Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Kazakhstan - 7th Session – 2009
12th February, 9am to 12pm

National Report

118. Everyone is guaranteed the right to education. Secondary education is mandatory and public schools are free. Everyone has the right to free higher education on a competitive basis in public institutions of higher education. Fee-paying education is available in private schools under the terms and procedures established by law. Kazakhstan has made bringing its education system and teacher training into line with international standards a key focus of its development strategy.

119. According to the UNDP Human Development Report 2009, Kazakhstan had the tenth highest literacy rate (99.6 per cent). According to the Asian Development Bank Kazakhstan ranked first in Asia in the 2009 education for all index (out of 129 countries) and fourteenth in literacy (out of 177 countries). It ranked fifth in mathematics according to the Trends in International Mathematics and Science Study 2007. The fact that preschool and 11 years of secondary education are free and mandatory accounted for Kazakhstan’s high-level performance. Preparations to change over to 12 years of secondary general education are continuing.

120. With regard to preschool education, there are 58 kindergartens and 67 mini preschool centres. There are 7,733 public schools and 115 private schools. An estimated 99.3 per cent of all students attend public schools. There are 144 institutions of higher education, 55 public and 89 private.

121. A total of 85 per cent of the population between the ages of 5 and 24 have received an education. About 324,000 children attend kindergarten, 246,000 preschool, 2,533,000 primary and secondary school, 634,000 institutions of higher education, 111,000 vocational school, 499,000 specialized schools and 12,000 institutions of higher education.

122. Public education policy is underpinned by a commitment to the full integration of children with special needs into society. There has thus been a drive towards inclusive education. Special education organizations are in place to provide equal rights and opportunities for children with special needs to receive a general secondary education. There are 101 special remedial education organizations.

123. Information literacy among the general public is growing markedly. Some 34 per cent of the population aged 15 and older know how to use a computer, 20 per cent use the Internet and 12 per cent have a good command of English.

124. The Government devotes ample time to supporting institutions of higher education. Between 2007 and 2008, about US$ 25 million was allocated to setting up 15 university laboratories. Every year, 200 of the best teachers from institutions of higher education are given grants from the national budget to engage in academic research, including exchanges abroad in top foreign universities. Each grant is worth US$ 18,000 and is awarded on a competitive basis. Quality management systems have been introduced at 43 institutions of higher education in accordance with the International Organization for Standardization (ISO) 9,000 standards.

125. The Head of State instituted the Bolashak overseas scholarship programme in 1994 to help to train future leaders. The idea underlying this initiative was to give the most talented students the opportunity to receive a quality education abroad so that they might then apply the experience gained for the benefit of the State. In the 14 years since the programme was introduced more than 1,700 persons have received an education in the world’s top universities – Harvard, Stanford, Cambridge, the Sorbonne and elsewhere. Up to 3,000 Bolashak scholarships per year have been awarded to Kazakh students since 2005. The scholarship offers a unique path to successful career development and professional achievement for graduating students. Many graduates of the programme now hold senior posts in the public service, the Government, international organizations and national companies have contributed to the State’s development.
126. More than US$ 700,000 from the 2009–2011 national budget has been set aside to introduce the European credit transfer and accumulation system in 2009 in order to facilitate student exchanges. Kazakhstan is now working towards membership of the Bologna process so as to become part of a single education area and meet international standards.

127. The Government has been increasing the level of funding for education every year. General secondary education accounts for the largest share of education spending. Spending in 2008 amounted to US$ 4.7 billion, an increase of 25.7 per cent compared to 2007.

128. New schools are being built within the framework of Kazakhstan’s “100 schools, 100 hospitals” and “20 smart schools” programmes. Over the past 10 years, 616 new schools and 125 hospitals have opened.

146. Child welfare is under the protection of the State, which has put into practice consistent child rights protection arrangements. Child rights protection issues are covered under the Rights of the Child Act. Parliament is now considering a new draft Marriage (Matrimony) and Family Code. The Government is carrying out a programme entitled Children of Kazakhstan for 2007–2011”.

147. Following the discussion of the second and third periodic reports of Kazakhstan in the Committee on the Rights of the Child, the Head of State confirmed a conceptual framework for the development of a juvenile justice system in Kazakhstan over the period 2009–2011. Special juvenile courts have been created; efforts will continue with the establishment of similar courts, juvenile police and probation services throughout the penal system.

148. The Special Social Services Act, adopted in 2008, provides for services, sometimes publicly funded, to disadvantaged persons such as orphans, children with special needs and abused children.

149. The Government sets aside a minimum number of openings in institutions of higher education for students who fall into this category, such as children with disabilities, rural children and children without parental care.

150. Parliament is considering a bill that will, beginning in 2010, further increase child allowances, introduce monthly benefits equivalent to the minimum wage for parents (guardians) raising children with disabilities, and increase the special State benefit for mothers of large families.

151. Parliament is discussing the draft of a new marriage (matrimony) and family code. This contains innovative provisions that will improve the status of children, including child support for students in daytime education up to the age of 21, legal liability for delays by judicial bodies in paying child support and a requirement that citizens cannot leave the country without confirmation that they are not in arrears with child support payments. The draft code focuses particular attention on adoption issues, especially with respect to foreign adoptions.

152. According to statistics, 733 Kazakh children were adopted by foreign nationals in 2008, more than half of whom (335) were adopted by United States citizens, 149 by Spanish citizens and 59 by Belgian citizens. Kazakh citizens adopted 3,277 children. The draft code includes a special chapter on the adoption of children. Under the draft code, 18 Kazakh children may be adopted only by citizens of countries that have various international obligations towards Kazakhstan as regards the protection of children’s rights and interests. Adoption agencies must be accredited with the competent children’s welfare authority.

153. The prevention of child abandonment is one of the key policies of the Kazakh authorities. There were 51,294 orphan children and children without parental care registered in 2006, 48,456 in 2007 and 46,126 in 2008.

154. The Government had drafted a bill amending the law on family-type children’s villages and youth homes. The intention is to grant youth homes independent status; this would help to extend the range of persons who undergo social rehabilitation in youth homes.

155. Parliament is at the adoption stage of the bill amending the law on the protection of the rights of the child. The bill stipulates harsher criminal and administrative penalties for offences against children and for enticing minors into crime.

167. Currently, there are 424,149 persons with disabilities in Kazakhstan, 45,582 of whom are children under the age of 16.

UN Compilation

4. In 2007 CRC, while welcoming the establishment of the Committee for the Protection of Children’s Rights, remained concerned that its mandate might be limited as a consequence of its establishment under the Ministry of Education and Science,18 which was highlighted by the United Nations Children’s Fund (UNICEF) in 2009.19

9. CRC, while appreciating the significant efforts undertaken, encouraged Kazakhstan to continue and strengthen its efforts to combat all forms of discrimination and urged it to discontinue using vocabulary that stigmatizes children with disabilities and children born out of wedlock.35

10. In 2009, the United Nations Office on Drugs and Crime reported that, despite legislation prohibiting discrimination against persons with drug dependence and persons infected with HIV, there still exists discrimination against these vulnerable groups.36 In 2007, CRC noted the stigmatization of children infected and affected by HIV/AIDS, including cases of abandonment.37

17. In 2007, CRC expressed concern that progress had still not been made in reducing the large number of abandoned and homeless children, the number of children placed in institutions, and the conditions in those institutions. It expressed concern at reports that many children lacking parental care, particularly abandoned children, are apprehended and placed in the same closed facilities as children suspected or accused of criminal wrongdoing.51 In 2009, the Special Rapporteur on the question of torture stated that he had received consistent allegations of beatings and other ill-treatment of minors by law enforcement organs at the initial stage of custody, but also in other institutions under the Ministry of Interior as well as the Ministry of Justice.52 CRC, while noting efforts to eradicate maltreatment
and degrading punishment in boarding schools, homes, remand and detention centres, was concerned about reports that such brutal and humiliating behaviour still exists. Furthermore, CRC was concerned at reports of bullying, insulting and blackmailing among children in schools.53 CRC regretted that there is no specific legal prohibition of corporal punishment in foster care, military schools, kinship care and the workplace and that despite legal prohibitions for some areas the de facto situation is that children are still victims of corporal punishment.54

18. In 2007, CRC was particularly concerned at the violations of the rights of street children, children who are foreign citizens or who belong to ethnic minorities and their vulnerability to trafficking and economic and sexual exploitation.55 It also expressed concern at the still large number of socially vulnerable children engaged in labour, inter alia, within the tobacco and cotton industry and as domestic servants.56 In 2009, UNICEF highlighted the fact that child exploitation and trafficking are seasonal and increase during the warm period when agricultural work begins and the homeless become prey to potential traffickers.57 CRC, CERD, CAT and CEDAW58 noted the legislative and other measures taken to combat human trafficking. However, CEDAW was concerned about the persistence of trafficking in women and girls, and CERD was concerned in particular that it affected non-citizens and ethnic minorities.59 CRC remained concerned in particular, about allegations of complicity by State officials in trafficking and that corruption impedes the effectiveness of prevention measures.60

22. In 2009, UNICEF highlighted Kazakhstan’s commitment to the creation of a juvenile justice system where deprivation of liberty is a last resort. The Juvenile Justice Development Concept was approved by the Government, a plan of action adopted and piloting undertaken of specialized juvenile courts and juvenile police units.70 In 2007, CRC recommended that Kazakhstan take prompt measures to fully bring the juvenile justice system into line with the Convention.71

24. UNICEF indicated that in 2008, a total of 76,308 children were in residential education and care institutions, including 17,500 children deprived of parental care. Foster care is hampered by limited resources and complex procedures, with adoption another issue requiring an urgent focus. UNICEF highlighted the gaps in domestic and intercountry policies and legislation, effective monitoring and follow-up of adoptions are areas of concern.74 It observed that greater attention needs to be paid to preventing the separation of children from their families,75 and to the development of community-based programmes that provide the kind of assistance available in good residential facilities to children who could benefit from such assistance but do not need to be removed from their families or communities.76

32. In 2007, CRC recommended that Kazakhstan take steps to improve the standard of living of families, particularly those below the poverty line; develop targeted programmes to compensate for the negative consequences of child poverty; make adequate housing available for low income families, including for large families, and provide access to housing for former institutionalized children; and ensure access to clean drinking water and sanitation in all regions.92 In 2009, UNHCR indicated that it had received reports of refugees having to live on the streets due to unavailability of affordable accommodation.93

33. UNICEF submitted that the quality of maternal and child health services is affected by system-wide weaknesses in norms, standards and practices, and that inequality and disparities between urban and rural areas affect many children.94 CRC also regretted that insufficient effort had been made to effectively improve the situation of refugee children.95 UNICEF indicated that the under-five mortality rate is 41 per cent higher in rural areas, and that mortality among adolescents and young people is an emerging problem, with the Government having undertaken analysis into adolescent suicides.96 In 2007, CRC remained concerned at the high incidence of drug abuse, the widespread alcoholism and tobacco use, the prevalence of teenage pregnancy, the high abortion rate and the shortage of mental health services for children.97 CRC recommended, inter alia, that Kazakhstan develop programmes directed to the prevention of suicide and violence.98 CEDAW urged Kazakhstan to enhance and monitor affordability and access to health-care services for women including in rural areas. CRC and CEDAW requested the strengthening of measures to prevent unwanted pregnancies, especially among teenagers, making a comprehensive range of contraceptives more widely available, and increasing knowledge about family planning.99

34. In 2009, UNICEF highlighted an incident in 2006 in southern Kazakhstan, in which 147 children were infected with HIV in paediatric hospitals as a result of prolonged hospitalization and excessive treatment that exposed them to infection.100 In 2007, CRC was concerned that Kazakhstan remains a major trafficking conduit for heroin, with a major impact on drug use and the HIV infection rate.101

35. UNICEF reported that Millennium Development Goal 2 on education has been achieved, except for pre-primary education. The remaining challenges are to improve the quality of education and the inclusion of children with disabilities.102 In 2007, CRC recommended, inter alia, that Kazakhstan ensure that compulsory education is free of cost and accessible for all, by undertaking targeted programmes addressing children living in rural and remote areas; children with special needs; refugee children; children of migrant workers; and children with HIV/AIDS, including in early childhood facilities; and improve the quality of education at all levels.103

**Stakeholder Compilation**

11. JS 1 noted the acute problems of children of migrants, refugees, oralmans, children of parents with low educational status and homeless ones and recommended that a complex and effective resolution of the problems of these children and children from poor families should be ensured.17

12. JS3 noted that HIV testing was mandatory for all foreigners entering the country for more than 6 months or for permanent residence.18 JS3 supported the recommendations of the Committee on the Rights of the Child that Kazakhstan take effective measures to counter stigma and discrimination faced by children and families affected by HIV/AIDS.19 JS3 further recommended, inter alia, the inclusion of HIV and drug dependence as conditions recognized as disabilities under domestic law, and to ensure that people with these
conditions receive protection from discrimination on the basis of their health status.20

23. According to Global Initiative to End All Corporal Punishment of Children (GIEACPC), corporal punishment is lawful in the home, as it is not explicitly prohibited in the 2002 Child Law. GIEACPC noted that corporal punishment is not prohibited in military schools and there is no explicit prohibition of corporal punishment in foster care or kinship care.61 GIEACPC drew attention to the 2007 recommendation of the Committee on the Rights of the Child that Kazakhstan explicitly prohibit corporal punishment in all settings.62

27. JS3 expressed concern that Kazakhstan’s law did not currently provide for court-ordered drug dependence treatment as an alternative to imprisonment in penalizing offences and recommended amendment of the law.75 JS1 recommended that a system of juvenile justice should be set up.76PRI-Central Asia recommended that Kazakhstan follow international standards and reflect good practice by addressing the too punitive and un-individualised tendencies in the Kazakhstan criminal and criminal procedure laws and by returning to the earlier policy of promoting alternatives to imprisonment, including early release under supervision.77

30. According to JS3, under Law “On Marriage and Family”, a parent may be deprived of parental rights if he or she is “recognized in due order as a person abusing alcohol, drugs or substances”. Furthermore, both HIV and alcohol and drug dependence are listed as medical conditions that bar a person from adopting a child.81

40. JS1 noted that state disability grants were available only for 1% of children and 3% of adult population of the country. 117 There was no special legislation that would ensure and protect the rights of disabled and elderly people except legislation on social support.118 JS1 recommended the adoption of special legislation on the rights of disabled and the rights of elderly people in compliance with relevant UN standards.119

46. BF noted that religious organizations that undertake religious education must be granted approval of their teaching materials by the Ministry of Education. In addition, no group may provide supplemental education outside of the public school system without permission of the Government and registration as a recognized religious association. Such regulations imposed severe limitations on parental rights to educate their children in their family’s faith and customs.132

Final Report and Recommendations - To Follow