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Summary record (partial)* of the 14th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 11 May 2010, at 3 p.m.

Chairperson: Mr. Marchán Romero

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Initial report of Kazakhstan (E/C.12/KAZ/1; E/C.12/KAZ/Q/1 and Add.1) (continued)

1. *At the invitation of the Chairperson, the delegation of Kazakhstan took places at the Committee table.*

Articles 10 to 12 of the Covenant (continued)

2. **Mr. Zhan** Daode asked for further information on child labour in Kazakhstan.
3. **Mr. Kedzia** asked whether the parliamentary law on domestic violence provided for the protection of victims or whether it simply focused on prohibiting certain violent acts. He also asked if the victim had to bring a complaint before legal proceedings could be initiated, which risked exposing the victim to pressure from the perpetrator.
4. He asked if it was true that foreign women who had been involved in drug trafficking and had been detained often suffered violence at the hands of law enforcement officials and were subjected to particularly strict treatment in detention, so that, for example, they were allowed fewer family visits than their male co-detainees. Further information on the matter would be most welcome.
5. **Ms. Barahona Riera** said that she would like to know whether domestic violence was a criminal offence and how long the sentences for such offences were.
6. She requested information on measures to stop religious marriages of children and also details of the number of unregistered marriages involving minors. In addition, she inquired as to the situation of the 46,000 children registered as orphans in the State party and asked whether the children were afforded special protection, whether they were systematically placed in orphanages or other specialized establishments and whether those living in rural areas were forced to work. Similarly, it would be interesting to know what measures the State party had taken to combat trafficking in minors for sexual exploitation, particularly to dismantle criminal networks and to combat mafia style groups involved in both drug and human trafficking.
7. She asked if the State party had implemented a methadone substitution programme to combat drug use. Information on sexual and reproductive health programmes that had been implemented in rural areas for teenage mothers would also be helpful.
8. **Mr. Kerdoun**, referring to paragraph 397 of the State party's report, which detailed the pressing environmental problems faced by Kazakhstan, asked what measures had been taken to ensure that the country's population fully enjoyed the right to health. Aside from the measures outlined in the report from paragraph 398 onwards for sustainable development up until 2024, he asked whether legal and technical policies on environmental risk management and prevention would be introduced, particularly in connection with environmental disasters. In such an event, would reparations and damages be awarded to victims of air and water pollution in particular, and if so, he wondered whether the responsibility for that would lie with the State or with the local authorities.
9. **Ms. Bras Gomes** asked for more details regarding the sanitation system installed by the State party, especially the treatment and disposal of sewage in rural and urban areas.
10. **Ms. Bonoan-Dandan** requested detailed information on domestic violence legislation, since according to the written replies of Kazakhstan to the list of issues,

although nearly half the women had suffered physical or sexual violence at least once in their lives, only a tiny proportion of those took their cases to court.

11. She asked whether the State party had set up a mechanism to ensure that children placed in orphanages and other institutions actually received the benefits to which they were entitled in good time. It would also be useful to know how many street children there were in Kazakhstan.

12. **Mr. Texier** asked whether there were any children under 14 years old working in the country, as seemed to be the case in agriculture, especially among migrant workers. If that was the case, he wondered how the State party was tackling the problem.

13. **Ms. Yeshimova** (Kazakhstan) said that measures had been taken to overcome the economic crisis, curb inflation, in particular the rise in foodstuff prices, and restart economic growth. The Kazakh Government was also planning to increase spending on infrastructure.

14. **Mr. Lepcha** said that, since 2009, units to protect women had been set up within police stations to deal with domestic violence. Since 2007, perpetrators of domestic violence had been liable to administrative penalties, including administrative detention. The numbers of domestic violence offences were in fact falling, decreasing from 1,600 in 2005 to 887 in 2009, and only 194 since the beginning of 2010.

15. The Act on domestic violence that had entered into force in December 2009 allowed the police to apply victim protection measures, for example by removing the perpetrator for a maximum of 10 days. After 10 days, it was the responsibility of a judge to decide whether to extend the removal period up to a maximum of 30 days and whether to prohibit the perpetrator from having any contact, including telephone contact, with his or her family or from possessing a firearm.

16. The incidence of drug related offences committed in Kazakhstan was 6 per 10,000 inhabitants. Drug legislation criminalized the possession and procurement of narcotics. Twenty-seven per cent of convictions, involving 2,616 people, arose from private consumption. In 2009, 10 drug trafficking networks had been dismantled and 2,073 cases linked to the drugs trade had been brought before the courts. The authorities were conducting a systematic policy to prevent the transit of drugs through Kazakh territory, with encouraging results. Only 37 minors had come to the attention of the police for drug related offences in 2009, which was less than in the previous year. Minors were generally not detained for drug related offences, except in very serious cases.

17. International cooperation to combat drug trafficking was a government priority and a strategy targeting both drug trafficking and use had been introduced for the period 2009 to 2011, focusing on reinforcing border controls and drug abuse prevention.

18. **Ms. Tulegeniyeva** (Kazakhstan) said that life expectancy in Kazakhstan, which had been 68 in the 1990s, had subsequently fallen as a result of the break-up of the Soviet Union. By 2009 it had recovered its previous level with an average of 68.8 years. The authorities, including the Ministry of Health, had instituted a sectoral policy to improve life expectancy. According to research, the 10-year gap between men's and women's life expectancy was due to the greater vulnerability of men to heart disease and to their less healthy lifestyles. A programme had been launched to improve cardiology services and ensure that all regions were equipped to treat heart disease. The incidence of heart disease had decreased and related deaths had fallen by 10 per cent.

19. The State provided free and comprehensive basic health care. Additional medical insurance was optional. As far as basic health was concerned, poliomyelitis had been eradicated and the Government was currently improving vaccination cover. Hepatitis

vaccination was one of the great successes of recent years and a campaign for pneumonia vaccination was under way in several pilot regions.

20. All medical teaching programmes had been reviewed to improve the quality of medical training. Approximately 15,000 health professionals were trained each year by State-funded programmes, while a further 500 or so were trained abroad. A bill that sought to modify the aspects of the Public Health Code relating to psychiatric medicine had been put before Parliament. The bill contained some 20 amendments to improve psychiatric care and the conditions of placement in psychiatric institutions.

21. **Ms. Sher** (Kazakhstan) said that the Office of the Human Rights Ombudsman had a section which dealt with questions relating to children. A Committee for protection of children's rights had been set up in 2006 with representation in every region following a recommendation by the Committee on the Rights of the Child. The medical, administrative and other aspects of children's affairs were dealt with by several ministries and other bodies. At the local level there were 392 specialists engaged in the protection of children's rights. The Committee for protection of children's rights ensured coordination between institutions in matters relating to children and supervised the application of children's legislation.

22. The Committee also had a remit to prevent the worst forms of child labour and in 2009 had put forward an inter-institutional action plan to tackle it, with the assistance of ministries, public bodies and non-governmental organizations (NGOs). Joint checks had uncovered over 900 cases of exploitation of child labour. An information campaign focusing on labour legislation and children's rights had reached over 3,000 children.

23. Currently more than 42,000 children were either orphans or without parental care. Over 25,000 of those children had been placed in families; approximately 2,000 were living in educational centres and 15,000 were being cared for by State bodies. A programme aimed at the prevention and early detection of the ill-treatment of children in families was being tested with the help of the United Nations Children's Fund (UNICEF). Kazakhstan had ratified the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in 2010.

24. **Ms. Azimova** (Kazakhstan) said that marriage was defined according to the Marriage Act and the family as a union on an equal footing and by mutual consent between a man and a woman. The marriageable age was 18 years, which could be reduced to 16 years if both people consented and their parents or guardians agreed to the marriage. Legally recognized marriages were marriages which had been conducted before a registrar. The law did not prohibit religious marriages but they were not widespread.

25. **Mr. Maslov** (Kazakhstan) said that the State was dealing successfully with the housing problems of people who migrated from the countryside to the towns, especially by setting up special arrival areas, for example by amending the land register to allow individual building projects and by providing the necessary infrastructure, such as telephone lines, water and waste disposal, electricity, heating and roads. Budgets had also been allocated to build low-cost housing and it was expected that schools and hospitals would be added in due course.

26. **Ms. Yeshimova** (Kazakhstan) said that a programme to help with mortgage repayments had benefited 37,000 households in 2010 and that the problem would probably be entirely resolved by 2011.

27. **Mr. Alibayev** (Kazakhstan) said that the State could only remove a person from his or her house in the public interest. Regarding the evictions that had taken place near Almaty, he said that the persons concerned had not held any title deeds and that housing had begun to spread haphazardly. The Kazakh Government was endeavouring to regularize

the houses that had been built by issuing official title deeds. Only houses which had been built on land used for the supply of water and electricity had been demolished. The individuals who had been evicted would be awarded compensation or accommodation equivalent to that which they were living in at the time of the eviction.

28. The health authorities were caring for 54,000 drug dependent persons, of which 68 per cent were dependent on intravenous drugs. The Kazakh Government had launched a pilot scheme of methadone substitution therapy in 2009 although it was still too early to estimate the outcome.

29. **Mr. Omarov** (Kazakhstan) said that over US\$ 1 billion had been spent on a drinking water programme, which had facilitated repairs to some 13,000 km of piping and improved the water supply network of some 3,500 agricultural communities with a total population of 5 million. The number of people who had only outside access to drinking water had fallen by a factor of six since 2002 and 65 per cent of the population were currently connected to the grid, compared to 57 per cent in 2002. The Government's medium-term objective was to connect 75 per cent of the population to the grid. Water quality was checked regularly and test results were published in the media, showing that only 2 per cent of samples in 2009 had not met the quality standard, compared to 7 per cent in 2002.

30. **Ms. Jarbussynova** (Kazakhstan) said that, according to scientific studies carried out over several decades, the problems in the Aral Sea were not caused by pollution but by the natural link between the Caspian Sea and the Aral Sea. The level of one fell as the level of the other rose. Aware of the scale of the disaster, the countries of Central Asia had joined together to create the Aral Sea Foundation. Aral Sea rehabilitation projects were run in cooperation with the United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP), the World Bank (WB) and the Organization for Security and Co-operation in Europe (OSCE). Furthermore, Kazakhstan would be holding a conference for potential donors in September 2010 in order to attract new investment for new projects. Thanks to the Kok-Aral dam and dykes and canals built with support from the World Bank, the water level in the northern part of the Aral Sea, situated in Kazakhstan and known as the Little Aral, had risen to 47 metres, compared with 23 metres in 2005, which should allow the region's traditional economic activities to recover.

31. One of the first presidential decrees to have been published after independence had focused on the closure of the Semipalatinsk nuclear test site. With the help of the Japanese Government, UNDP, Germany and the United Kingdom of Great Britain and Northern Ireland, Kazakhstan had managed to improve the situation and was implementing a range of environmental, social and medical projects.

32. **Ms. Tulegaliyeva** (Kazakhstan) said that a programme had been adopted to reduce infant and maternal mortality. Kazakhstan had a network of public health centres that taught healthy living and offered family planning services. Several centres also had specialist services for adolescents, such as anonymous consultation, psychologists and social workers. In rural areas, any community with a population of over 50 people had an ambulatory care facility.

33. In the town of Semey (formerly Semipalatinsk), a government centre was taking care of all patients who had illnesses linked to exposure to ionizing radiation. Once a diagnosis had been confirmed by the centre's council of experts, patients were entitled to special State aid, including social assistance. Under a regional programme, the inhabitants of the Aral Sea region underwent prophylactic medical check-ups each year and medical treatment was provided as appropriate. Social protection legislation covered populations affected both by the environmental disaster in the Aral Sea area and by the Semipalatinsk nuclear tests.

34. **Ms. Azimova** (Kazakhstan) said that the Environment Code outlined the methods that could be used to calculate damage caused to the environment. The direct method was to determine the cost of rehabilitating the area, while the indirect method relied on pollution indicators. The calculation methods that had to be applied in litigation cases had been decided by a Supreme Court ruling.

35. **Mr. Abishev** (Kazakhstan) said that there had been only a few cases of trafficking in persons in Kazakhstan, as indicated by the statistics for 2008; 20 trafficking cases had been opened, 5 of which involved minors and only 10 of which had gone to court. Kazakhstan was tackling the problem through legislation (the Criminal Code). Since September 2003, an inter-institutional commission to fight trafficking had coordinated the activities of the security forces and the judiciary in that area. The security forces cooperated with their counterparts in other countries of the Commonwealth of Independent States (CIS) and Europe and with the United States of America. NGOs played an important role in trafficking prevention and there were 21 crisis centres for victims of trafficking in the country that offered legal and psychological aid.

36. **Ms. Azimova** (Kazakhstan) said that women held in prison, particularly pregnant women and the mothers of children under 3 years of age, enjoyed less harsh conditions of detention. With special medical dispensation and at their own expense, they could obtain extra food and receive food parcels. Mothers enjoyed extended visitation rights and more comfortable visiting facilities; the length of visits was left to the discretion of the establishment. The mothers of disabled children were allowed leave to spend at least seven days with their children. The mothers of children who had reached the age of 3 and who wanted their children to be raised by family members could be granted special leave of five days to accompany and settle the children.

37. **Ms. Nusupova** (Kazakhstan) said that people living in extreme poverty received not US\$ 258 but US\$ 628 directly from the Central Government, in addition to grants by local authorities.

38. **Mr. Sadi** asked why the number of orphans in the State party was rising and how foster families were inspected or supervised. He would also like details of any case in which an employer had been prosecuted for employing children to perform the worst forms of labour. He also wondered whether the State party was trying to reach a settlement on responsibility for the Semipalatinsk site.

39. **Ms. Sher** (Kazakhstan) said that there were 15,000 children living in children's homes or institutions, 2,000 of whom had lost one or both parents, apart from children placed in foster care. The living conditions of those children were checked by the child protection services, NGOs and the Procurator-General's Office. Children's homes were not closed institutions; children who lived there had contact with the outside world and could use free telephone lines installed in the residences with the aid of UNICEF, so that they could if necessary call child protection associations. Thirty-five cases had been brought before the courts for cruel treatment through the exploitation of child labour. It was true that in southern Kazakhstan children did work picking cotton but they were supervised by two specialist bodies, which not only monitored the situation but also undertook prevention work.

40. **Ms. Jarbussynova** (Kazakhstan) said that the situation regarding the Semipalatinsk nuclear test site had been caused not by bad policies during the Soviet era, but rather by the nuclear arms race of the cold war. The Kazakh authorities had opted to rehabilitate the site with the help of the international community and the Russian Federation, while trying to ensure that no similar site appeared anywhere else in the world. Kazakhstan had been the first country to give up its nuclear weapons of its own free will and currently militated in favour of nuclear non-proliferation.

41. The slow disappearance of the Aral Sea was a result of not only natural but also anthropological factors, such as ill-advised irrigation and agricultural policies, particularly the irrigation network built in Soviet times to provide water for cotton crops in Uzbekistan. The problem could be resolved through new joint international programmes, with the participation of the World Bank and the OSCE among others.

Articles 13 to 15 of the Covenant

42. **Mr. Riedel**, referring to article 14 of the Covenant, asked whether there was a detailed plan to gradually implement the principle of compulsory free schooling for all, and if there was, whether details could be provided. He also requested further information on the consistent and systematic efforts to improve general education that were mentioned in paragraph 495 of the initial report.

43. **Mr. Schrijver** asked what the State party was doing to protect the cultural identities of the many minorities that made up Kazakhstan.

44. **Mr. Kedzia**, while acknowledging that the Kazakh Government had taken positive steps to promote the rights of minorities, asked whether minorities had full access to democratic structures, including those at the local level, and requested more information on the People's Assembly of Kazakhstan, its composition and working methods. It would also be useful to know whether linguistic minorities, which included a great number of people, had access to services such as schools and the media in their own language. Lastly, he wondered what measures the Government had taken to provide the most vulnerable groups in society with access to the Internet.

45. **Mr. Abdel-Moneim** said that he welcomed the abundance of legislation protecting cultural rights and the media that was described in the report from paragraph 521 onwards, particularly the many rights and obligations of journalists set out in the Mass Media Act. He was pleased to note that the State party was aware of the gap between the cultural aspirations and the available financial means of the population, as indicated by paragraph 532 of the report. In view of the improvement in Kazakhstan's economic situation, he hoped that more resources would be devoted to initiatives aimed at developing cultural rights.

46. **Ms. Bonoan-Dandan** said that in its second periodic report Kazakhstan should provide the detailed statistics, disaggregated by sex, region and ethnic group, that had been requested in question 46 of the Committee's list of issues. The State party should also focus more on the provisions of the Covenant and less on those of other conventions, even those of United Nations bodies. Furthermore, if the Constitution guaranteed access to free education and free education was provided by law, she would like to know what the situation on the ground was, since grand principles and reality often differed.

47. **Ms. Sher** (Kazakhstan) said that, under the Constitution, primary and secondary education were free of charge. In conformity with article 14 of the Covenant, Kazakhstan had adopted the Education Act in 2007 as well as three national programmes to develop education, technical and vocational training and scientific teaching. While education was free of charge, fee-paying courses were additional options which children could join on a voluntary basis. Parents could also make donations to schools to improve conditions and the care of children.

48. **Mr. Maslov** (Kazakhstan), referring to the cultural identity of minorities in Kazakhstan, said that there were many theatres, schools and sometimes universities as well as media in the various minority languages. With regard to the access of vulnerable groups to the Internet, a programme called "Electronic Government" helped to set up computer terminals across the country offering access to a number of government websites. Furthermore, most schools offered free access to the Internet, including to children

belonging to ethnic minorities. The Ministry of Culture managed three large electronic portals for the history of the country, its culture and the National Library, which offered free e-books in accessible formats. According to official statistics, 30 per cent of the population were Internet users, not 20 per cent as reported by NGOs. The improvement in the country's economic fortunes had in fact led to increased spending on cultural activities. In 2009, for instance, the State had been able to cover almost 95 per cent of the operating costs of a number of cultural establishments, compared to the previous 80 per cent.

49. **Mr. Prokopenko** (Kazakhstan), replying to Mr. Kedzia, said progress in economic, social and cultural rights in Kazakhstan depended on good understanding between ethnic groups. The country had a variety of legislative mechanisms at its disposal to guarantee ethnic minorities the enjoyment of their rights, including cultural and linguistic rights. Thus the People's Assembly of Kazakhstan had been created in 1995 as a consultative organ under the aegis of the President of the Republic. The Assembly brought together representatives of 820 cultural organizations from the 46 ethnic groups in Kazakhstan, some of which had formed national associations, ensuring a constant dialogue between civil society and the State. The Assembly devoted one session a year to debating issues of concern to ethnic minorities, as well as more general themes that touched upon State policies, such as Kazakhstan's strategy for development up to 2020. It was presided over by the President of Kazakhstan and had one permanent body, the Council, which worked during intersessional periods. The Assembly's decisions were binding on all State bodies. It was represented at the national level by elected members of Parliament and at the local level by the *maliskhats*.

50. **Mr. Maslov** (Kazakhstan), referring to comments on the Mass Media Act, said that in 2009 various measures had been introduced regarding information and communication networks, particularly with respect to the Internet, with an emphasis on extremist propaganda. In the opinion of international experts, however, such measures did not contravene the international instruments to which Kazakhstan was a party.

51. **Ms. Nusupova** (Kazakhstan) said that Kazakhstan was committed to respecting international norms and intended to adopt all the legislative, institutional, regulatory and administrative standards required to take its place in the international community. Kazakhstan was aware of its shortcomings in terms of economic, social and cultural rights in particular, and human rights in general, and would make every effort, despite the economic and financial constraints it had to face, to find appropriate solutions.

52. **The Chairperson** thanked the delegation of Kazakhstan and declared the consideration of the initial report of Kazakhstan to be complete.

53. *The delegation of Kazakhstan withdrew.*

The discussion covered in the summary record ended at 5.30 p.m.