

## Protection of women's rights is social requirements

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**Abstract.** Protection of the mother and the child rights as an important principle of social policy is one of the most important structural components of modern social policy. The future of our country is directly related to education and upbringing of child grown up in families. In his address to the nation on December 14, 2012, the President of the Republic of Kazakhstan Nursultan Nazarbayev spoke about the need to treat with special attention, first of all, to the upbringing of girls, as «Girl, a woman has always been a full member of our society, and mother is its most revered person». The article deals with the legal issues of women's rights. It also includes the legal issues of respect for the girls according to Kazakh national traditions, bans on public and domestic violence, relationship to the woman as an equal member of society.

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**Keywords:** Hijab, «Ukili Takiya» (skullcap, decorated with owl feathers) «Borik» (headdress) made of beaver, «Saukele» (Kazakh national headdress), «Syngsu» (lamentation), «Kursak shashu» (custom to scatter gifts at the first pregnancy), «Bessik Toi» (occasion when the baby is first placed in the cradle), «Sundet Toi» (rite of circumcision), gender policy, violation of women's rights and domestic violence.

### 1. Introduction

As it was contended in our Constitution that, «Kazakhstan is a temporal state. However, the state, providing citizens freedom of conscience, will resist firm attempts to impose on society any social norms that are contrary to our traditions and laws.

We must create the conditions for women in Kazakhstan to be educated, to have a good job and be free. They should be able to use a bank card to drive a car, have a career, be up to date, do not dress up and do not wrap yourself in a clothing alien to us that we have never been worn. Our nation has its own culture, traditions and customs» [1].

Indeed, now girls wrapped up in clothing the hijab, inappropriate to our traditions. Even in higher education institutions across the country one may see women wear to cover up their heads and bodies. Of course, the interdict on such clothing is contrary to the Constitution, because there is a legal guarantee of non-interference in others' personal lives. Therefore, in our opinion, one of the ways of education and adaptation of young girls to an intelligent modern environment is a national education, carried out by parents and schools.

If you rely on facts relating to the history of the Kazakh customs and traditions, in the Kazakh family worshiped the girl as a guest, giving her pride of place, be nice to her, and let her to take horse. She did not cover her head, grew up free, braided hair in two braids and tied with *Sholpy* (adornment made of silver attached with pin for girls braids), while the head was dressed «Ukili takia» (skull-cap, decorated

with feathers owl) or beaver «*Borik*» (headdress) [2], the dress was sewed with assemblies and form-fitting, and the top wore a silk camisole (or plush velvet women's clothing without a collar and sleeves) embroidered with national patterns and ornamentation

The national headdress *Saukele* is worn only when to invite a matchmaker to see the bride, and they give *korimdik* (gift brought by those who come to see the bride, arrived to the village of fiancé) in turn. After that, the girl's mother puts on her head *Saukele* instead of *Takia* (skullcap) and takes gift named as *Baigazy* from her mother-in-law. After matchmaking skullcap *Takiya* is not dressed anymore. *Saukele* is bride headdress. On this day, the bride should wear it as long as matchmakers will not leave home. And later, when the bride arrives at the fiancé's house, she wears it in front of his relatives and neighbors [3].

Girl born in noble Kazakh families are dressed up with collected for her dowry and give her in marriage inviting relatives and neighbors to wedding in accordance with the traditions and rituals. And when she crosses the threshold, she said goodbye to warm thanks to his father, who has paid more regard to her. And after marriage, tradition and rituals, soaked with mother's milk continue, including «*Kursak shashu*» (custom of giving gifts concerning to the first pregnancy), that «*Bessik Toi*» (occasion for the first time when the baby is placed in the cradle), «*Sundet Toi*» (celebration to mark the rite of circumcision), filling the daily life of abundant feasts

and giving respect to their loved ones and their people. How respectfully raised Kazakh girl could be determined by ringing pendants *Sholpy*. If the ringing was loud, the new family realized that the girl lacks the dexterity and skill. In common, Kazakh men prefer to choose bride depending on how she was up brought, looking at her mother. In short, any education in the family is a challenge for parents.

According to paragraph 2) of article 14 of the Constitution of the Republic of Kazakhstan «No one shall be subjected to any discrimination for reasons of origin, social or property status, sex, race, nationality, language, religion, beliefs, place of residence or any other circumstances».

As a result of gender roles and cultural stereotypes, women take more responsibility than men for caring for children and the elderly. The role of women as caregivers must be explicitly addressed by a social protection intervention [4].

At common law a woman could own both real and personal property [5].

The purpose of the adoption of the «Strategy of Gender Equality in the Republic of Kazakhstan for 2006-2016» is to create conditions for realization of equal rights and equal opportunities for men and women proclaimed in the Constitution of the Republic of Kazakhstan and international acts, joined by Kazakhstan, as well as their equal participation in all spheres of society[6].

The strategy is a fundamental document aimed to implementation of the gender policy of the government, an instrument of its implementation and monitoring of the state and civil society. This factor plays an important role in the development of democracy. In this regard, each section of the Strategy includes developed in conjunction with the regional office of the UN Development Fund for Women (UNIFEM), the indicators for achieving gender equality in politics, economics, education, family, health issues and the prevention of violence against women and children.

The strategy, identified the main areas of gender policy in our country is the achievement of a balanced participation of men and women in positions of power, equal opportunities for women's economic independence, their business development and promotion, creation of conditions for equal enjoyment of the rights and responsibilities in the family, freedom from violence on the basis of sex.

Gender is the social aspect of the relationship between men and women, which is manifested in all spheres of life [7]. A gender policy is a public and social activities aimed at promoting equality between men and women in all spheres of society. Consequently, the gender policy is an important part of the democratic processes in our

country. We can say that there are certain successes, improving the regulatory framework in the area of gender equality.

Gender policy is aimed to create the conditions necessary to protect the interests of the family and women's participation in political, social, economic and cultural life of the country. However, the view is formed, that the main wish of women, supporting gender equality is to achieve power. Here, it is necessary to take into account that women's participation in politics by the need to achieve peace and reconciliation, the wish to prevent war, to prevent children from falling victim, to reduce the number of orphans, in other words, to create peace in the world. Even in ancient times was formed so that the man is a benefactor and protector, and a woman is the keeper of the hearth, which creates and preserves a new life [8].

Among the States with the democratically oriented gender policy on the protection of the rights and interests of women are specialized ministries of women's Affairs (either on women and youth). This is the case not only in the Scandinavian countries, but also in France, Germany and some other countries. A Ministry of women's Affairs and in all the States of the British Commonwealth. The Ministers of these countries to coordinate their policies and regularly (every three years) conduct of the meeting [9].

«We should actively involve women in government and public administration, especially at the local level in the regions. Also it is very important to create favorable conditions for opening and doing business by women» [1].

The principles of equality is registered in:

- The Constitution of the Republic of Kazakhstan;
- The Republic of Kazakhstan signed the Beijing Platform for Action in 1995, the National in accordance with the Platform Commission for Women and Family Affairs was set up in 1998, a woman was assigned as the chairman of the Commission (without portfolio);
- The Convention, on the Elimination of All Forms of Discrimination against Women, signed in 1998, according to which the Republic of Kazakhstan provided the initial and periodic reports 2, also ratified the UN Convention on the Political Rights of Women;
- The National Plan of Action for the Advancement of Women life, accepted in 1999;
- The Gender Equality Strategy for 2006-2016. (Decree of the President of the Republic of Kazakhstan on November 29, 2005), which suggests a strategy of action, where the decision-making level of women in government has to be achieved to 30 percent.

To this end:

- To nominate women to different positions from the approved personnel reserves;
- To include the position on the inadmissibility of gender discrimination in the performance of professional duties in the job instructions of government official;
- To consider possibilities of taking temporary measures to equalize the ratio of men and women in leadership positions (quotas) to continue the practice of education and training of women politicians (centers, schools of women's leadership) with the assistance of international organizations, to develop cooperation between government bodies and public associations and NGOs working the protection of human rights and the interests of families, women, children and men;
- To work for the party lists, with a glance and observance of gender balance in the promotion of women and men in leadership positions and elected bodies both at the national and local levels. To provide education through seminars and workshops, as with the leaders of the parties, and with women who wish to engage in political activities.

According to the condition on July 1, 2012 the number of women – government official amounted to over 50 thousands, or about 57% of the actual number. Among the political civil officials, women are about 10%. Representation of women at decision-making levels remains low, despite the fact that the International Organization of Social Watch published «Gender Equality Index 2012», in which Kazakhstan took 31<sup>st</sup> place in the world in terms of gender equality, ahead of almost all the countries of the CIS [6].

**Table 1. Representation of women in Parliament of the Republic of Kazakhstan [10].**

	Total	Senate		Mazhilis		% Women
		Men	Women	Men	Women	
Forth Convocation between 2007-2011	153	44	2	90	17	12,42
Fifth Convocation in 2012	153	44	2	81	26	18,30

In June 2013 the ulama Deh Salah district in Baghlan province in Afghanistan has issued a fatwa, consisting of eight positions. The fatwa prohibits women to leave their homes without husband permission, and another one bans to sell cosmetics that it is "non-Islamic" and encourages adultery [11].

In his Address to the Nation, President Nursultan Nazarbayev said: «We must return to the unconditional respect for women - mothers, wives, sisters and daughters. We must protect our

motherhood. I am concerned with the growth situation of domestic violence against women and children in families. No way to disrespectful attitude towards women. And I must say that such violence should be toughed rigorous measures»[1].

On April 7, 2011, the Committee of Ministers adopted the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention[12]. The Convention is the first legally binding instrument in Europe to create a comprehensive legal framework to protect women from acts of violence as well as prevent, prosecute and eliminate all forms of violence against women[13].

If we talk about domestic violence, the family is a social unit, no one has the right to meddle in its case, and this idea is deeply ingrained in our mind. Half of the victims of domestic violence for fear of moral judgment do not apply to law enforcement agencies. But domestic violence is a primary cause of suicide of men and women, increasing the number of crimes among youth and children [14].

Under Known Committee on the Elimination of Discrimination against Women in 2007 were carried out planned activities to implement the proposals of the National Commission for Women, Family and Demographic Policy under the President of the Republic of Kazakhstan, and in their implementation of the participation of all public authorities, including the courts.

In 2009, two basic laws: «On the Prevention of Domestic Violence" and "On state guarantees of equal rights and equal opportunities for men and women were accepted in order to implement the Committee's observations of Convention on the Elimination of All Forms of Discrimination against Women».

The Code of Administrative Offences from January 1, 2008 was amended with the rules holding the prosecution for the illegal actions in the field of family relations. In accordance with Article 79-5 of the Code of Administrative Offences of unlawful acts in the sphere of family relations are:

1. Obscene words, offensive harassment, humiliation, damage to household items and other actions expressing disrespect for the citizens consisting of the offender in family and domestic relationships, violating their peace, committed within the limits of an individual house or apartment, if these actions do not contain the elements of a criminal offense

- delinquent will be prosecuted for fine from one to three monthly calculation index (MCI) or administrative arrest for up to ten days.

2. Actions provided for the first part of this article committed repeatedly within a year after the imposition of an administrative penalty

- delinquent will be prosecuted fine between three and five MCI or administrative arrest for a period of ten to fifteen days.

According to the Department for Internal Affairs of North-Kazakhstan region for the month of January 2013, 296 delinquent were arrested on Administrative Code, 126 of them were put under administrative arrest, and 19 of them were prosecuted for illegal actions in the field of family relations under Article 79-5 b. of Administrative Code [15].

### Conclusion

In Europe the celebration of World Rural Women's Day is held every year on October 15. Kazakhstan is not officially assigned special status of women, who are working people of the village. We have forgotten about the problems of rural women, their needs and uses, and do not take into account their important role in the life of the state. For example, rural women lacks adequate access to information, their ability to obtain, implement and develop their professional knowledge is limited. As the statistics show the number of women using information and communication technologies is very small (on average - 25 %, and in the poor villages and districts - 0 %). For this reason, the state should make every effort to change the situation.

Well, now we have not the former Kazakh society, but developed civilized democratic society. Since the rules of the society state, it is clear to everyone that the essence of education shifted to the public authorities and institutions, including kindergarten, school, specialized secondary and higher education establishments, various study groups. In modern times the youth goes through them step by step and enter into public life. Now think what stage was a mistake, if today's young people as the President noticed that, nowadays youth walks wrapped in clothing, staying within just a religious upbringing. In our opinion, all of these institutions are operating in accordance with existing regulations. And freedom of religion led to the limited outlook of youth. Youth as young shoot leaning to where it will pull. And our girls have passed many stages of education, in a short time fell under the influence of various religious movements begin to cover the face and wrap themselves in hiding all clothing. In our opinion, living in high life, a ban on the wearing of such clothing in public bodies and institutions, schools and universities, is the right step. We believe that such clothing should be worn exactly where you

need it, in religious institutions, etc., for example in mosques.

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