazakhstan’s Development Will Grow, Congress Showed* A bi-weekly online publication of the Ministry of Foreign Affairs of the Republic of Kazakhstan (2011) [Online: Web] Accessed 5 January 2012, URL: <http://www.mfa.kz> Issue # 138.

**Women in Politics, Governance and Decision-Making* [Online Web] Accessed 25 December 2011, URL: <http://www.onlinewomeninpolitics.org/kz/kzmain.htm>.

**Women and Men in Kazakhstan 2006-2010*,(2011), Statistical Collection, Agency of the Republic of Kazakhstan on Statistics [Online Web] Accessed on 10 March 2012 URL: www.eng.stat.kz/publishing/DocLib/2011/MiWEngEnd.pdf.

Weitz-Shapiro, Rebecca, Winter, Matthew S.(2008) *Political Participation and Quality of Life*, Columbia University, [Online Web] Accessed on 10 September 2011, URL: <http://www.doc88.com/p-283362478854.html>.