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**Consideration of reports: Reports submitted by States parties
in accordance with articles 16 and 17 of the Covenant**

List of issues in relation to the second periodic report of Kazakhstan

Addendum

Replies of Kazakhstan to the list of issues*, **

[Date received: 7 December 2018]

* The present document is being issued without formal editing.
** The annexes to the present list of issues are on file with the secretariat and are available for consultation. They may also be accessed from the web page of the Committee on Economic, Social and Cultural Rights.



Reply to the questions raised in paragraph 1

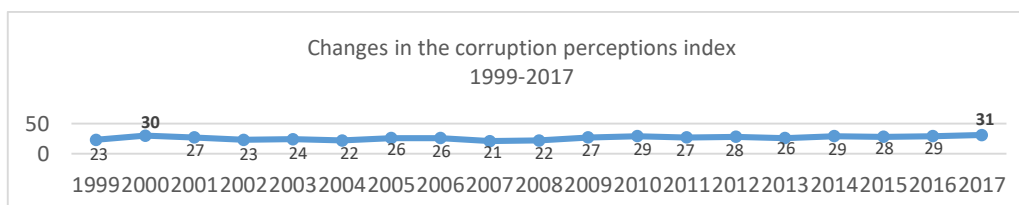
1. In accordance with the Constitution, international treaties ratified by Kazakhstan take precedence over domestic law and are directly applicable.
2. The new versions of the Code of Criminal Procedure (2015), the Code of Civil Procedure (2015) and the Code of Administrative Offences (2014) establish that in Kazakhstan, the procedures in criminal, civil and administrative cases are determined by constitutional laws and the procedural legislation, which is based on the Constitution and universally recognized principles and standards of international law. The country's international treaty obligations and other international obligations are an integral part of the criminal and civil procedure law and the law on administrative offences.
3. In the 12 months of 2017, the country's courts completed consideration of a total of 903,898 civil cases, 1,412 of which involved application of the International Covenant on Economic, Social and Cultural Rights. For example, Auezov District Court No. 2 in Almaty cited articles 6 and 7 of the Covenant when, on 5 March 2018, it upheld a claim filed by Mariya Vitalevna Krivoshta against the ST Stoiservis Company, Ltd. She was seeking the payment of arrears for wages, along with compensation for unused leave and for the compulsory withholding of pension and social contributions and the transfer of her income tax and social taxes.
4. Another claim for the payment of arrears of wages, brought by Vadim Olegovich Dronov against the Kesertke Company, Ltd., was upheld by a decision of Saryarka District Court of Astana on 15 January 2018, in accordance with articles 6 and 7 of the Covenant.
5. Invoking article 11 (1) of the Covenant, the Taldykorgan garrison military court on 22 February 2018 denied an application by the Ministry of Defence to evict Serik Saginaevich Aldashev and his son, Azamat Serikovich Saginai from a service residence without providing them with alternative housing.
6. In this connection, a course to improve the capacity of judges and employees of the judicial system to apply international treaties has been included in the curriculum of the Justice Academy of the Supreme Court of Kazakhstan.
7. In addition, in its postgraduate, retraining and further training programmes for State employees, the Academy of State Administration attached to the Office of the President carries out the following:
 - In its programme for the specialty Master's degree in international relations, it holds thematic courses on human rights during its classes on "The functional priorities of the Republic of Kazakhstan" and "Contemporary international relations and world politics".
 - In its programmes for specialties in State policy and in State policy and the law, it holds courses on public law and international public law, familiarizing students with international instruments, including the Covenant.
 - In accordance with the approved curriculum for 2018 for training and capacity-building programmes, it holds training and classes on the rights of the individual and on gender equality.
8. In all, the Academy of State Administration has provided training in these subjects to 376 public servants (35 at the Academy and 341 at its branches).

Reply to the questions raised in paragraph 2

9. The systemic and comprehensive measures undertaken to fight corruption, along with the joint efforts of civil society, the business community, international organizations and the State, have made it possible to reduce the risk of corruption and bureaucratic obstruction in the country.

10. Transparency International's corruption perceptions index in 2017 rated Kazakhstan with a score of 31, ranking it in 122nd place, thereby improving its score by two points and raising it nine places above its 2016 ranking.

11. Kazakhstan, which has taken part in this rating since 1999, reached 31 points for the first time, thus leaving the category of highly corrupt countries as it moved above the 30-point threshold.



12. Furthermore, based on investigative practices, the National Bureau of Anti-Corruption (the national anti-corruption service) of the Agency of the Republic of Kazakhstan for Civil Service Affairs and Anti-Corruption carries out analyses, within its competence, of the risk of corruption in specific spheres, so as to establish the reasons for legal offences involving corruption and the conditions that give rise to them.

13. Such analyses have been carried out in 12 areas (health; secondary education; preschool education; agriculture; land tenure; road construction; sports; geological activities and extraction; the State audit; environmental protection; trade in drugs; and the quasi-public sector).

14. In all of these sectors, the competent authorities have progressively undertaken efforts to eliminate the risks of corruption that have been identified.

15. For example, on the Agency's recommendation, legislative amendments have been adopted governing the State audit and the financial oversight sector. They provide for an improvement in the procedures for the State audit, an electronic State audit, a preliminary audit and the withdrawal of State certification.

16. At the same time, an authoritative body has been given the power to establish the rules for carrying out the internal State audit and a procedure for carrying out the electronic State audit.

17. In the field of education, a system has been set up that makes it possible to register children online on a waiting list for kindergarten, without the intervention of the local authorities (*akimats*). The funding system for preschool facilities has been updated with automated accounting.

18. In the health sector, State price regulation is being introduced for all drugs and limits are being established on the margins charged for medicines. A transition is under way to the electronic procurement of pharmaceuticals and medical devices.

19. In agriculture, the process for granting subsidies has been automated, and the granting of subsidies based on hectareage has been halted. Procedures for the provision of a number of State services are being moved over to electronic formats.

20. In the area of land tenure, a single registry is being set up of citizens claiming land parcels for individual home construction, with automatic queuing, and a single system for an urban planning registry is being introduced.

21. In road construction, a centralized system for monitoring the quality of roadworks and road repair is being set up with the introduction of intelligent systems, making use of the experience of the countries of the European Union and Japan.

22. In geological activities and extraction, the time required for expert opinions and for contracting extraction services has been reduced, with the exception of consultation procedures. Those who violate the procedure for the granting of extraction rights can be held responsible for administrative offences, and a national database of mineral resources is being set up.

23. In the environmental sphere, the State services that issue authorizations for emissions and those that perform environmental impact assessments are being merged and their procedures are being fully transferred to electronic format, according to the “single wicket” principle. The time required to obtain such services has been reduced three-fold and the monitoring of emission sources is being automated with the installation of data sensors on emission sources.

24. In the area of physical culture and sports, a new system of State funding has been set up, with differentiated functions of State agencies, and rules for rating types of sports have been approved. Three new standards of State services have been introduced, and in order to reduce the budgetary burden, a number of professional sports organizations have been placed in competition for contracts.

25. In the quasi-public sector, work is under way to draw up unified rules for procurement, with a transfer to electronic format and a system to monitor procurement activities. Direct relations between the administrators of the Nurlıjer State housing construction programme and property developers have been eliminated. The standards for the selection and financing of housing projects in the Nurlıjer State programme have been revised.

26. As for the number of complaints lodged concerning the negative impact of corruption on the enjoyment of economic, social and cultural rights, the National Bureau of Anti-Corruption has existed in its current form since mid-December 2015.

27. Since the establishment of the Bureau, the numbers of complaints of the effect of corruption on the enjoyment of economic, social and cultural rights have been as follows:

- 2016 – 1,021
- 2017 – 4,288
- In the first half of 2018 – 2,908

28. As for the investigations conducted and their outcomes, including prosecution and punishment of perpetrators, the relevant information is presented in annex 1.

Reply to the questions raised in paragraph 3

29. The protection of the social, economic and cultural rights of citizens is one of the important activities of the Human Rights Commissioner of Kazakhstan (the Ombudsperson). Such activity includes the consideration of appeals for the protection of human rights and also educational, expert-forensic and monitoring activities.

30. Each complaint received is given appropriate consideration in due course, and in some cases the Ombudsperson’s Office has been able to restore citizens’ rights when it is thus ascertained that their rights have been violated. The defence of citizens’ rights is also covered in the annual report of the Ombudsperson.

31. The Ombudsperson, acting in connection with communications filed with the national human rights institution, information from civil society and press reports on the realization of the rights of persons with disabilities, has sent a communication to the Government regarding the adaptation of public infrastructure and transport facilities, including access to air transport, and the effectiveness of the measures taken to find employment for persons with disabilities.

32. As a follow-up to the suggestions made by the Ombudsperson regarding accessibility to infrastructure for persons with special needs, the Ministry of Labour and Social Protection has sent recommendations to the construction authorities to strengthen the monitoring and oversight of architecture and building activities at all stages of construction.

33. With regard to access of persons with disabilities to air transport, acting on a proposal by the Ombudsperson, the Ministry for Investments and Development drew up a standard-setting law that simplified the rules for the transport of such persons by air.

34. The Ombudsperson has also proposed that the situation of persons with disabilities in prisons should be given consideration, in particular in relation with their health and social welfare and the issuance of appropriate documents for them. As a result, the relevant authorities are taking the necessary steps in these areas.

35. Further to such efforts, and as part of the implementation of the Convention on the Rights of Persons with Disabilities, on 28 March 2018 the Ombudsperson's Office, together with the Ministry of Labour and Social Protection, held a public forum on current problems in ensuring the rights of persons with disabilities, with the participation of the relevant State agencies and non-governmental organizations. Following the discussion, the parties drew up a number of practical recommendations to improve the realization of the rights of persons with disabilities, which were sent to the relevant Government agencies.

36. As the protection of the rights of older persons is now being given special attention in the global human rights agenda, the Ombudsperson has also called upon the Government to consider drawing up a systematic law defining the independent legal status of older persons in the realization of their rights.

37. As the labour legislation has no provisions for employment mechanisms or vocational guidance for persons of pensionable age, appropriate measures have been proposed, calling *inter alia* for the use of their professional experience and expertise.

38. Another equally important issue raised by the Ombudsperson has been the inappropriate distribution of State education grants among graduating secondary students, which has been the subject of disgruntlement in the public. This issue was raised with the Ministry of Education and Science. A proposal to bring departmental standards into line with the legislation in force and to ensure transparency in awarding such grants made it possible to some extent to counter the effects of uncoordinated actions taken by the State agencies in question.

39. As for the provision of medicines for the public in the framework of State-guaranteed free medical care, the Ombudsperson contacted the Ministry of Health to express concern that, since the beginning of 2018, a particularly vulnerable category of patients, specifically those suffering from cancer, epilepsy, diabetes and haemophilia, faced a shortage of required drugs in clinics and pharmacies. The Ombudsperson recommended that the Ministry of Health immediately take steps to replenish the reserves of medicines and resume treatment of this especially vulnerable category of patients.

40. It was also recommended that the Government should begin implementation of this task through the local executive bodies that, under the Code on Public Health and the Health-Care System, are responsible for providing citizens with medicines, in accordance with the guaranteed scope of free medical care. The Ombudsperson also sent a message to the Procurator General requesting that he monitor the situation in respect of the provision of medicines.

41. The Ministry of Health later reported that it had purchased medicines to cover outpatient and inpatient treatment for 2018, 75 per cent of which was being sent to the regions, and that work was being done on the list for 2019, which would make it possible to purchase medicines and medical supplies through the end of September 2018. In addition, the Ministry of Health sent letters personally to the heads of the local authorities (*akims*) in the provinces, the cities of national status and the capital, thus making the head of each health administration personally responsible for meeting needs in a correct and timely manner.

42. In addition, in June of this year, the Ombudsperson appealed to the Government to provide support for persons with haemophilia. The attention of the Government was drawn to the need to establish a specialized national institution to diagnose the disease, including in its early stages, and to carry out treatment, prevention and rehabilitation of patients, as well as to maintain a central registry of haemophiliacs, emphasizing the need for drugs for their inpatient and outpatient treatment.

43. The appeal also raised the point that this disease is not included in the approved list of diseases of social significance compiled by the relevant authorities, that haemophilia is one of the most complex and incurable genetic diseases and that it has serious

consequences. The Ombudsperson asked the Government to take steps to address the situation in the light of the current status of the disease.

44. Another important element in the activities of the Ombudsperson is the protection of citizens' housing rights. The Ombudsperson, taking into account the complaints filed with the national human rights institution about factors blocking citizens' realization of the right to housing, filed an appeal on this subject with the Government. In the appeal, the Ombudsperson proposed taking stock of housing legislation and enforcement practices and also monitoring the related activities of local executive bodies.

45. The Ombudsperson's Office also has a working group for monitoring social and labour questions. The group is composed of representatives of State agencies, the Federation of Trade Unions of Kazakhstan and a number of non-governmental organizations.

Reply to the questions raised in paragraph 4

46. Article 34 of the Constitution stipulates that everyone is obligated to comply with the country's Constitution and legislation and to respect the rights, freedoms, honour and dignity of others.

47. In addition, article 4 of the Entrepreneurship Code establishes that compliance with the Constitution, the Code itself and other national laws is mandatory for businesses when they carry out their entrepreneurial activities and for State agencies and their government officials when they regulate such activities.

48. Article 1 of the Entrepreneurship Code establishes that businesses must comply with the country's legislation and observe the rights and legitimate interests of physical and legal persons.

49. Article 5 of the Non-Profit Organizations Act contains a similar standard.

50. In this regard, we note that private companies are obliged to comply with the country's legislation and to observe the rights and legitimate interests of physical and legal persons.

51. No specific information is kept on claims filed by victims of a failure by private companies to respect economic, social and cultural rights throughout their operations, including the application of due diligence in respect of human rights.

Reply to the questions raised in paragraph 5

52. To protect the environment, Presidential Decree No. 577 was issued on 30 May 2013, under the title "Framework for a transition to a green economy". In addition, the strategic plan of the Ministry of Energy for 2017–2021 sets out air pollution indicators.

53. The country's strategic development plan up to 2025 sets the objective of decarbonizing the economy, with the aim of bringing about the country's transition to low-carbon development. The strategy sets targets to meet the objectives set by the Paris Agreement under the United Nations Framework Convention on Climate Change, aimed at maintaining the temperature of the planet within 2° C of its pre-industrial level.

54. In the context of the Paris Agreement, Kazakhstan has voluntarily undertaken by 2030 to reduce greenhouse gas emissions to a level 15 per cent lower than that of 1990.

55. It is expected that this objective can be met by stimulating the best technologies in industry, by making use of renewable energies and by bringing a quota system and greenhouse gas emissions trading into play.

56. The courts heard 328 cases relating to environmental protection in 2017.

57. In the first six months of 2018, they heard 67 cases relating to environmental protection and issued decisions in 55 cases.

58. In 2017, there were 575 criminal cases considered under chapter 13, entitled “Environmental criminal offences”. Of these, 419 cases resulted in sentencing; 564 persons were convicted and 1 was acquitted.

59. In the first six months of 2018, there were 353 such cases, of which 240 resulted in sentencing, with 324 persons convicted.

60. In 2017, 1,532 cases involving administrative offences were considered under chapter 21, entitled “Administrative offences in the field of environmental protection and the use of natural resources”. In the first six months of 2018, 899 such cases were considered.

61. In order to ensure the uniform application of the country’s environmental legislation, on 25 November 2016, the Supreme Court adopted Regulatory Decision No. 8 on certain issues relating to the application by the courts of the country’s environmental legislation, in civil cases.

Reply to the questions raised in paragraph 6

Reply to the question in paragraph 6 (a): See annex 2.

Reply to the question in paragraph 6 (b): See annex 3.

Reply to the question in paragraph 6 (c): See annex 4.

Reply to the question in paragraph 6 (d): See annex 3.

Reply to the question in paragraph 6 (e): See annex 3.

Reply to the questions raised in paragraph 7

62. Article 25 of the Constitution establishes that everyone is equal before the law and the courts. No one may be subjected to any discrimination on grounds of social, official or property status, origin, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds.

63. The criminal law and criminal procedure legislation establish no specific status for attacks against or harassment of lesbian, gay, bisexual and transgender persons, and in our country there is no specific law providing for their protection.

64. It is thus not possible to provide information on investigations and judgments in such cases.

Reply to the questions raised in paragraph 8

65. Detailed information on the results of the measures taken by Kazakhstan to combat discrimination against persons with disabilities is contained in the initial report on measures taken by Kazakhstan for the implementation of the Convention on the Rights of Persons with Disabilities, approved by Government Decision No. 330, of 1 June 2017.

Reply to the questions raised in paragraph 9

66. Kazakhstan has established an effective contractual and legal framework for the hiring of migrant workers and the protection of their rights.

67. The Migration Act establishes that State policy in respect of migration is based on the principles of the recognition and guarantee of the rights and freedoms of migrants, in accordance with the Constitution, the law and international treaties.

68. Article 14 of the Constitution establishes that no one may be subjected to any discrimination on grounds of social, official or property status, origin, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds.

69. These constitutional provisions are further developed in the Labour Code, which includes a standard prohibiting discrimination in employment.
70. Under this standard, everyone has equal opportunities to exercise rights and freedoms in the field of employment. No one may be subjected to any discrimination in the exercise of such rights.
71. Persons who consider that they have been subjected to discrimination at work are entitled to submit complaints to the courts or to other bodies, in accordance with the procedure established by law.
72. Under the Labour Code, employers are required to insure workers against accidents during the performance of their work or official duties.
73. Article 88 of the Code on Public Health and the Health-Care System, stipulates that under the rules for the provision of medical assistance to immigrants in Kazakhstan, including those who are in the country for work, free medical care is provided for acute health problems that pose a risk to the public, as specified by an established list of diseases.
74. Medical assistance under medical insurance schemes is provided in accordance with the conditions and prices set by the medical insurance policy in question.
75. In December 2013, an Act was adopted amending some of the country's labour migration laws with a view to legalizing the status of immigrant workers.
76. The Act regulates issues relating to the residence and employment of immigrant workers who are nationals of countries with which Kazakhstan has non-visa entry and residence agreements and who have come to Kazakhstan to work or provide services as domestic workers for employers who are physical persons.
77. The Migration Service, under the internal affairs agencies, temporarily registers foreigners and issues authorizations to immigrant workers who come to work as domestic workers in citizens' families.
78. Since April 2014, units of the Migration Service have issued 1,092,500 permits to immigrant workers who have come to the country as domestic workers to provide services for physical persons. The State has thus received 11.8 billion tenge (between 2 and 24 times the monthly calculation index, respectively 4,810 to 57,720 tenge, was paid for each).
79. In 2017, 446,073 permits were issued (332,604 initial permits and 113,469 extensions).
80. In the first eight months of 2018, over 327,645 immigrant workers received work permits (documentation).
81. Since the beginning of 2018, a pilot project has been under way in Astana, Shymkent and Almaty, with the establishment of Migration Service Centres. The Centres make available work stations for officials of the migration and criminal investigation services of the municipal internal affairs departments and representatives of the Government-for-Citizens corporation and health-care agencies, insurance companies and second-tier banks, all under one roof. There are plans to open similar centres in the other regions of the country by the end of the year.
82. Over the first eight months of 2018, there were 552 refugees (or 126 families) living in Kazakhstan. They were registered in four of the country's regions: there were 379 in Almaty, 1 in Astana, 121 in Shymkent, and 8 in Turkistan Province, 41 in Almaty Province and 1 each in Jambyl and Atyrau Provinces.
83. In the same period, 39 persons previously recognized as refugees became permanent resident aliens and received residency documents.

Reply to the questions raised in paragraph 10

84. Details are provided in the report sent to the United Nations on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, approved by Government Decision No. 89, of 28 February 2018.

85. The report is the fifth periodic report, and it contains information on the main changes and progress made by Kazakhstan in implementing the Convention and ensuring gender equality in the fields of economic, social, cultural, civil and political rights during the period 2011–2017.

Reply to the questions raised in paragraph 11

86. Updated statistics on the country's key labour market indicators for the third quarter of 2018 are presented in annex 5.

87. In accordance with instructions from the Head of State, a project called the Productive Employment and Mass Entrepreneurship Programme has been implemented since 2017 (by order of Government Decision No. 919, of 29 December 2016).

88. Approval of the Productive Employment and Mass Entrepreneurship Programme was renewed for 2017–2021 by Government Decision No. 746 of 13 November 2018 and the Programme was given the status of a State programme.

89. The Programme focuses on the establishment of an effective system to provide marketable labour skills and qualifications, the development of mass entrepreneurship and the creation of an effective model for employment agency services, which includes support for vulnerable groups.

90. Its main objective is to bring self-employed, unemployed and other persons lacking skills into productive employment by addressing challenges, in three ways:

- Through large-scale training and skill enhancement, in professions with high demand and in the basics of entrepreneurship
- Through the creation of conditions for mass entrepreneurship
- Through labour market development, by facilitating job placement and supporting labour mobility

91. As at 1 November 2018, there were 587,300 participants in the Programme, including 480,100 unemployed persons and 107,300 self-employed persons. As of the date of this report, 463,100 people have been placed in employment, including 339,000, or 73.2 per cent, in permanent jobs.

92. Of these, young people under the age of 29 account for 37 per cent, and women account for 44 per cent.

93. The unemployment rate in the third quarter of 2018 had declined in comparison with the same period in 2017 and stood at 4.8 per cent.

94. The number of employed persons rose from 8,572,100 to 8,727,900. The proportion of self-employed persons in the employed population declined from 25.4 per cent to 24.2 per cent.

95. The youth (15–28 years of age) unemployment rate in the third quarter of 2018 was 3.9 per cent, as against 4.0 per cent in the third quarter of 2017.

Reply to the question raised in paragraph 12

96. All the necessary legal conditions have been established in Kazakhstan for the realization by women of the right to work.

97. Thus, the Labour Code contains a set of legal norms to ensure gender equality at the workplace, including non-discrimination on the basis of sex.

98. Pursuant to article 6 (2) of the Code, no one may be subjected to any discrimination in the realization of their labour rights on grounds of social, official or property status, origin, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, age, disability status or membership of voluntary organizations.

99. Article 6 (4) stipulates that persons who consider that they have been subjected to discrimination at work are entitled to submit complaints to the courts or to other bodies, in accordance with the procedure established by law.

100. Article 25 of the Code prohibits violations of equality and equal opportunity in the conclusion of employment contracts. Article 28 (2) (7) of the Employment Act stipulates that employers must not include requirements of a discriminatory nature in job vacancy announcements.

101. In addition, in accordance with article 26 of the Code, women may not be hired for employment in arduous work and in work in harmful and/or dangerous conditions, as defined by a list of such jobs.

102. The list of jobs in which the employment of women is prohibited was approved by Order No. 944 of the Ministry of Health and Social Development, on 8 December 2015. It facilitates maternity protection, protects women's health and is in line with the principles and provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

103. Article 11 (1) (f) of the Convention stipulates that States parties shall take all appropriate measures to eliminate discrimination against women in order to ensure, in particular, "the right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction".

104. In order to facilitate women's access to occupations that, for example thanks to the use of new technologies, automation and robotics, are not harmful to their health, the Ministry, working together with the social partners, has updated the list.

105. Previously, the list consisted of 287 jobs, professions and specialities in 25 economic sectors that were prohibited for women; these included mining and mine construction, building assembly, repair and construction, metalworking, geological surveying and geodesic and topographic work, as well as other jobs.

106. The updated list of jobs for which the employment of women is prohibited, approved by Order No. 348 of the Ministry of Labour and Social Protection on 13 August 2018, is a third shorter; 96 occupations and jobs have been removed from the list, reducing their number from 287 to 191.

107. Kazakhstan will continue to constantly reduce the list and to update it in the light of scientific and technical progress, taking into account consultations with the social partners.

108. Furthermore, there are plans to amend the Order to take into account improvements in the working conditions at specific workplaces for certain occupations that figure on the list. When the results of working condition certification procedures at production facilities confirm that conditions have improved, the amendment will make it possible to employ women there.

Reply to the questions raised in paragraph 13

109. An analysis of the wage situation shows that in 2017 the nominal average monthly wage per worker amounted to 150,827 tenge and had increased by 38.2 per cent in comparison with its 2013 level.

110. In 2017, women's wages came to 67.8 per cent of men's. This is attributable to the fact that men mostly work in such areas as industry (the oil and gas, mining and manufacturing sectors), transport and construction, where working conditions are generally arduous or dangerous, but also where wages are high. Women work predominantly in education, health care and the social services.

111. In order to gradually review wages in the sectors that predominantly employ women, a new wage system has been implemented since 2016. The new system has had an effect on the wages of over a million employees (teachers, doctors, cultural workers, workers in the social services and others). Their wages increased by an average of 30 per cent (29 per cent in education, 18 per cent in health care and 35 per cent in culture and social services).

112. Furthermore, in accordance with a message delivered by the Head of State to the people of Kazakhstan on 5 October 2018, the minimum wage will increase by 50 per cent on 1 January 2019, from 28,284 tenge to 42,500 tenge. This will directly affect the wages of 1.3 million people working in all sectors and at enterprises with various forms of ownership. At the same time, some 275,000 workers at organizations funded from the State budget (the majority of whom are women) will see their wages rise; their wages will increase on average by 35 per cent.

113. With the increase in the minimum wage, the tax burden for the employed population will be reduced as withholdings for all hired employees will increase. The tax cut will affect more than 6 million hired employees.

114. The current economic growth and the support provided by the Head of State to businesses will make it possible for private sector enterprises to support the initiative to increase wages.

115. As a result, there will be a strong boost to purchasing power, an increase in gross domestic demand and a reduction of the shadow economy, which will grow less in the future.

Reply to the questions raised in paragraph 14

116. According to official statistics, in 2017, there were slightly more than 9 million people in the labour force in Kazakhstan. Compared with 2010, this is an increase of almost 417,000 people, or about 5 per cent.

117. The number of employed persons grew by 471,000, to about 8.5 million, of whom 6.5 million (or 76 per cent) are hired employees and 2.1 million are self-employed.

118. Since 2010, the number of hired employees has increased by 20 per cent, while the number of self-employed persons decreased by 22 per cent.

119. The current level of self-employment in Kazakhstan (24 per cent) corresponds with levels in comparable countries, such as South Korea and Chile, where the shares of self-employed persons in the employed population are respectively 25 per cent and 26 per cent.

120. Since 2010, the number of unemployed persons has fallen by 12 per cent, from 497,000 to 442,000. The unemployment rate in Kazakhstan is now among the lowest in the world, at 4.9 per cent. In the countries of the Organization for Economic Cooperation and Development, it is on average 5.5 per cent.

Key indicators of the labour market from 2010–2017, thousands of persons

Indicator	2010	2012	2014	2016	2017	2010–2017
Labour force, thousands of persons	8 611	8 982	8 962	8 999	9 027	4.8%
Persons employed, thousands	8 114	8 507	8 510	8 553	8 585	+5.8%
Hired employees, thousands	5 409	5 814	6 110	6 343	6 486	+20%
Self-employed persons, thousands	2 705	2 693	2 400	2 210	2 099	-22%
Unemployed persons, thousands	497	475	452	445	442	-11%
Unemployment rate, %	5.8	5.3	5.0	5.0	4.9	-15%

Source: Statistics Committee of the Ministry of National Economy of Kazakhstan.

121. In order to make it possible to carry out the instructions of the Head of State and to introduce the mandatory health insurance scheme, work is now under way to bring workers who are independent or informally employed into the country's formal economy.

122. According to the Statistics Committee of the Ministry of National Economy, in 2017, the number of informally employed persons was about 1.4 million (or 16 per cent), which is 2.2 times lower than the world average, which is 35 per cent. For example, according to data from the World Bank, the informal employment rate is 18 per cent in Finland, 37 per cent in Brazil, 48 per cent in Argentina and 57 per cent in Mexico.

123. Informal employment is observed both among hired employees (who account for 57.6 per cent of persons in informal employment, or 799,000 workers), who, in the informal economy are workers without any formal employment relationship and/or for whom no mandatory social security and pension contributions are paid, and among self-employed persons (accounting for 42.4 per cent of those in informal employment, or 588,000 persons), who for various reasons do not register their activities in accordance with the procedure prescribed by law.

Informally employed population in Kazakhstan, thousands, 2010–2017

<i>Indicator</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>
Informally employed	3 002	2 953	2 216	2 081	2 129	1 980	1 590	1 387
Hired employees	1 089	1 093	902	869	1 040	992	899	799
Self-employed persons	1 913	1 860	1 313	1 212	1 089	988	691	588
Informal employment rate, %	37.0	35.6	26.0	24.3	25.0	23.0	18.6	16.2

Source: Statistics Committee of the Ministry of National Economy of Kazakhstan.

124. The main causes of informal employment are the inadequacy of the legal and tax systems and restrictions attributable to legal forms and tax regimes, which undermine the incentive to register.

125. The reason for informal employment among hired employees is the lack of a legal and tax regime other than those for individual entrepreneurial activities or employment contracts. It is also related to the complexity of registration processes, the high financial burden involved and the complexity of administrative procedures.

126. Persons working on private plots have no specific organizational and legal status. As a result, they are all automatically classified with the status of "informal workers".

127. The fact that persons with incomes of less than 12 times the minimum wage are not required to register with the State revenue service means that such self-employed individual entrepreneurs are automatically given "informal" status as well.

128. To address these problems, the Ministry of Labour and Social Protection, together with the relevant authorities, has drawn up a bill to amend certain legislative acts relating to the formalization of employment. The bill calls for a set of tax and administrative measures, including simplified registration, a lightened tax burden, the provision of medical services in the context of the mandatory health insurance scheme and payments in the event of loss of employment or disability. The bill is now before the higher chamber of Parliament.

Reply to the questions raised in paragraph 15

129. Information on measures taken to combat the economic exploitation of migrant workers is set out in the report submitted in 2018 in accordance with the provisions of article 22 of the Constitution of the International Labour Organization (ILO). In the report, the Government describes the measures taken to apply the provisions of the Forced Labour Convention, 1930 (No. 29) of the ILO (a copy of the report is enclosed).

Reply to the questions raised in paragraphs 16 and 17

130. Information on measures taken to address the difficulties faced by trade unions, as well as on the revision of legislative provisions on strikes, can be found in the report submitted in 2018 in accordance with the provisions of article 22 of the Constitution of the ILO. In the report, the Government describes the measures taken to apply the provisions of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) of the ILO (a copy of the report is enclosed).

Reply to the questions raised in paragraph 18

131. Pursuant to the instructions of the Head of State, as stated in a message to the people of Kazakhstan on 10 January 2018 regarding the participation of self-employed persons in social security systems and the provision of quality employment, the Government prepared a bill on the formalization of employment.

132. Under this bill, a new regime would be introduced, whereby self-employed informal workers would report their activities to the State and could become participants in the pension, social and health insurance systems, thereby ensuring their social protection.

133. The single consolidated payment offers such a regime. It brings together four payments in one (the individual income tax; mandatory pension contributions; contributions for the medical insurance social fund; and contributions for the State social insurance fund).

134. The single consolidated payment is for the use of physical persons carrying out income-generating activities, subject to the following conditions:

- They have no hired employees
- They carry out work or provide services to physical persons
- They carry out agricultural production on private plots, for consumption by physical persons

135. Their income for the calendar year must not exceed 100 times the minimum wage.

136. The single consolidated payment cannot be used by:

- Physical persons providing services at commercial properties, including trading facilities
- Persons providing property for rent or tenancy, except for housing
- Persons engaged in private practice
- Foreigners and stateless persons, with the exception of Kazakh repatriates (*oralman*)
- Persons registered as individual entrepreneurs

137. For the single consolidated payment, the following are defined:

- The size of the single consolidated payment in cities of national status, the capital and cities of provincial status is one monthly calculation unit (in 2019, 2,525 tenge), and in other places it is 0.5 monthly calculation unit (in 2019, 1,263 tenge).
- The breakdown of the single consolidated payment will be as follows:
 - 10 per cent will be for individual income tax
 - 20 per cent for social contributions to the State social insurance fund
 - 30 per cent for pension payments into the single pension savings fund
 - 40 per cent for contributions for the mandatory medical insurance social fund

138. In general terms, the introduction of the single consolidated payment for informal workers will make the following possible:

- It will allow them to participate in the mandatory health insurance scheme and give them access to health care without limits as to amount and type, with the right to choose a medical facility
- It will allow them to take part in the pension savings system and to receive a basic pension in accordance with their participatory qualifying period in the system
- It will allow them to receive social benefits in the event of disability, loss of a breadwinner, pregnancy and childbirth, or adoption and care for children up to the age of 1 year

139. The single consolidated payment is scheduled for introduction from 1 January 2019 to 31 December 2023.

140. According to expert assessments, some 500,000 people are expected to become users of the single consolidated payment scheme from 2019 to 2023.

141. The bill on the formalization of employment is currently under consideration before the Senate.

142. With regard to measures taken to improve basic and minimum pensions, under the policy framework for the further modernization of the pension system until 2030, the amounts of pension payments are defined annually on the basis of age and length of service and are indexed to increase at a rate 2 per cent higher than the inflation rate. Amounts of basic pension payments increase to follow changes in the minimum subsistence level. In 2017 pension levels were raised twice. First, with effect from 1 January 2017, they were raised by 9 per cent with the annual increase in pensions.

143. Later, in response to an order of the President, pensions for age and length of service were raised again as from 1 July 2017 a further 11 per cent, thus bringing the increase to 20 per cent of the 2016 levels.

144. With effect from 1 January 2018, pension payments for age and length of service were raised by 8 per cent, and the basic State pension increased by 6 per cent.

145. Furthermore, in accordance with a message of the Head of State, as from 1 July 2018, a new method has been in use for the calculation of the basic pension. The pension level depends on the length of participation in the pension system.

146. From 1 July 2018, the basic pension has been set on the basis of years of participation in the pension system only when the worker reaches retirement age (58.5 to 63, or 63). The calculation includes not only the years of employment as at 1 January 1998, but also the years of participation in the contribution retirement pension savings system and years taken out of work to care for children or to accompany spouses living abroad where it was not possible to find employment, etc.

147. If a person has been employed for less than 10 years or not at all, the basic pension is equivalent to 54 per cent of the minimum subsistence level. For each qualifying year above 10, the basic pension increases by 2 per cent and, at 33 years or more, it reaches 100 per cent of the minimum subsistence level (thus, with levels of 74 per cent at 20 years and 94 per cent at 30 years).

148. The new methodology for determining basic pension levels will make it possible to restore social justice for those pensioners who may have worked for many years but do not have the necessary information on their earnings, and so have low pension entitlements. It will also encourage the present and future generations of workers to ensure that their employment is formally registered.

149. These innovations cover future and current retirees, who since 1 July 2018 have had their basic pensions recalculated. As a result of the recalculation, the basic pension increased to 1.8 times its 2017 level.

150. As at 1 November 2018, the basic state pension was 25,792 tenge, rising to 4.3 times its 2010 level of 5,981 tenge. As at 1 January 2010, 1,683,954 persons were in receipt of the basic pension; that figure had risen by 28.5 per cent, to 2,164,798, by 1 November 2018.

151. The minimum pension was 33,745 tenge as at 1 November 2018, or 2.7 times the 2010 figure of 12,344 tenge.

Reply to the questions raised in paragraph 19

152. In 2016, under article 128 of the Criminal Code, which addresses human trafficking, 46 pretrial investigations were initiated. Of these, 6 proceedings were terminated, as the charges were withdrawn; 9 were terminated as the charges were dropped on non-exculpatory grounds; 1 was terminated because the time frames were not observed as stipulated in article 45 (7) (1) of the Code of Criminal Procedure; and 30 cases were sent to court (and the convicted persons were sentenced to 5–10 years of deprivation of liberty).

153. Under article 135 of the Criminal Code, which addresses trafficking in minors, 32 pretrial investigations were initiated. Of these, 1 case was terminated, as the charges were withdrawn; 1 case was terminated as the charges were dropped on non-exculpatory grounds; 2 cases were terminated because the time frames were not observed as stipulated in article 45 (7) (1) of the Code of Criminal Procedure; and 28 cases were sent to court (and the convicted persons were sentenced to 5–10 years of deprivation of liberty).

154. In 2017, under article 128 of the Criminal Code, which addresses human trafficking, 32 pretrial investigations were initiated. Of these, 3 proceedings were terminated, as the charges were withdrawn; 2 were terminated as the charges were dropped on non-exculpatory grounds; 7 were terminated because the time frames were not observed as stipulated in article 45 (7) (1) of the Code of Criminal Procedure; and 20 cases were sent to court.

155. In 2017, under article 135 of the Criminal Code, which addresses trafficking in minors, 14 pretrial investigations were initiated. Of these, 3 proceedings were terminated, as the charges were withdrawn; 2 were terminated because the time frames were not observed as stipulated in article 45 (7) (1) of the Code of Criminal Procedure; and 9 cases were sent to court.

156. In 2017, the national courts handed down sentences in 12 criminal cases under article 128 of the Criminal Code, which addresses human trafficking, and 5 criminal cases under article 135 of the Criminal Code, which addresses trafficking in minors. Under article 128 of the Criminal Code, 13 people were convicted, 11 of whom were sentenced to deprivation of liberty. Two received suspended sentences. Under article 135 of the Criminal Code, 9 people were convicted, 7 of whom were sentenced to deprivation of liberty, 1 was sentenced to a semi-custodial penalty and 1 received a suspended sentence.

157. Twenty-one persons were recognized as victims under article 128 of the Criminal Code, of whom 14 were women; under article 135 of the Criminal Code, 8 were recognized as victims, 5 of whom were female.

158. In eight months of 2017, 14 pretrial investigations were initiated under article 128 of the Criminal Code. Of these, 4 were terminated, as the charges were withdrawn; 1 case was terminated because the time frames were not observed as stipulated in article 45 (7) (1) of the Code of Criminal Procedure; and 4 cases were sent to court.

159. Under article 135 of the Criminal Code, which addresses trafficking in minors, 6 pretrial investigations were initiated. Of these, 2 proceedings were terminated because the time frames were not observed as stipulated in article 45 (7) (1) of the Code of Criminal Procedure, and 1 case was sent to court.

160. In the first six months of 2018, 5 cases resulted in sentencing; 4 persons were convicted, of whom 3 were subjected to deprivation of liberty and 1 received a suspended sentence.

161. Under article 135 of the Criminal Code, 2 cases resulted in sentencing; 5 persons were convicted, of whom 2 were subjected to deprivation of liberty and 3 received suspended sentences.

162. With regard to the Committee's recommendation to protect victims and to criminalize domestic violence, the national legislation has not changed on this subject. The Criminal Code contains separate provisions criminalizing torture, rape and the infliction of grievous or other harm to the health or well-being of others.

163. In 2017 there were 2,155 criminal cases before the courts related to domestic violence, of which 2,126 were concluded and 1,609, or 75.7 per cent, were otherwise terminated. Sentencing was pronounced in 477 criminal cases and 457 persons were convicted,

164. In the first six months of 2018, 339 criminal cases were processed relating to domestic violence. Of these, 312 cases were concluded and 29 were otherwise terminated; 269 cases resulted in sentencing, and 267 persons were convicted.

165. The national courts hold round tables, training sessions, workshops and other activities to provide instruction on law enforcement practices in criminal cases related to family violence, to clarify the Convention's provisions and to discuss issues of concern and provide appropriate recommendations.

166. When cases of this type are considered, the courts focus on clarifying questions such as whether the accused has committed other acts of violence before being indicted; whether the victims have filed complaints, and if so, with what bodies; whether they have been given preventive assistance, and the extent to which it was effective; and what preventive measures have been applied to the offender.

Reply to the questions raised in paragraph 20

167. Detailed information on the impact of measures taken to combat child labour is contained in the 2018 report submitted in accordance with article 22 of the ILO Constitution by the Government of Kazakhstan on measures taken to apply the provisions of the Worst Forms of Child Labour Convention, 1999 (No. 182); a copy of which is attached.

168. Statistics concerning the illegal use of child labour and its consequences can be found in annexes 6 to 8.

Reply to the questions raised in paragraph 21

169. In Kazakhstan, housing is regulated by the housing legislation, which provides for the right of needy people to receive social housing, including on a non-remunerated basis. The authorities responsible for migration policy provide accommodation for persons who are homeless.

170. A State housing construction programme known as Nurljser is currently being implemented. It provides State support to improve the population's access to housing through five main tasks:

- Construction of rental housing without purchase
- Construction of housing through the granting of loans
- Development of individual housing construction
- Incentives for housing construction by private developers
- Involvement of quasi-public corporations in housing construction

171. Annual construction of more than 4,000 rental apartments is planned. Such housing is rented, without any expectation of purchase, to people in situations of vulnerability whom the local authorities register on waiting lists; the housing is provided in the order set by the waiting lists. The rent is 100 tenge per square metre.

172. Additionally, housing is constructed through the granting of loans on an affordable basis. Such housing is acquired by participants in housing programmes both through the

residential construction savings system and through second-tier banks, under the 7-20-25 mortgage programme, regardless of the time spent in residency at a particular locality.

173. In addition to the State programme for housing construction, the regions are also developing their own activities to improve housing affordability.

174. Projects are being carried out both in urban and rural areas.

175. The provision of drinking water in rural areas is subject to special monitoring.

176. There are, according to one study, 6,564 rural settlements, with a population of 7.7 million, in the country.

177. Between 2011 and 2017, as part of the Regional Development Programme, 494 billion tenge was earmarked from the State budget for water and sanitation improvements in cities and villages, and 1,684 projects were implemented.

178. Access to the centralized water network is now ensured for 3,770 rural communities, with a population of 6.2 million. The number thus covered rose from 42.5 per cent to 57.4 per cent, and access to wastewater treatment rose from 8.8 per cent to 11.5 per cent.

179. This year, there are plans to increase expenditure for the provision of drinking water from all funding sources to 100 billion tenge.

180. Priority will be given to projects that cover the maximum number of people per unit of investment and those aimed at increasing productivity and upgrading facilities.

Reply to the questions raised in paragraph 22

181. The procedure for eviction is governed by the housing legislation currently in force in the country.

182. Article 29 of the Housing Act stipulates that the right to ownership of housing may be lost (against the will of the owner) in the following circumstances:

- Foreclosure for housing and the land parcel, owing to a debt of the owner
- Acquisition by requisition
- Confiscation
- Compulsory purchase of the land where the house is located, for public use
- Demolition of dangerous housing at risk of wreckage or collapse

183. When socially vulnerable persons are in debt and are thus the subject of foreclosures against their housing and landownership, if the property in question is the person's only home in Kazakhstan, eviction is prohibited during the heating season.

184. In the event of the forcible termination of ownership rights to housing on the grounds of requisition or expropriation for public use of the house's land, owners are entitled, as they see fit, to receive either:

- Monetary compensation paid to the owner before the termination of his or her right of ownership, consisting of the market value of the housing and land parcel, along with full compensation for losses incurred by the owner
- Ownership of other decent housing (either an apartment or individual home)
- The return of their requisitioned home after the emergency giving rise to the requisition passes, with full compensation for any losses incurred owing to the requisition.

Reply to the questions in paragraph 23

185. The work of the mental health services is currently regulated by the following basic laws covering health:

- The Code on Public Health and the Health-Care System
- Government Decision No. 2136 of 15 December 2009 approving the list specifying the guaranteed amount of free medical assistance
- Order No. 15 issued by the Ministry of Health on 6 January 2011 approving the provisions for the operation of psychiatric institutions in Kazakhstan
- Order No. 95 issued by the Ministry of Health and Social Development on 8 February 2016 approving a standard for the provision of psychiatric care in Kazakhstan

186. A draft order has now been drawn up to introduce amendments to Order No. 95, mentioned above. The draft has been reviewed and endorsed by the Ministry of Health's unified commission on the quality of medical services.

187. To comply with international standards, the draft was drawn up taking into account a review of international experience in the field of mental health and the World Health Organization's mental health policy and service guidance packages entitled *The mental health context*, published in 2007; and *Organization of services for mental health; Child and adolescent mental health policies and plans; Mental health legislation and human rights*; and *Quality improvement for mental health*, all published in 2006.

188. As part of its implementation of the State programme for the development of health care for 2016–2019, “Densawliq”, which was approved by Presidential Decree No. 176 of 15 January 2016, the Ministry of Health has set out measures to integrate mental health services in the activities of primary health-care institutions.

189. In order to implement such measures, the Minister of Health issued Order No. 575 on 1 August 2017 on the implementation of measures to develop mental health services in Kazakhstan in 2017 and 2018. The Order approved a road map for the development of mental health services strategically geared towards the development of a patient-oriented model for the provision of mental health assistance in 2017 and 2018.

190. At present, Order No. 882 of the Minister of Health, issued on 27 November 2017, is in force. It introduced amendments to Order No. 284, issued by the Minister of Health and Social Development on 28 April 2015, which approved a State standard for health organizations and called for the establishment of primary mental health-care centres at bodies providing outpatient care and clinical assistance. Measures have thus been taken to decentralize and increase the accessibility of mental health services.

191. The national preventive mechanism, a State body, effectively works to protect the rights of persons placed in closed institutions in Kazakhstan, including mental health and addiction treatment facilities.

192. Under article 184-1 of the Code on Public Health and the Health-Care System, the national preventive mechanism operates as a system for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. It functions through the work of its participants, whose work consists in visiting forced treatment institutions, including specialized involuntary admission substance abuse treatment facilities and psychiatric inpatient facilities providing medical treatment for involuntary patients (for general and specialized treatment, and for specialized treatment under intensive observation).

193. Under article 184-4 of the Code, participants in the national preventive mechanism are entitled to: receive information on the number of persons held at facilities subject to preventive visits, on the number of such facilities and their locations; have access to information on the treatment of prisoners held in such facilities and on the conditions in which they are held; carry out preventive visits in teams, in accordance with the established procedure; conduct interviews without witnesses with persons held in such facilities and/or with their legal representatives, personally or, if necessary, through an interpreter, and also with any person who, in their opinion, may provide relevant information; freely choose and visit facilities that are subject to preventive visits; and receive information and complaints concerning the use of torture or other cruel, inhuman or degrading treatment or punishment.

194. In addition, each mental health facility has a medical care quality control service that carries out supervision and considers patients' complaints.

Reply to the questions raised in paragraph 24

195. Activities related to the HIV infection in Kazakhstan are carried out in accordance with the new global strategies and objectives established by the Political Declaration on HIV and AIDS: On the Fast Track to Accelerating the Fight against HIV and to Ending the AIDS Epidemic by 2030.

196. The provision of medical and social assistance to HIV-infected persons and AIDS patients is regulated by articles 112 to 115 of the Code on Public Health and the Health-Care System. A road map has been drawn up taking into account the strategy of the World Health Organization (WHO) and the Joint United Nations Programme on HIV/AIDS (UNAIDS) and was approved by Order No. 164 of the Ministry of Health, of 14 April 2017, on measures to prevent HIV infection for the period from 2017 to 2020.

197. For critical groups, there are 137 confidential counselling centres and 30 user-friendly clinics, and AIDS centres also have outreach workers. Under a call for tenders from the State social services, non-governmental organizations carry out HIV information activities, which makes it possible to increase the number of people who know their HIV status according to the "test-and-treat" principle recommended by WHO.

198. The Ministry of Health ordered the implementation of a 12 million tenge social services project under the title "Raising public awareness, in particular among business entities, of the prevention and treatment of HIV/AIDS and tuberculosis in order to reduce stigmas and morbidity rates and to improve global competitiveness indices – The impact of HIV/AIDS and tuberculosis on business in Kazakhstan". The project was implemented between August and November 2017 by Medical Workers' Legal Support, a voluntary organization in Kazakhstan.

199. As at 31 December 2017, the number of HIV cases registered among citizens of Kazakhstan was 29,980; the cases of 17,958 persons were followed up, and of these, 11,482 (or 63.9 per cent) were receiving antiretroviral therapy. To evaluate the effectiveness of the treatment, the viral load of persons with HIV is subject to laboratory monitoring. The therapy's effectiveness is 60.3 per cent.

200. The proportion of pregnant women living with HIV that received preventive treatment was 98.5 per cent, and among their newborns it was 99.8 per cent.

201. There has been a significant decline in vertical transmission. It has been reduced three-fold in the past 10 years (from 7.4 per cent to 2.7 per cent). Appropriate infant formula for the first year of feeding is provided free of charge for all babies born to mothers living with HIV. In 2018, Kazakhstan intended to file an application with WHO for validation of the elimination of mother-to-child transmission of HIV.

202. As at 31 December 2017, 1,209 persons living with HIV were registered with their cases followed up and they were under treatment at places of deprivation of liberty. In accordance with article 117 (2) of the Penal Enforcement Code, prison hospitals (hospitals for the treatment of physical and mental diseases and tuberculosis, medical units and medical clinics) have been set up in the penal correction system to administer medical care to convicted prisoners. Coverage of antiretroviral therapy at places of deprivation of liberty was 75 per cent (907 persons, out of 1,209 requiring the treatment). The effectiveness of the treatment was 48 per cent.

203. In accordance with the penal enforcement legislation and the Code on Public Health and the Health-Care System, persons held in the prison system have the right to health and the right to receive qualified medical assistance; they have the same rights as citizens of Kazakhstan when receiving medical assistance.

204. The priority given to the provision of medical assistance for transgender and bisexual people living with HIV and those with hepatitis B or C is determined solely on the basis of medical criteria and is not influenced by any discriminatory factors.

205. Treatment and prevention facilities have been set up to provide qualified medical assistance for persons held at institutions of the penal correction system. There are 71 prison hospitals, 15 health centres and 7 specialized treatment facilities.

206. In urgent cases, when such services are unavailable at the correctional institution, qualified medical assistance is provided by the medical facilities of local health agencies.

207. Persons held at institutions of the penal correction system are included in the population registry of the health agencies. This makes it possible to provide them with medical services on an equal footing with the civilian population; they thus receive the necessary specialized diagnoses and advice and are provided with inpatient care.

208. In 2018, for example, over 1,300 patients received diagnostic care and health-care advice in the same conditions as civilians, including 46 who underwent emergency operations and 36 who had planned surgical interventions. A number of test procedures involving technical devices were carried out, including 90 cases of esophagogastroduodenoscopy (EGD), 28 computed tomography (CT) scans, 29 magnetic resonance imaging (MRI) scans and 502 cases involving other technical means of testing.

209. In order to ensure early detection of disorders, in May 2018 the local departments of the penal correction system, working with the health authorities, started preventive examinations of convicted prisoners and detainees at the penal system's facilities.

210. There is cooperation with international non-governmental organizations that provide methodical and technical assistance through the provision of medicines meeting international quality standards and through training of the staff of the facilities.

Reply to the questions raised in paragraph 25

211. Youth centres in Kazakhstan work constantly to reduce the number of abortions, ensure the reproductive health of young people and raise awareness among young people about family planning services and about the prevention of unintended pregnancies, abortions and sexually transmitted infections (STIs).

212. Nationwide, there are 96 youth health centres, which provide adolescents and young people with comprehensive health and psychosocial services, including in the field of reproductive health. Any adolescent or young person can receive a consultation with a gynaecologist, urologist, dermatologist-specialist in venereal diseases, psychologist, social worker or legal specialist. The principles underlying such services are that the persons in question must request them voluntarily and that they must be made available to them on the basis of goodwill, trust and confidentiality.

213. Every year, the number of adolescents who come to the youth centres requesting services increases.

214. In 2017, over 600 people used the service, an increase of 25 per cent over 2016.

215. In 2017, the youth centres held more than 64,000 events, including 6,212 seminars and training sessions, 1,229 promotional activities, 1,134 round tables, 1,402 competitions and sporting events, 108 conferences, 652 open-door days and 54,220 events of other types. They produced 702 television and radio broadcasts and printed information in the press 291 times. Information was also posted on websites and through social media.

216. In the first half of 2018, 125,221 persons consulted youth centre specialists.

217. In the first half of 2018, 19,810 events were held, including 3,439 seminars and training sessions, 520 promotional activities, 360 round tables, 613 competitions and sporting events, 33 conferences, 216 open-door days and 14,629 events of other types, reaching a total of 287,699 people.

218. In the media, 563 presentations were held on television and radio, information was printed in the press 378 times and information was also posted on websites and through social media.

219. There are also 3,867 specialized health schools and 374 family planning centres in the country.

220. Over 1.6 million people were received at health schools in 2017. They were given consultations on reproductive health questions and information on family planning methods and services and on safe motherhood.

221. In the first half of 2018 over 785,000 persons received training at health schools.

222. As a result of these activities, in 2017 the number of teenage pregnancies declined by 15.9 per cent, from 5,644 to 4,747; the number of births fell by 19.1 per cent, from 4,226 to 3,461; and the number of abortions was reduced by 9.3 per cent, from 1,418 to 1,286.

Reply to the questions raised in paragraph 26

223. The main efforts of the internal affairs agencies have been aimed at cutting off drug trafficking supply lines within the country and apprehending major drug traffickers working in a context of organized crime.

224. The major indicators have improved in the past three years thanks to the actions taken.

225. Results have improved in stopping the activities of organized crime groups and in detecting drug trafficking, narcotics money-laundering and the illegal cultivation of narcotic plants. The amount of illegal narcotics that has been confiscated and taken out of circulation has increased as well.

226. The internal affairs agencies detected 25,712 cases of offences that were criminal in nature and involved narcotics in the period from 2015 to 2017 (9,250 in 2015, 8,490 in 2016 and 7,972 in 2017), including 9,616 (3,269 in 2015, 3,406 in 2016 and 2,941 in 2017) serious drug-related crimes.

227. There was a reduction of 8 per cent in 2016 and 6 per cent in 2017 in the detection of drug-related offences. This is related to the specific way in which misdemeanour offences were processed in cases where narcotics were used in public places, as stipulated under article 296 (1) of the Criminal Code.

228. Previously, until 2015, such acts were subject to administrative prosecution under article 336-2 of the Code of Administrative Offences. It was sufficient in such cases to file the appropriate police report.

229. There is now a discussion about the possibility of decriminalization of the offence, so that it will be covered by administrative law.

230. In the first five months of 2018, the internal affairs agencies detected 3,553 criminal offences related to narcotics (as opposed to 4,167, a drop of 14.7 per cent), 1,191 of which were serious crimes (a fall of 25.9 per cent from the previous level of 1,607). The number of detected cases of sales of narcotics fell by 16.5 per cent (from 1,100 to 918, a drop of 182 cases).

231. At the same time, the structure of the domestic narcotics market is changing. It is shifting to the production of potent narcotics crops in the country's southern regions.

232. New synthetic psychotropic substances arriving from Russia, China and Europe are increasingly being distributed.

233. Criminals are making more extensive use of Internet resources, messengers and various electronic payment systems to distribute such substances.

234. In the past three years, 1,068 such sites have been set up, including 270 with domain names in Kazakhstan and 789 with domain names elsewhere; 905 sites have been blocked. Distribution of narcotics via the Internet was blocked on 17 occasions (six times in 2015, five times in 2016 and six times in 2017).

235. In such circumstances, it is of the utmost importance to amend the law to broaden the powers of the competent State agencies to obtain information about “electronic money” transfers related to the illegal trade in the new psychotropic substances.

236. For its part, the Ministry of Internal Affairs proposes amending the Banks and Banking Act in relation to how information is provided, with the authorization of a procurator investigating a case, on the personal bank accounts of persons of interest to an investigation. It has also called for consideration of the strengthening of standards for the mandatory identification of owners of digital wallets.

237. Practice has shown that the main factor facilitating the development of a market for the new psychotropic drugs and other synthetic narcotics is the fact that the legislation currently in force is inadequate to ensure the authorities’ control of trade in such substances.

238. With this in mind, the Ministry of Internal Affairs has drafted a bill aimed at establishing effective government control of the new psychotropic substances, with the approval, through regulatory provisions, of a list of such narcotic drugs, psychotropic substances and precursors. The bill is currently before Parliament.

239. Activities are held to prevent drug addiction, to reduce the demand for narcotics and to establish social immunity to drug abuse.

240. The basic principle employed by the Ministry of Internal Affairs for the prevention of drug abuse is awareness-raising among teenagers and their parents of the harm caused by narcotics.

241. Every year, over 9,000 drug abuse prevention activities are held, including promotional activities, seminars, lectures, competitions and sporting events. The number of adolescents and youth taking part in such events is over 500,000.

242. One of the prevention methods involves large-scale anti-drug activities. Since 2015, promotional activities have been held for school and university students with the involvement of national celebrities.

243. New types of such activities have been developed. Interactive lessons have been introduced in schools. This makes it possible, at minimal cost, to maximize the number of people reached.

244. In the past three years, 149 interactive lessons were conducted in the provinces, simultaneously reaching 8,383 schools and 231 vocational schools, thus covering over 480,000 people.

245. With the support of the National Centre for the Promotion of Healthy Lifestyles, young persons’ health centres provide youth-friendly comprehensive medical and psychosocial services. Their services also include the provision of advice, assistance and support for persons with drug problems. In addition, family health centres and prevention and social and psychological assistance departments have been established in all regions, and social workers and psychologists have been included in the staff of the primary health-care services.

246. Every year, a month-long commemoration is held in honour of the International Day against Drug Abuse and Illicit Trafficking (26 June). During this period, sporting and artistic competitions are held, along with, inter alia, large-scale cultural events aimed at discouraging drug use, round tables and training sessions.

247. In 2018, 25,400 events were held under the slogan “Youth against Drugs!” as part of the commemorative month marking the International Day against Drug Abuse and Illicit Trafficking, thus reaching 340,577 people.

248. Regional drug rehabilitation facilities also held more than 50 events as part of the day against drug addiction and the health day. Over 300,000 adolescents and young people were reached through such activities.

249. On 27 August 2015, the expert’s council of the National Centre for the Development of Health Care adopted clinical protocols for diagnosis and treatment. These are now in use for the provision of assistance in controlling drug use among younger children.

250. Order No. 814 of the Minister of Health, adopted on 2 December 2009, established rules for registering, observing and treating persons recognized as alcoholics, drug addicts or other persons who abuse substances. In accordance with the rules, the country has a registration system for such persons. It includes several categories.

251. Persons who come for medical assistance on their own initiative, or who are sent by public agencies, medical facilities and internal affairs agencies, and whose use of psychotropic substances is not associated with clinical illnesses, as members of a group at risk, are placed under preventive observation.

252. Persons with psychological and behavioural disorders resulting from the use of psychotropic substances and who have been diagnosed as such by a physician or a forensic expert specialized in substance abuse are given case monitoring at outpatient medical facilities that provide rehabilitation services.

253. The rehabilitation services maintain a registry of patients with psychological or behavioural disorders resulting from the use of psychotropic substances and carry out the preventive monitoring of groups at risk.

Reply to the questions raised in paragraph 27

254. The initial report of Kazakhstan on measures taken to implement the Convention on the Rights of Persons with Disabilities, approved by Government Order No. 330, of 1 June 2017, includes statistics on access by children with disabilities to inclusive education.

255. Article 8 of the Education Act guarantees that children who are not citizens of Kazakhstan and who are temporarily in the country can receive an education; it states that foreigners and stateless persons permanently residing in Kazakhstan and those who enter the country for purposes of family reunification have the same rights as citizens of Kazakhstan to receive preschool, primary, basic secondary and general secondary education, in accordance with the procedure established by the education authorities.

256. In the 2014/15 academic year, there were 3,402 migrant students enrolled at school.

257. Educational institutions, taking into account the difficulties encountered in adapting to the teaching programme, not only address academic issues; they also establish the conditions required to provide children with all-around support, for example by organizing additional classes and arranging psychological assistance for them. Work is also carried out with the parents.

258. Additional specialized courses entitled *Tildamıtw*, *Tilmädenıeti* and *Sözöneri* have been introduced at schools to assist with studies in mother tongues. Optional courses in the Kazakh and Russian languages are organized, along with club activities. The children of Kazakh repatriates (*oralman*) are included in the public life of schools. They take part in amateur artistic activities, competitions and school Olympiads and are included in organized sports activities. Children from poor *oralman* families are provided with free schoolbooks, and measures have been taken to provide them with clothing, footwear and school materials, in accordance with the legislation in force.

259. Measures have also been taken with the migration authorities to produce updated lists of foreign citizens who arrive in Kazakhstan.

260. The education authorities constantly monitor the realization of the right to education for children who are not citizens of Kazakhstan and the fulfilment of their educational needs, and will continue to do so.

Reply to the question raised in paragraph 28

261. The quality of the teaching staff has improved greatly since 1991. There has been a trend towards an increase in the number of teachers with a higher education.

262. For example, in 1991, 66 per cent of all teachers had some higher education, while in 2017, 90.5 per cent, or 259,040 teachers, did (26,956, or 9.5 per cent, had vocational and technical training in 2017).

263. In the country's general education schools, 148,054 (51.8 per cent) of the teaching staff is composed of special subject teachers of the high category or category 1. Of these, 63,403, or 22.2 per cent, are of the high category, and 84,651, or 29.6 per cent, are of category 1. The number of teachers of category 2 is 71,935, or 25.2 per cent, and the number without a category assignment is 66,007, or 23 per cent.

Reply to the question raised in paragraph 29

264. According to official statistics, the percentage of people using the Internet in Kazakhstan was 78.8 per cent in 2017.

265. Population centres with over 1,000 inhabitants now have 2G cellular service. 3G cellular service has been introduced at all places with a population of 10,000 or more. 4G cellular services are available in municipalities with a population of 50,000 or more and in regional centres. The Ministry of Information and Communication, through a public-private partnership, has been implementing a project to provide broadband access to rural settlements of Kazakhstan using fibre-optic connections. This optical fibre project includes plans to hook up 1,249 rural communities throughout the country, with a population of 2.4 million, with such connections by 2021.

266. A State programme called "Digital Kazakhstan" has the objective of raising the digital literacy rate to 83 per cent by 2022 (from 77 per cent in 2018, to 78.5 per cent in 2019, 80 per cent in 2020 and 81.5 per cent in 2021).

267. According to statistical sources, 13 million people, or 77.1 per cent of the population, had basic digital literacy in 2017.

268. To meet the objectives of the State programme and reach the target of 78.5 per cent set for 2019, 500,000 people must obtain digital literacy in 2018.

Reply to the questions raised in paragraph 30

269. The legal basis for scientific research includes:

- The Science Act of 18 February 2011;
- Government Decree No. 429, of 20 April 2011, establishing the
 - High Scientific and Technical Commission of the Government of Kazakhstan;
 - Government Decree No. 519, of 16 May 2011, on national scientific councils;
 - Government Decree No. 575, of 25 May 2011, approving the rules for basic, grant-based and targeted financing of academic and/or scientific and technical activities;
 - Government Decree No. 645, of 8 June 2011, approving the rules for accreditation of persons engaging in academic and/or scientific and technical activities;
 - Government decree No. 891, of 1 August 2011, approving the regulations on the organization and conduct of State scientific and technical expert investigations;
 - Ministry of Education and Science Order No. 149 of 31 March 2015 approving the regulations on State accounting for academic and scientific and technical projects and programmes financed from the State budget, and reporting on their implementation; and other laws and regulations.

270. According to the Science Act, the legal and physical persons who carry out academic and/or scientific and technical activities are the legal entities responsible for such activities. Such entities that carry out academic and/or scientific and technical activities are guaranteed and ensured creative freedom, protection against unfair competition and equal rights to take part in academic and/or scientific and technical activities, including participation in projects and programmes funded on a competitive basis from the State budget or financed by other sources not prohibited by law.

271. Transplants of tissues or organs, or parts thereof, are regulated by the Code on Public Health and the Health-Care System.

272. In accordance with the Code, the Ministry of Health issued Order No. 623, of 30 October 2009, which approved the rules for the removal, conservation and transplant of tissues and organs or parts thereof from person to person and from animals to humans.

273. The rules were amended by Order No. 406, of 28 May 2015.

274. Article 32 (2) of the Order defines fetal stem cells as cells with a high capacity for division, obtained from abortion material after 18 to 22 weeks of gestation.

275. According to paragraph 26 of the Order, the removal of fetal stem cells is carried out at obstetrics facilities from abortion material obtained through the interruption, on social grounds, of a pregnancy in the late term (18th to 22nd week), in accordance with the rules for operations to terminate pregnancy approved by Order No. 626, of 30 October 2009.

276. Paragraph 31 of the Order establishes that the obstetrics facility must monitor the fetal stem cells quarterly to check that they are sterile and viable, through cytological and bacteriological testing.

277. Scientific research and medical services related to procedure 41.01, mesenchymal bone marrow stem cell transplants, and 41.10, fetal stem cell transplants, are performed on the basis of Order No. 1112 of the Minister of Health and Social Development, of 28 December 2016, approving types of high-tech medical services.
