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COMMITTEE ON ECONOMIC, SOCIAL
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Pre-sessional working group
25 -29 May 2009

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the initial report of Kazakhstan concerning the rights covered by articles 1 to 15 of the
International Covenant on Economic, Social and Cultural Rights (E/C.12/KAZ/1)**

**I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS
IMPLEMENTED**

1. Please indicate whether the rights contained in the Covenant can or have been invoked by national courts of law, either as a ground for a case or as interpretative guidance for legal norms.
2. Please provide additional information on measures taken by the State party to increase awareness of the provisions of the Covenant among the public at large and, in particular, among judges, teachers, police officers and other public authorities.
3. What guarantees, if any, are in place to ensure the independence of the Commission on Human Rights?
4. Please indicate whether the Office of the Human Rights Ombudsman is a national human rights institution which conforms with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (General Assembly resolution 48/134, annex), , and whether it is entitled to address questions of the realization of economic, social and cultural rights.

**II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT
(arts. 1-5)**

Article 1

5. In relation to the extensive measures undertaken by the State party as outlined in pages 53 to 56 of its report, regarding environmental concerns and sustainable development, which of these have the most significant impact on the protection and fulfilment of economic, social and cultural rights for the population of the State party ?

Article 2

6. In addition to the constitutional prohibition on discrimination, what specific anti-discrimination legislation has the State party enacted, if any, including in the areas of social security and social services, health care, education and housing?

7. Please provide information on the extent to which returnees (*Oralman*), refugees and asylum-seekers enjoy the rights set out in the Covenant.

8. Please describe measures taken to protect persons infected with HIV/AIDS from discrimination, in law and in practice, particularly in employment, residence and the use of public facilities.

9. Please clarify the concept and definition of statelessness as used by the State party, and indicate how the economic, social and cultural rights apply to stateless persons.

10. What legislative or other measures has the State party taken to protect documented and undocumented migrant workers from unfair, exploitative or discriminatory practices, particularly in relation to the exercise of economic, social and cultural rights?

Article 3

11. Please provide information on the implementation and application of the Gender Equality Strategy for 2006-2016 and on the specific measures taken pursuant to this Strategy.

12. Please provide additional information on the steps taken by the State party to eliminate direct and indirect discrimination based on gender in relation to the Covenant rights and to ensure that men and women enjoy these rights on the basis of equality, in law and in practice, in the enjoyment of economic, social and cultural rights.

13. Please indicate whether any temporary special measures have been taken to accelerate the equal enjoyment by women and girls of the rights recognized in the Covenant, and the progress achieved in this regard, if any.

III. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6

14. Please indicate whether any legislative or other steps have been taken to ensure equality of access to employment for women.

15. In addition to the establishment of a special jobs quota for persons with disabilities under the Disabled Persons (Protection) Act adopted on 13 April 2005, please indicate any other measures in place to combat discrimination against persons with disabilities in access to employment and the impact of such measures. Please provide updated statistical data on the impact of the quota system (State party's report, para. 17).

16. Please provide information on work in the informal economy, including its extent and the sectors with a large percentage of informal workers, and the measures taken to ensure access by informal workers, in particular older workers and women, to basic services and social protection.

17. Please describe the situation regarding long-term unemployment particularly in the former heavy industry areas in the northern area of the country.

Article 7

18. Please clarify whether the minimum wage enables workers and their families to enjoy an adequate standard of living. What mechanism is in place to monitor the implementation of the minimum wage?

19. Please indicate the concrete measures undertaken and their results if any, to address the inequality of wages between men and women that still persists in certain sectors despite the legal prohibition on discrimination. In this regard, please clarify the meaning of the concept "equal pay for equal labour" as provided for under Section 7.2 of the State party's Labour Act.

20. Please describe the factors behind the increase over the past five years, of industrial injuries in general, and of fatal industrial injuries in particular, as illustrated in the State party's report (p. 20, tables 1 and 2).

21. Please provide information as to what extent labour legislation allows free access of labour inspectors, without prior notice, to any workplace liable to inspection. Please indicate the difficulties encountered in this regard, if any.

Article 8

22. Please clarify which categories of employees are considered by the State party to be "personnel of law enforcement agencies" and whose right to organize under article 8 of the Covenant is consequently restricted by legislation.

Article 9

23. Please provide detailed information on the social benefits available to persons with disabilities (para. 24 of the State party's report), to the unemployed and to persons employed in the informal sector.

24. What measures has the State party taken to ensure that children living in orphanages and other institutions receive their social security benefits in full and without delay?

Article 10

25. Please provide detailed information on the extent of domestic violence in the State party, particularly violence against women as well as violence against children and minors, and the number of prosecutions and convictions in this regard. Please indicate whether any legislative or other measures have been taken to address domestic violence, particularly against women, and the impact of such measures.

26. Please provide statistical data and other relevant information on the extent of human trafficking in the State party as well as information on the number of prosecutions and convictions, and the sanctions imposed on perpetrators. Please indicate whether any legislative or other measures have been taken to address human trafficking, particularly the trafficking of women and children, as well as the impact of such measures, and the countries of origin, transit and destination of victims of trafficking. What measures are in place to ensure their rehabilitation and reintegration into society?

27. Please provide concrete information on the practice of child labour in the State party, indicating in particular, the results achieved in the implementation of the Working Plan to Eliminate Child Labour and the impact of other measures to eliminate child labour.

28. Please provide statistical data and other relevant information on the incidence of child sexual abuse as well as information on the number of prosecutions and convictions, and the sanctions imposed on perpetrators. Please indicate whether any legislative or other measures have been taken to address child sexual abuse, as well as the impact of such measures.

29. Please provide information on the number of children who live in institutions and please indicate any measures taken to ensure their protection, in particular those children living in foster care and other forms of alternative family-based care, and children and young persons who are deprived of a family environment.

30. Please indicate the number of street children and the measures that the State party has taken to ensure their protection from economic and sexual exploitation and to ensure their access to education, health-care and other social services.

Article 11

31. Please provide statistics on the number of persons living in poverty, disaggregated according to sex and age, as well as rural and urban distribution. Apart from the poverty reduction programme (2003-2005), please indicate the poverty reduction strategies that are in place, as well as their impact.
32. Please indicate the measures taken to ensure access to safe drinking water as well as to sanitation, including adequate sewerage and sewage disposal facilities in both rural and urban areas.
33. Please provide statistical data and other information, disaggregated by region, on the adequacy and availability of housing, in particular the extent to which adequate housing is available to economically marginalized communities.
34. Please provide updated information on the status of the draft bill referred to in paragraph 26 of the State party's report regarding amendments to legislation in public housing and indicate the sector of the population that will derive benefit from such amendments.
35. Please provide detailed information regarding the incidence of forced evictions, the extent of homelessness, and the number of urban slum dwellers living in inadequate housing.

Article 12

36. Please provide detailed information on the measures taken so far under the State Programme for the Reform and Development of Health Care (2005-2010) as well as their impact.
37. What measures has the State party taken to ensure that health professionals are adequately trained in the diagnosis and treatment of mental health conditions and in the care of persons suffering from mental illnesses?
38. Please provide detailed statistical data on an annual comparative basis over the last five years and other information on mortality and morbidity rates in the State party, including infant, under-five and maternal mortality rates, the measures taken to address these concerns, and their results.
39. What steps has the State party taken to protect women from pregnancy-related deaths and morbidity, including the provision of access to emergency obstetric services?
40. What measures are being taken or are envisaged to ensure the dissemination of information regarding early childhood development, breastfeeding, care of sick children and nutrition for pregnant and lactating women?
41. Please provide detailed statistical and other data on the incidence of HIV/AIDS, disaggregated by age, sex and region. Please also indicate the measures taken to combat the spread of HIV/AIDS and to ensure that all persons infected with HIV/AIDS have access to the necessary health care.

42. Please indicate measures taken to remove legal and other obstacles that prevent women and girls from enjoying equal access to health care. Please indicate whether there is a national strategy for promoting women's right to health.
43. Please provide statistical data on cases of appeal in courts against forced internment of treatment in psychiatric institutions.
44. What measures is the State party taking to combat the inflow and consumption of illicit drugs such as cannabis and opiates, and to provide adequate treatment and rehabilitation for drug users?
45. Please indicate the measures being taken to address the health problems, including liver, kidney and respiratory diseases, associated with the pollution of the Aral Sea and the soil and drinking water in surrounding areas by chemical and industrial waste?

Articles 13 and 14

46. Please indicate the national enrolment rates with respect to primary and secondary schools, disaggregated by sex, region and ethnic group.
47. Please provide information on the effects of measures taken by the State party to resolve issues related to hostility among students in public schools arising from the difference of ethnic or national background.
48. Please indicate any legislative or other measures taken to eliminate discrimination against children with disabilities in school and whether any judicial or other institutions are in place to effectively address complaints in this regard, including through the payment of compensation, where appropriate.
49. Please provide information including statistics on the number of children, including children with disabilities, who do not attend public schools, and the reasons for their non-attendance.
50. Please indicate whether primary education is compulsory and free of charge and, if not, whether the State party has adopted a detailed plan of action for the progressive implementation of the principle of compulsory, free education for all as envisaged in article 14 of the Covenant.

Article 15

51. Please provide information on programmes in place and measures taken to encourage participation in cultural life, including for persons from economically disadvantaged backgrounds, migrants and refugees, and to eliminate physical, social and communication barriers preventing older persons and persons with disabilities from fully participating in cultural life.
52. Please indicate any measures taken to ensure the wider availability of cultural goods and services, particularly in smaller cities and regions.

53. Please describe the measures implemented by the State party to protect cultural diversity, promote awareness of the cultural heritage of ethnic or linguistic minorities and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

54. Please provide information on State funding to support scientific research particularly for young scientists.
