



**Meeting of the States Parties
to the Convention on the
Rights of the Child**

Distr.: General
18 October 2006
English
Original: French

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

SUMMARY RECORD OF THE 1159th MEETING (Chamber A)

Held at the Palais Wilson, Geneva,
on Monday, 11 September 2006, at 3 p.m.

Chairperson: Mr. DOEK

CONTENTS

CONSIDERATION OF REPORTS BY STATES PARTIES

Initial report of Khazakhstan on implementation of the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

CONSIDERATION OF REPORTS BY STATES PARTIES (item 4 on the agenda)

Initial report of Kazakhstan on implementation of the Optional Protocol to the Convention on the Rights of the Child, on the involvement of children in armed conflict (CRC/C/OPAC/KAZ/1); list of items to be dealt with (CRC/C/OPAC/KAZ/1); written replies by the State Party to the list of items to be dealt with (CRC/C/OPAC/KAZ/Q/1/Add.1)

1. *At the invitation of the Chairperson, the Kazakh delegation took places at the Committee table.*
2. Mrs. JARBUSSYNOVA (Kazakhstan) said that her country was not party to any international conflict and that, therefore, its nationals – whether adults or children – could not be involved in military activities. Kazakhstan had nevertheless ratified, in 2001, the Optional Protocol on the involvement of children in armed conflict and had introduced the principles that were enshrined in it into its domestic law.
3. Under the 2005 Military Obligation and Military Service Act, all citizens between 18 and 27 years of age were liable for conscription into the Kazakh armed forces. Moreover, the Code of Administrative Offences punished illegal conscription of citizens, but such a situation had never yet arisen. However, legal measures had been set out to prohibit enrolment and use of persons under the age of 18.
4. Enrolment, training, financing or any other form of material support, as well as use of a mercenary during an armed conflict or any other military operation, were punishable by four to eight years' detention. If these same acts were accompanied by abuse of power or were committed with regard to a minor, they were punishable by seven to fifteen years' detention, possibly accompanied by confiscation of goods. Finally, participation by a mercenary in an armed conflict or a military operation was punishable by three to seven years' detention.
5. Within the framework of higher education, lessons known as "military preparation" were given, in the course of which pupils were acquainted with the provisions of the Optional Protocol and other international instruments pertaining to human rights, as well as with the relevant national legislation.
6. According to the national education authorities' official figures, at the beginning of the 2005/2006 school year about 4,000 children, i.e. about 0.01% of the country's total school population, were attending military schools of all levels and all types. It was estimated that about 65% of the pupils leaving these schools became career soldiers.
7. In accordance with the laws and regulations in force, the "Jas Ulan" [Young Guard] Military School takes children of 12 to 13 years of age and the national military boarding schools – general education establishments – take young people of 15 to 16 years of age, who cannot, however, be enrolled in armed conflicts or participate in activities of a military nature.
8. Particular attention was paid to disseminating the provisions of the Optional Protocol, often by means of round tables, conferences and seminars, organised on the themes of peace and non-violence, security and combating international

terrorism. The media played an important role in disseminating those principles and took part in major awareness-raising campaigns on those issues.

9. Kazakhstan was party to the 1951 Convention Relating to the Status of Refugees and to its 1967 Optional Protocol, and in 1996 it enacted decrees to incorporate into its domestic law the principles enshrined in those instruments. Under national legislation, children of refugees – mainly Tajiks, Pushtus, Khazars and Uzbeks – enjoyed the right to education on the same level as Kazakh children, but it was often their parents who were reticent about sending them to school and preferred to have them work so that they contributed to the household income. Kazakhstan was cooperating with the United Nations High Commission for Refugees and local NGOs and was reflecting upon the legal protection that needed to be afforded to refugees with regard to education.

10. The CHAIRPERSON asked whether children under 18 years of age could enlist in the armed forces and whether they could take part in military activities in the event of an emergency, as some sources seemed to imply.

11. Recalling the broad lines of the principle of extraterritoriality, he asked whether the recruitment of a child who was a national of a foreign country into the Kazakh armed forces, or of a Kazakh child abroad, constituted a crime in respect of the legislation of the State Party, and whether the latter could issue an international arrest warrant against the person responsible for the child's recruitment.

12. The CHAIRPERSON asked whether, during examination of his application for refugee status, a foreign national could claim a particular status, for example a right to temporary residence which would enable him to reside in the country legally and look for a job there as a means of supporting himself.

13. Mr. SIDDIQUI wished to know whether a survey had been conducted by the relevant authorities on the large number of deaths and suicides in military schools, which seemed to be linked to ill-treatment inflicted on boarders, and whether the State Party intended to change the regulations of those establishments which currently authorised young people aged 16 to 18 years to handle Kalashnikov rifles.

14. Mr. KOTRANE asked to what extent the Optional Protocol could be directly invoked by the courts if it had not been incorporated into domestic law and whether Kazakhstan intended to ratify the Rome Statute of the International Criminal Court.

15. Mr. KRAPPMANN, noting that the mechanisms for periodic assessment of the status of implementation of the Optional Protocol were only being partly applied (paragraph 4 of the report), asked whether measures were being taken to remedy that situation. Furthermore, he wished to know how many refugee children were victims of armed conflict and what measures were being taken to overcome the traumas they had experienced and promote their academic success, particularly regarding access to textbooks. He also wished to know what had become of the bill on refugees that had been presented to Parliament and then withdrawn. Finally, he asked whether pupils leaving the "Jas Ulan" National Military School were impelled to take up a military career and whether they were privileged in that respect in comparison with children who had attended ordinary secondary schools.

16. Mrs. LEE requested fuller information on the material assistance provided to refugee children and on the vocational training of the staff looking after those

children. Furthermore, she wished to know how many children in Kazakhstan were attending military boarding schools.

17. Mrs. OUEDRAOGO, reading in the written replies that any violation of pupils' rights was investigated "as prescribed by the law" (p. 3), asked the delegation to specify whether the said law complied with the Convention. She further wished to know whether the regulations of the military boarding schools allowed pupils to complain about any ill-treatment inflicted upon them as punishment.

18. Mrs. ORTIZ, noting in the report that pupils of the "Jas Ulan" Military School received instruction on human rights, asked what method was used to teach that subject and whether it was a lesson in its own right.

19. Mr. KOTRANE requested information on the social origin and economic circumstances of the children attending the "Jas Ulan" Military School. Considering it premature for children to be admitted to it at the age of 11, given the military character of the establishment, he wondered if the State Party could raise the age of admission to 15.

The meeting was suspended at 3.45 p.m. and resumed at 4.05 p.m.

20. Mrs. JARBUSSYNOVA (Kazakhstan) pointed out that, by virtue of Kazakh legislation, persons under 18 years of age could not be conscripted, even in an emergency situation, and that no violation of that principle had been reported to date. Moreover, recruitment of minors into the armed forces constituted a criminal offence, even when the deeds occurred outside Kazakh territory.

21. With regard to non-nationals who did not have refugee status, she pointed out that the numerous Chechen refugees who had fled to Kazakhstan could not apply for asylum there because, by virtue of the Minsk agreements, nationals of a country that was a member of the Community of Independent States (CIS) could not obtain refugee status in another Member State of the CIS. However, they were entitled to a temporary three-month residence permit, renewable as many times as they wished.

22. As far as possible cases of violations committed in military boarding schools were concerned, the speaker indicated that, according to the official statistics, no incident of that type had been reported since 2004. As for lessons on handling firearms taught in those schools from the age of 16 onwards, she stressed that they were purely theoretical and did not involve firing practice.

23. Besides this, the Optional Protocol was not quoted by name in the domestic legislation because, as Kazakhstan had acceded to a large number of international instruments, the legislator had judged it preferable to refer to those instruments collectively, rather than quoting them individually. The reason for which Kazakhstan had not yet acceded to the Rome Statute was that its legislation still needed adapting to enable Parliament to ratify that instrument. The Ministry of Foreign Affairs was currently working towards that objective, in conjunction with the [other] relevant ministries.

24. With regard to the mechanisms and procedures for the periodic assessment of progress towards implementation of the Optional Protocol, it had been deemed necessary to disseminate that instrument more widely, along with the Convention and, for that purpose, a survey had been launched to determine to what extent the Kazakh population were aware of the provisions of the Optional Protocol and the Convention.

25. According to the statistics drawn up in collaboration with the United Nations High Commission for Refugees, 248 refugee children were recorded in Kazakhstan, coming from Tajikistan, Afghanistan and Uzbekistan and having probably been affected either directly or indirectly by an armed conflict. All these children enjoyed the same rights as Kazakh children as regards health and education services and, in particular, they received school textbooks free of charge. Since 1 July 2006, all children were entitled to an allowance, whatever their status. The Ministry of Labour and Social Welfare was currently investigating the possibility of establishing aid for refugees, as well as a range of other issues. That was why the refugee bill had been withdrawn: the Government needed to settle those issues and put the finishing touches to that bill before submitting it to Parliament.

26. Since 2004, primary and secondary schools had social workers and psychologists offering individual consultations to children who had experienced traumas. Those staff were trained by the Higher Pedagogical Institute. Finally, there was an impartial mechanism in Kazakhstan responsible for investigating complaints made by children, their parents or guardians, and this body complied with the principles enshrined in the Convention.

27. Mrs. ORTIZ requested further information on the "Jas Ulan" school. She wished to know why that school, which took children from the age of 11, was under the guardianship of the armed forces and why the pupils were encouraged to embark upon a military career.

28. Mrs. JARBUSSYNOVA (Kazakhstan) explained that the "Jas Ulan" Military School had been set up by the Ministry of Defence in order to help children whose fathers had died while fulfilling their military service. The primary vocation of the establishment, which was entirely subsidised by the State, was to provide those children with quality instruction up to secondary level. The school did not aim to instruct children in the skills of war, but to give them an in-depth, all-round education, with an emphasis on physical education. The pupils graduating from the school were under no obligation to enter a military academy and those who had attended an ordinary secondary school had the same access to advanced military training. The entrance examination was difficult, with only one candidate in thirty being admitted each year. As to the reasons for which pupils chose to join the [army],¹ it was understandable that a child brought up in a family where the father, a soldier, had died during his service, might wish to pursue a military career to honour his/her father's memory. The school did indeed come under the remit of the Ministry of Defence. The curricula were drawn up in consultation with that Ministry and were subsequently approved by the Government.

29. Mrs. OUEDRAOGO wished for clarification of the mechanisms accessible to children for lodging complaints. She further wished to know whether, in the military schools, children could complain about instances of violation of their rights.

30. Mrs. JARBUSSYNOVA (Kazakhstan) said that pupils in the military schools were just as entitled to make complaints as were pupils at other schools. Complaints could be lodged by themselves, on an individual basis, or by their parents, or their guardian if the child was an orphan, in accordance with the standards of the Convention on the Rights of the Child. They could be submitted to the country's

¹ *Translator's note:* I believe there is a misprint in the French original – 'année', which I think should be 'armée'.

Ministry of Education or to a special structure for children. A telephone helpline had been set up for that purpose. Furthermore, in the framework of the human rights system, there was an office especially for children. Finally, since January, the Ministry of Education had incorporated within it a Committee for the Protection of Children's Rights, to come to the assistance of children whose rights had been flouted.

31. The CHAIRPERSON asked for details on the number of military schools.
32. Mrs. JARBUSSYNOVA (Kazakhstan) replied that there was only one "Jas Ulan" National Military School and three military boarding schools.
33. Mrs. LEE asked what was involved in the intensive military training that the children received.
34. Mrs. JARBUSSYNOVA (Kazakhstan) explained that the intensive military training consisted in physical education lessons.
35. Mr. KOTRANE asked whether the disciplinary standards applied to the "Jas Ulan" school were of a military nature.
36. Mrs. JARBUSSYNOVA (Kazakhstan) pointed out that that school had rules of internal discipline, but that this did not mean military discipline.
37. The CHAIRPERSON asked whether Kazakhstan intended to regularise the situation of the foreign nationals who could not return to their country for reasons of insecurity, and yet who did not enjoy refugee status in the State Party.
38. Mrs. JARBUSSYNOVA (Kazakhstan) explained that a procedure already existed for persons who could not obtain refugee status by virtue of the Minsk agreements. They should contact the President of the Republic's department and make a specific application to regularise their situation and obtain Kazakh nationality.
39. Mrs. OUEDRAOGO asked whether military service was still compulsory or whether the law on civilian national service was now in force. She said she was concerned by the high number of suicides among conscripts.
40. Mr. TIMOSSHENKOV replied that, in 2005, two laws had been adopted with regard to the military obligation and military service, which superseded the old law. From now on, military service was based either on conscription or on voluntary enlistment. A total of 65% of members of the armed forces were volunteers. As for the suicides, they concerned professional soldiers. Adolescents, who were not liable for conscription, were not affected by that phenomenon.
41. The CHAIRPERSON thanked the members of the Kazakh delegation for the explanations given on the manner in which the Optional Protocol had been implemented by the State Party. He informed the Kazakh delegation that the Committee would formulate final observations, which would be made public at the end of the current session.

The meeting rose at 4.55 p.m.