

1930



Women That Are

FREE
to CHOOSE

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Tatiana Chernobil

2021



Women That Are

FREE
to Choose

How the List of Jobs
Banned for Women
Has Been Repealed in Kazakhstan

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Foreword

A booklet that you are reading now is about a years long work on the repeal of the List of Jobs Prohibited for the Employment of Women's Labour, that existed in Kazakhstan since 1930, and experiences of women who worked and have been working in these occupations. Behind each of its paragraph lies an enormous amount of visible, and even more so, invisible work of different women: experts, lawyers, human rights advocates, researchers, activists, journalists, diplomats, and, of course, women workers themselves and many more others.

When I started working on the repeal of the ban on women's employment in 2018, there was little public awareness about its existence,

even in seemingly professional circles of civil society organisations, practising lawyers, and representatives of state authorities alike. Many of them found the ban a surprising historical anachronism: it seemed to many that by 2018 women had long ago left the workforce at banned jobs. In the course of subsequent advocacy work, it turned out that women had been working in these occupations informally. Meanwhile, proposals to revoke the ban from the labour legislation encountered great resistance at all levels and required considerable effort before they were put into law.

Nonetheless, in October 2021 the List was fully lifted with no reservations. And this is truly the result of that very visible and invisible work.

It is important to acknowledge that lifting the legal ban took place within the context of the government's selective implementation of recommendations on women's rights by international bodies, state co-optation, and paternalistic approach to gender equality which I discussed in detail earlier*.

Here, I would like to document this major step towards realisation of women's freedom of choice in Kazakhstan:

To look at what we have today as a result;

To draw attention to the fact that legislative repeal of the ban is only a part of its implementation in practice and of ensuring equal labour rights and opportunities for women;

* Kamidola, Aigerim. "Redefining 'Women's Work' in Kazakhstan." *openDemocracy*, December 13, 2021. URL: <https://www.opendemocracy.net/en/odr/redefining-womens-work-in-kazakhstan/>.

Kamidola, Aigerim. "The Success of Women's Work Rests on Political Co-Optability: Lessons from Overturning Kazakhstan's Ban on Women's Employment." *IWRAW Asia Pacific*, December 10, 2021. URL: <https://www.iwraw-ap.org/kazakhstan-women-employment-ban/>.

To share this firsthand story of how it all came to be with colleagues in Central Asia, Azerbaijan, Belarus, Russia, and Turkey where similar lists still exist to date;

To show by the example of the repeal of the ban that at certain juncture advocacy and mobilisation of different groups promoting women's rights can bear fruits; and

Finally, to thank the people without whom neither publishing of this book nor revoking of the List would have been possible:

ALMAGUL

A heavy duty vehicle driver, for her trust to lead her case. For being open to any suggestions in the course of our collaboration up to the publication of this book.

ALTYNAY KAMBEKOVA

For all the backend project administration work in 2019-2020. For the support I received since the start of my independent consultancy work.

TATIANA CHERNOBIL

For collaborative times in 2019-2020.

LENA NEMIK

For magical illustrations, almost telepathic feeling of the story of the List, and synergy and care throughout our creative partnership.

MALIKA KOLESOVA

For design and layout of this book.

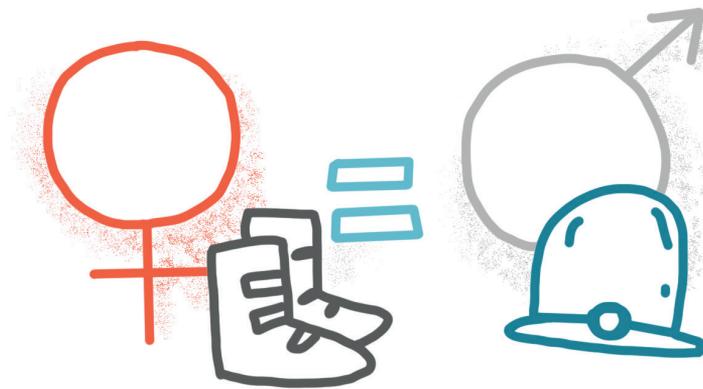
AIZHAN KAMIDOLA and GAINEE NURKABAYEVA

For reading versions of this book and sharing valuable comments.

Aigerim Kamidola,

*independent consultant in international human rights law,
interdisciplinary research and practices.*

July 2022



HOW HAS THE **List of Jobs banned for women** BEEN REPEALED IN KAZAKHSTAN?

I.

- 1 The **list of jobs prohibiting employment of women's labour** existed in Kazakhstan up to **12 October 2021**.
- 2 This list is discriminatory in its nature as it violates the rights of women to equal employment, equal choice of occupation and, in a broader sense, it violates women's rights to independently and freely exercise their reproductive rights and bodily autonomy.

- 3 The **List of Jobs Prohibited for the Employment of Women's Labour** was put in force by the Decree **Nº 944** of the Minister of Healthcare and Social Development of the Republic of Kazakhstan on **8 December 2015** and consisted of **287 occupations**. On 13 August 2018 the list was reduced down to **229 jobs**¹.
- 4 In August 2020, its name was changed to the **List of Jobs Restricted for the Employment of Women**, Threshold Norms of Manual Lifting and Moving of Weights by Female Employees by decrees of the Minister of Healthcare and Social Development and the Minister of Labour and Social Protection.
- 5 The latest list of jobs banned for women included **229 jobs**, such as



«**9**. Gas welder and electric welder of manual welding, working in workshops and closed tanks (cisterns and boilers); working on high-rise structures of communication services (towers, masts), with climbing works at height above 10 metres», «**27**. Ground man», «**29**. Brick mason», «**37**. Bulldozer operator», «**169**. Overhead line repair electrician, engaged in climbing repair works of high voltage overhead lines», «**234**. Sailors on all types of passenger and cargo vessels, dredging shovel, dredge-pump and mixed river-sea navigation vessels», «**269**. Motorsleigh driver”.

II.

- 6 The Government of Kazakhstan has claimed that the list
*“protects maternity and promotes women’s health”*².



7 The list was adopted pursuant to **paragraph 4(2) of Article 26 of the Labour Code** of Kazakhstan:

“It shall be prohibited to employ women in hard jobs and jobs with harmful and (or) hazardous conditions of work in accordance with the List of Jobs Prohibited for the Employment of Women’s Labour”³.

8 According to the Government of Kazakhstan, the list was based on “the national scientific medical research data”⁴, and is subject to updates given “the modern industrial technologies and digitalisation”⁵.

9 The Government also affirmed that “in compliance with the Roadmap to Decrease Workforce Employed in Harmful Working Conditions until 2023 approved by the Government in June 2019”⁶ and “based on the results of analytical research and accounting for the positions of all interested bodies and organisations, the work to review the list will continue”⁷.

10 The ban on women’s employment in certain jobs results in lower wages for women than for men⁸. **Women in Kazakhstan are paid 32,2% less than men**⁹ which the Government explains as partially due to the ban on women’s employment in certain jobs. It states that “as a rule, men work in harder and dangerous conditions with higher wages, whereas women in the same industry tend to perform easier and lesser paid jobs”¹⁰.



- 11 According to the statement Vice-Minister of Labour and Social Protection of Population Aqmadie Sarbassov made at the Universal Periodic Review of Kazakhstan at the UN Human Rights Council in November 2019, “to address the gender pay gap issue, the opportunities for access to jobs by women are being expanded within the state employment programme”¹¹.

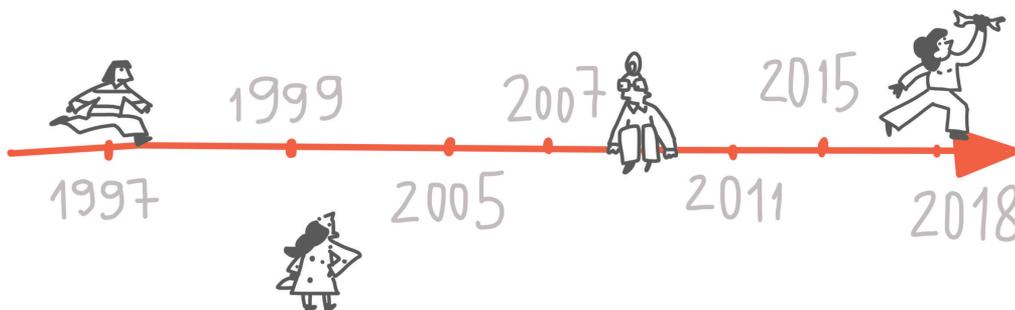
III.

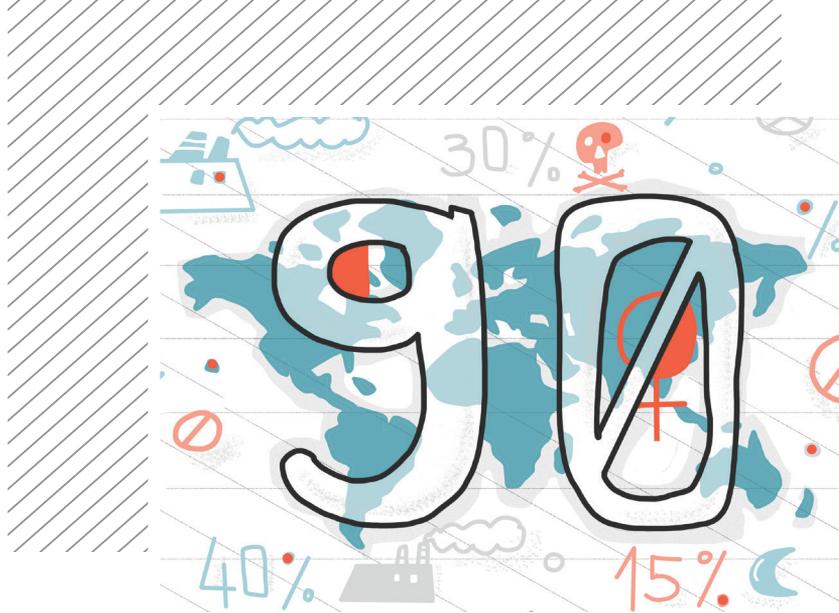
- 12 Restrictions on women’s access to certain jobs in Kazakhstan are deeply rooted in the Soviet times. For the first time ever, the list of “particularly hard and dangerous jobs and professions, access to which by women shall be restricted” was adopted in the USSR in **1930** by the decree of the People’s Labour Commissioner. That list was later updated in 1932, 1938, 1949, 1950, 1956, and 1960.
- 13 The most extensive list of **431 jobs** was enforced by the decree of the USSR State Labour Committee and the Praesidium of the All-Union Central Council of Trade Unions in 1978 and was called the List of Industries, Professions, and Jobs With Hard and Hazardous



Conditions of Labour in Which Women's Labour Shall Be Prohibited. In Kazakhstan, it was used in furtherance of Article 154¹² of Chapter XII, called Women's Labour in the Code of Labour Legislation of 1972 of the Kazakh SSR. The same Code restricted women's labour at night¹³.

- 14 **(1) The Code of Labour Legislation of the Kazakh SSR** continued to be used in independent Kazakhstan until 1999, when it was substituted by **(2) the Labour Law of the Republic of Kazakhstan** (in use until 2008), and then by **(3) the Labour Code**, which in 2016 was replaced by **(4) the effective Labour Code**.
- 15 The Soviet List of Industries, Professions, and Jobs with Hard and Hazardous Conditions of Labour in Which the Women's Labour Shall Be Prohibited of 1978 had been slightly amended and changed in 1987 and 1990..
- 16 In 1997, Kazakhstan got its own List of Industries, Professions, and Jobs with Hard and Hazardous Conditions of Work Banned for the Employment of Women's Labour. This list was alternatively adopted by either the Ministry of Labour and Social Protection of Population or the Government, and had been amended in 1999, 2005, 2007, 2011, 2015, and 2018.





IV.

- 17 **The VII Women, Business, and the Law report of the World Bank for 2020¹⁴** which studied the legal situation of women by 8 indicators of their life (Mobility, Workplace, Pay, Marriage, Parenthood, Entrepreneurship, Assets, and Pension) in 190 world economies placed Kazakhstan among the countries with existing restrictions on women's access to the workforce. Overall Kazakhstan scored **69,4 points** out of **100**. In the previous report for 2019 it scored **72,5 points¹⁵**.
- 18 Today, **90 countries** of the world have at least one restriction on employment of women in a particular industry or production. Of these, **30%** of countries restrict women's employment in jobs considered dangerous, difficult or morally unacceptable

to them; **40%** of countries restrict women's access to employment in certain industries; and **15%** of countries restrict women's access to employment at night.

- 19 In 2017, **Ukraine** abolished its list of banned jobs. In 2019, the ban was revoked in **Moldova** and was left only for pregnant, breast-feeding women, and new mothers. Earlier, similar lists were abolished in **Armenia** and **Georgia**. with similar reservations. In 2019, Uzbekistan passed a decree abolishing a similar list¹⁶. The same year, the Russian Ministry of Labour expressed its intention to reduce its list from 456 jobs to 100 by 2021¹⁷.



20 In the region of Europe and Central Asia¹⁸ the list of jobs banned for women exists in the following countries: **Azerbaijan, Belarus, Kyrgyzstan, Montenegro, Russian Federation, Tajikistan, and Turkey.**

V.

21 In June 2019¹⁹, **ALMAGUL**, a heavy duty vehicle driver²⁰, joined the advocacy campaign to repeal the ban in Kazakhstan.

22 Earlier in June 2019, Almagul was fired from her job after her employer discovered a video from one of her work shifts posted on her social media account. Almagul then faced threats and interrogations by employer's security officers:

“They [security officers] interrogated me about why I posted the video and told me that I was not allowed to perform this job because of the list. That I can work but not for public display - “quietly”. That was when I learnt about its [the List of Jobs Prohibited for the Employment of Women’s Labour] existence.”²¹



- 23 As a result, Almagul was forced to give a notice of voluntary resignation. In addition to forcing her to leave her workplace, Almagul's employer backdated records in her employment record book where she was registered as a driver of a lighter vehicle with a commensurate remuneration. This was despite her having the required qualifications and performing the full scope of work without employer complaints about the quality of the work performed.
- 24 After her dismissal, Almagul had to take informal lower-paid jobs without employment contract and, respectively, without social security benefits and without protection of her labour rights. She often had to change jobs, including for those abroad, where employment as a heavy duty vehicle driver was not prohibited by the national legislation.

- 25 Information about Almagul's case was included in the alternative reports to the UN Committee on the Elimination of All Forms of Discrimination Against Women (see para. 28 below), the Universal Periodic Review of Kazakhstan at the UN Human Rights Council (see para. 30 below) and in communications with Kazakhstan's Ombudsperson and several state authorities (see paras. 34-36 below).
- 26 Almagul's active participation²² in the advocacy campaign on the repeal of the ban on employment of women in Kazakhstan helped humanise the campaign with a personal story and became crucial for the success of the campaign.



VI.

- 27 The existence of such ban violates provisions of paragraphs d and f of Article 2; paragraphs 1(b), 1(c), and 1(f) of Article 11 of the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)**²³; Article 6, paragraph b of Article 7, and paragraph b of Article 12 of the **International Covenant on Economic, Social, and Cultural Rights (ICESCR)**²⁴.
- 28 In October 2019, upon consideration of the 5th periodic report by Kazakhstan on implementation of the CEDAW Convention and alternative reports of the civil society organisations²⁵, the **UN Committee on the Elimination of All Forms of Discrimination Against Women**, recommended to Kazakhstan to

*“repeal the list of prohibited occupations for women and facilitate access for women to such occupations, and ensure that any restrictions are applied individually and not across the board to all women”*²⁶.

28. This recommendation along with four other
1 recommendations was selected by the Committee for Kazakhstan’s follow up review to be presented within the next two years²⁷.



29 In March 2019, having reviewed the 2nd periodic report by Kazakhstan on implementation of the ICESCR, the **UN Committee on Economic, Social, and Cultural Rights** recommended to Kazakhstan

“to examine whether other forms of legal protection of women regarding occupational health and safety might not be more effective than preventing women from undertaking certain jobs”²⁸,

in which regard the Committee also recommended to Kazakhstan

*“to further reduce the persistent gender wage gap, including by ... improving the vocational and professional skills of women and their access to equal employment opportunities, including in non-traditional fields”*²⁹.

- 30 In November 2019, following consideration of the **Universal Periodic Review of Kazakhstan at the UN Human Rights Council**, where an alternative report by civil society organisations was also presented³⁰, Kazakhstan received **3 recommendations** regarding the list of jobs banned for women:

to *“revoke the list of professions prohibited for women and guarantee equal access to all professions to all women and persons of all genders”* (Honduras)³¹, to *“eliminate any form of restriction to women’s choice of profession”* (Iceland)³²; and to *“revoke prohibitions to fields of employment for women”* (Canada)³³.

- 31 Following the assessment of Kazakhstan’s compliance with the **ILO Convention No. 111** on Discrimination (Employment and Occupation)³⁴ in 2017, the ILO Committee of Experts on the

Application of Conventions and Recommendations recalled that “women should have the right to pursue freely any job or profession” and that “exclusions or preferences in respect of a particular job in the context of Article 1(2) of the Convention, should be determined objectively without reliance on stereotypes and negative prejudices about men’s and women’s roles”³⁵.



31.
1

The Committee urged Kazakhstan

*“to take the necessary steps to guarantee equal opportunities and equal protection of health and safety for both men and women, and to review the current list of occupations prohibited to women with a view to ensuring that protective measures on women’s employment are limited to maternity protection in the strict sense, and are not based on stereotypes regarding women’s professional abilities and role in society and the family”*³⁶.

The Committee also requested the Government to include information on the measures taken to consult workers’ and employers’ organisations in this regard and the results of such consultations.

VII.

32 In **views concerning Communication N^o 60/213** *Svetlana Medvedeva v. Russian Federation*³⁷ of 25 February 2016, the UN Committee on the Elimination of All Forms of Discrimination Against Women considered the issue of denying the author access to a restricted job (in this case of a helmsperson). Having affirmed the violation by

the Russian Federation of the provisions of the CEDAW Convention, the Committee further argued the need to provide women with access to occupations of their choice as follows³⁸:

32.
1 “the refusal to employ the author on the basis of the above-mentioned legislative provisions constituted a violation of her rights to have her health and safety in working conditions ensured on equal basis with men”;

32.
2 “the introduction of such legislation reflects persistent stereotypes concerning the roles and responsibilities of women and men in the family and in society that have the effect of perpetuating traditional roles for women as mothers and wives and undermining women’s social status and their educational and career prospects”;

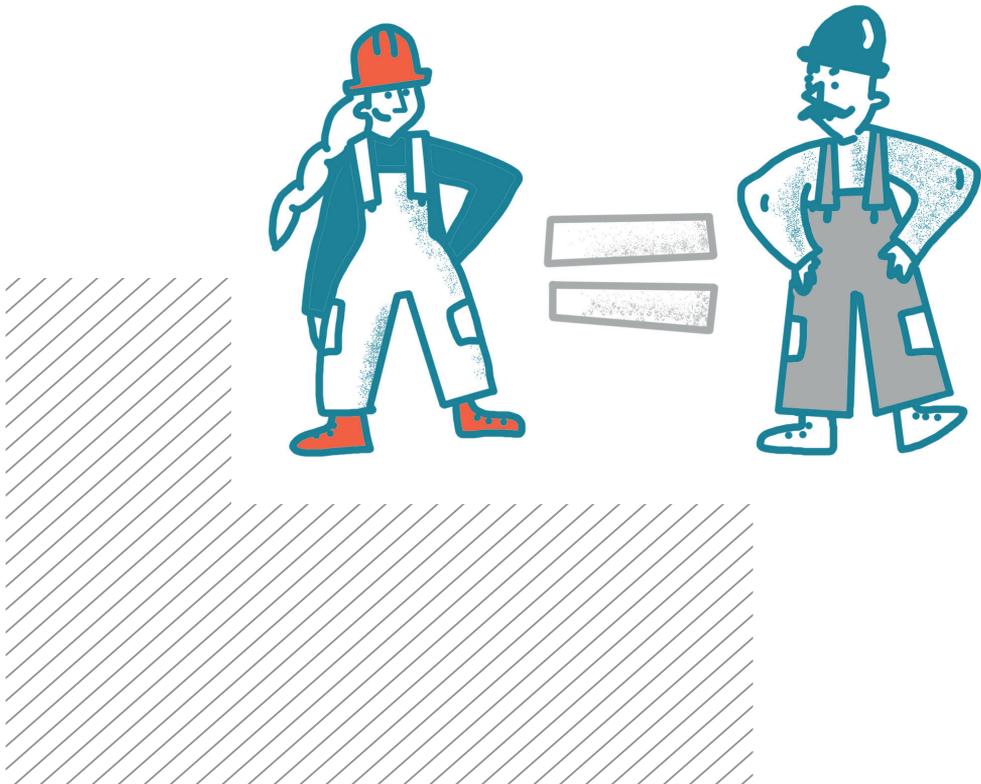
32.
3 “occupational health and safety legislation and laws should place obligations on employers to make workplaces safe for all employees of both sexes and should closely regulate inherently harmful or dangerous working environments with a view to protecting the health of all employees of both sexes to the greatest extent possible”;

32.
4 “the State party is required to provide equal protective measures to safeguard the reproductive functions of both men and women and to create safe working conditions in all industries, rather than preventing women from being employed in certain areas and leaving the creation of safe working conditions to the discretion of employers. When

a State party wishes to deviate from the above approach, it must have strong medical and social evidence of the need for protection of maternity/pregnancy or other gender-specific factors”;

32.
5

“the adoption of a list of 456 occupations and 38 branches of industry contradicts the State party’s obligations under the Convention because it treats men and women differently, it in no way promotes the employment of women and it is based on discriminatory stereotypes”.





33 In its views on this case, the Committee recommended that the state³⁹:

33.
1 *“Review and amend article 253 of the Labour Code and periodically revise and amend the list of restricted occupations and sectors established under Regulation No. 162 in order to ensure that restrictions applying to women are strictly limited to those aimed at protecting maternity in the strict sense and those providing special conditions for pregnant women and breastfeeding mothers and do not hinder the access of women to employment and their remuneration on the basis of gender stereotypes”*; and

33.
2 *“After the reduction of the list of restricted or prohibited occupations, promote and facilitate the entry of women into previously restricted or prohibited jobs by improving working conditions and adopting appropriate temporary special measures to encourage such recruitment”*.

VIII.

34 In early August 2020, **following consultations⁴⁰ and discussions⁴¹ with experts**, Commissioner for Human Rights in Kazakhstan Elvira Azimova wrote an official letter to President Kassym-Jomart Tokayev with an initiative⁴² to **repeal the norm restricting employment of women’s labour in heavy and hazardous jobs from the Kazakhstan’s Labour Code**. At the same time, considering interests of the protection of motherhood, fatherhood and childhood and constitutional



guarantees of health protection (including reproductive health), she proposed expanding the list of medical contraindications for all within the framework of hazardous working conditions.

35 In the run-up to the parliamentary elections on 10 January 2021 the country's ruling Nur Otan Party included "proposing amendments to legislation to repeal the List of Jobs Prohibited for the Employment of Women's Labour" as one of the objectives of its 2025 election programme's chapter on Successful Women⁴³.

36 In May 2021, **following consultations with experts** the amendments on the repeal of the ban on employment of women were **included in the Draft Law On Social Protection of Certain Categories of Citizens**. The bill was prepared by the Parliamentary Committee for Social and Cultural Development led by MP Zarina Kamasova.

37 On 11 June 2021, the Government Decree No. 405 added to the Human Rights Priority Action Plan the "[r]epeal of the list of jobs restricted for the employment of women's labour [...] until the end of 2021"⁴⁴.

38 **On 12 October 2021, the Parliament of Kazakhstan repealed paragraph 2(4) of Article 26 of the Labour Code that banned employment of women in the "list of jobs restricted for the employment of women's labour" by adopting the Law № 67-VII 3PK On Amendments and Additions to Some Legislative Acts of the Republic of Kazakhstan on Social Protection of Certain Categories of Citizens**⁴⁵.

IX.

39 On 29 October 2021, the Government of Kazakhstan submitted a follow up report to the UN Committee on the Elimination of All Forms of Discrimination Against Women (see paras. 28 and 28.1 above) noting that “amendments were made to labour legislation [Law No. 67-VII 3PK] with regard to the abolition of the list of jobs which restricted employment of women”⁴⁶.

40 On 24 February 2022, having assessed the follow up report to concluding observations on the 5th periodic review of Kazakhstan, the UN Committee on the Elimination of All Forms of Discrimination Against Women noted that:

40.1 *Despite “the adoption of legislation in October 2021 that abolishes the list of prohibited occupations for women”, the Committee “regrets the lack of information on any measures taken to facilitate access for women to such occupations”⁴⁷.*

40.2 The Committee also concluded that *“action [taken] towards the implementation of the recommendation [...] fails to respond fully to the recommendation” and recommended Kazakhstan to “[f]acilitate access for women to occupations that were previously prohibited for them” until its next periodic report⁴⁸.*

41 According to Almagul, a heavy duty vehicle driver:

“I am happy that it [the ban on women’s employment] has been revoked, but this has not affected my career in any way”⁴⁹. “Many don’t even realise that such work has been done for our women”⁵⁰.





42 A century old legal ban on women's employment that existed in Kazakhstan in the form of the List of Jobs Prohibited for the Employment of Women's Labour is discriminatory in its nature as it violates the rights of women to equal employment and equal choice of occupation and contradicts Kazakhstan's international obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and the International Covenant on Economic, Social, and Cultural Rights.

43 Along with economic implications for women working in these occupations, the repeal of the ban has an important symbolic meaning: a shift from a paternalistic approach to women, as ones in need of guardianship and as mothers *a priori*, to a substantive equality which is based on

recognition of women's agency, their freedom to choose for themselves what types of jobs they consider acceptable, their freedom to exercise their reproductive rights, their bodily autonomy.

44 Revoking the List of Jobs Prohibited for the Employment of Women's Labour from the legislation is only the first step toward lifting the ban in practice and ensuring equal labour rights and opportunities for women.



45 In order to ensure the repeal of the ban in practice the state should take further measures to “[f]acilitate access for women to [previously prohibited] occupations”⁵¹ such as:

- ✓ conducting awareness-raising campaigns for women workers, workers, employers, vocational training institutions, schools, and the general public;
- ✓ conducting educational and media campaigns, including through the media and social media channels;
- ✓ conducting gender analysis of school curriculum and textbooks — to tackle public stereotypes regarding “non-feminine” jobs;
- ✓ adoption of temporary special measures (e.g. quotas, scholarships, mentorship programmes for women) to encourage such recruitment;
- ✓ improvement of working conditions, including through providing for the special needs of women workers in the

workplace (e.g. needs related to occupational health and safety, protection from gender-based violence, strengthening complaint mechanisms, other gender-sensitive needs);

monitoring and collection of gender-disaggregated data on employment of women in these occupations and cases of labour disputes;

provision of compensations and (or) reparations to women who worked in these occupations prior to the repeal of the ban on 12 October 2021, and

all while in close consultation with women workers and groups representing and promoting their rights and simultaneous protection of their labour rights and occupational health and safety.

46 The context in which the ban was revoked and absence of follow up measures to ensure its practical implementation⁵² demonstrate **(1)** Kazakhstan's outward-looking motivation when repealing the List of Jobs Prohibited for the Employment of Women's Labour, and that **(2)** by adoption of legislative amendments deleting a paragraph from the Labour Code, the Government seems to believe that its job on the effective repeal of the ban has been well accomplished.

47 In fact, the work on implementation of the repeal of the ban in practice and ensuring equal labour rights and opportunities for women has only just begun for the Government and the civil society, feminist and other groups representing and promoting the rights of women workers alike (see para. 45 above).

48 Nevertheless, legislative repeal of the List is a significant step that deserves recognition and credit to the relentless advocacy work of human rights experts, advocates and women workers - well summed up in Almagul's words:

“You have done a tremendous job, I am very thankful to you for your support and repeal of the ban. Our women lack the simplest thing - faith in themselves!”⁵³





Notes

1. Decree of the Minister of Healthcare and Social Development of the Republic of Kazakhstan No. 944, adopted 8 December 2015. URL: https://online.zakon.kz/Document/?doc_id=35844164.
2. The Fifth Periodic Report of Kazakhstan on Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, adopted by the Decree of the Government of the

Republic of Kazakhstan No. 89 of 28 February, sec. on Article 11, para. 1(f).
URL: <https://adilet.zan.kz/rus/docs/P1800000089>.

3. Labour Code of the Republic of Kazakhstan, adopted 23 November 2015, as amended as of 1 January 2020. URL: https://online.zakon.kz/Document/?doc_id=38910832&show_di=1&pos=5;-106#pos=5;-106&sel_link=1007203676.

4. Replies of Kazakhstan to the List of Issues in relation to the Fifth Periodic Report of Kazakhstan on Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, submitted on 16 September 2019, para. 18. URL: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fKAZ%2fQ%2f5%2fAdd.1&Lang=en.

5. *ibid.*

6. *Kazakhstan Review — 34th Session of Universal Periodic Review. UN Web TV*, 7 November 2019, webcast recording from 02:14. URL: <https://media.un.org/en/asset/k15/k155lqdvsn>.

7. *ibid.*

8. *ibid.*

9. *ibid.*

10. *ibid.*

11. *ibid.*

12. Article 154. Jobs prohibited for the employment of women's labour. It shall be prohibited to use women's labour in hard jobs and the jobs with hazardous conditions of work, as well as in underground jobs with the exception of certain jobs (non-physical labour or sanitary or household jobs). The list of hard jobs and the jobs with hazardous conditions of work prohibited for the employment of women shall be compiled in the order established by legislation. It shall be prohibited to allow women to carry or move hard objects in excess of the established weight norms for women.

13. Article 155. Restrictions on the employment of women at night hours. It shall be prohibited to employ women at night, with the exception of those fields of employment where it shall be deemed urgently necessary and be only allowed as a temporary measure.

14. *World Bank. 2021. Women, Business and the Law 2021. Washington, DC: World Bank. URL: https://wbl.worldbank.org/content/dam/sites/wbl/documents/2021/02/WBL2021_ENG_v2.pdf.*

15. *World Bank. 2020. Women, Business and the Law 2020. Washington, DC: World Bank. URL: https://wbl.worldbank.org/content/dam/sites/wbl/documents/2021/02/WBL2020_ENG_v2.pdf.*

16. The ban has not been lifted in practice yet.

17. Decree of the Ministry of Labour and Social Protection of the Russian Federation No. 512H On Approval of the List of Productions, Jobs and Positions with Harmful and (or) Hazardous Working Conditions in Which the Use of Women's Labour is Restricted, adopted 18 July 2019, as amended on 13 May 2021, entered into force on 1 March 2022, effective until 1 March 2028, URL: https://www.consultant.ru/document/cons_doc_LAW_331608/.

The updated List includes “not specific occupations, but areas of work” which can cover more than one position. According to the estimate of the Anti-Discrimination Centre Memorial, more than 320 of 456 types of jobs from the previous list of banned occupations remain unavailable for women.

Kiseleva, Mariya. “Не твоё дело. Почему многие профессии в России закрыты для женщин и как они с этим борются.” *BBC News Русская служба*, August 14, 2021, URL: <https://www.bbc.com/russian/extra/9blv7jwdcw/women-forbidden-professions>.

18. Except for the OECD states.

19. After the publication of a press release on the pre-sessional review and the List of Issues in relation to the Fifth Periodic Report of

Kazakhstan on Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women of 11 March 2019 where alternative information on the List Jobs Prohibited for the Employment of Women's Labour was presented;

Alma-TQ, Feminita: Kamidola A. *Alternative Report on Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women in Kazakhstan* (January 2019).

URL: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/CSS/KAZ/33738&Lang=en.

20. List of Jobs Prohibited for the Employment of Women's Labour, para. 60.

21. Almagul (a heavy duty vehicle driver), interview by Aigerim Kamidola, November 27, 2021.

22. Zhauperova, Aray. "Чувствовала себя преступницей: История женщины, которая работает несмотря на запрет Правительства." *Masa Media*, July 26, 2020. **URL:** <https://masa.media/ru/site/chuvstvovala-sebya-prestupnitsey-istoriya-zhenshchiny-kotoraya-rabotaet-nesmotrya-na-zapret-pravitelstva>.

23. Ratified by the Law of the Republic of Kazakhstan No. 248 of 29 June 1998. **URL:** https://adilet.zan.kz/rus/docs/Z980000248_.

24. Ratified by the Law of the Republic of Kazakhstan No. 87-III of 21 November 2005, entered into force on 24 April 2006. **URL:** https://adilet.zan.kz/rus/docs/Z050000087_.

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WOMEN THAT ARE FREE TO CHOOSE

How the List of Jobs

Banned for Women

Has Been Repealed in Kazakhstan

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