



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION**

Initial reports of States parties due in 1996

Addendum

KAZAKHSTAN

[Original: Russian]
[20 November 2001]

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Annexes*

Laws and other legislation relating to the implementation of the provisions
of the Convention on the Rights of the Child in Kazakhstan

* The annexes are available for consultation in the files of the secretariat.

Introduction

1. The Republic of Kazakhstan's initial report on the implementation of the Convention on the Rights of the Child, which was ratified by Kazakhstan in 1994 without reservations, was reviewed on 5 March 2001 at a meeting of the Commission on Human Rights in the office of the President of the Republic. It has been prepared in pursuance of article 44, paragraph 1 (a) of the Convention and in keeping with the guidelines regarding the form and content of initial reports to be submitted by States parties (CRC/C/58), on the basis of material supplied by ministries and departments responsible for addressing issues related to the status of children, the safeguarding and realization of their rights, State statistical data and information received from non-governmental organizations which deal with children's problems.

2. Part One of the report contains general information on the country and people and on the main directions of changes in the situation of children during the period under review. The main part of the report, Part Two, consists of eight chapters, and includes information on steps taken by Kazakhstan to implement the Convention on the Rights of the Child between 1994 and 2000, in accordance with the international obligations it has assumed, and on progress achieved, difficulties encountered and measures planned to implement the provisions of the Convention in the future. The annexes contain Kazakhstan's principal laws and regulations adopted for the application of the principles set out in the Convention. They are available for consultation in the files of the secretariat.

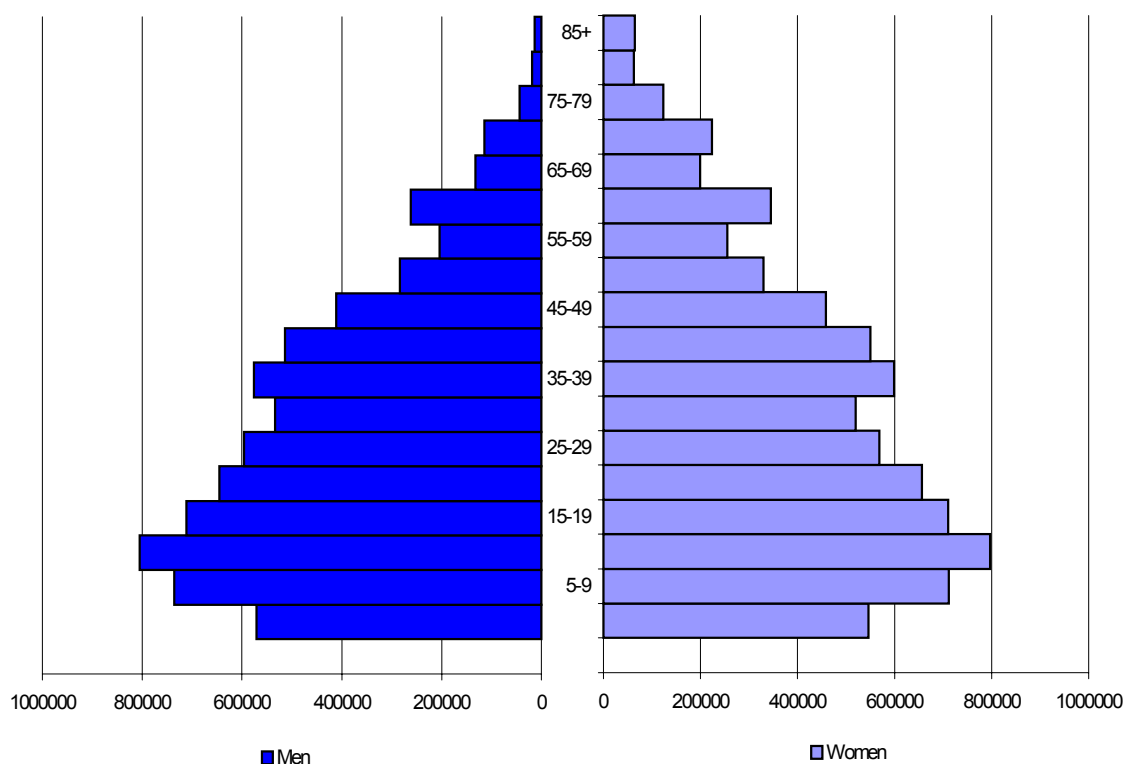
PART ONE

General information concerning the country and the people

3. The Republic of Kazakhstan, which contains many nationalities, occupies 2,724,900 square kilometres and consists of 14 oblasts, 160 districts, 85 cities and towns, 200 settlements and 2,103 rural districts known as auls. On 1 January 2001, 14.8 million people lived in Kazakhstan, according to preliminary data, of whom 8.3 million (55.8 per cent) lived in cities and 6.5 million (44.2 per cent) in villages. Figures for 1990 were 9.3 million city dwellers and 7 million rural dwellers, giving a total of 16.3 million.

4. On 1 January 2000 children aged 0-18 made up 35.7 per cent of the total population (38.9 per cent in 1990). The decrease in the total population was caused by the net flow of emigration, which completely outweighed the natural population growth, as well as a fall in the birth rate and a rise in the death rate.

5. Positive developments in the demographic situation between 1990 and 2000 included: a fall in infant mortality (from 28.3 deaths per 1,000 births among infants aged 0-1 in 1993 to 19.6 in 2000), a small drop in mortality (from 10.7 per 1,000 head of population in 1996 to 10 in 2000), and a rise in average life expectancy (from 63.5 in 1995 to 65.5 in 1999). The average age of women and men in 2000 was 32.1 and 28.8 respectively (30.3 and 27 in 1990).

Figure 1**Age and sex pyramid of the population on 1 January 2000**

6. At the beginning of the 1990s migration began to increase, with variations as to nationality, and so in the most recent intercensal period there have been substantial changes in the breakdown of the country's population by nationality. The growth in the Kazakh population, according to 1999 census data, was 1,488,200, or 22.9 per cent, and its share in the total population of Kazakhstan rose from 40.1 per cent to 53.4 per cent during the intercensal period (1989-1999), not only as a result of natural growth but because of the return of Kazakhs to their historical homeland. According to 1999 census results, there are 4,479,600 Russians (30 per cent of the total population), 547,100 Ukrainians (3.7 per cent) and 249,000 Tatars (1.7 per cent), whose numbers dropped significantly during the intercensal period, as the number of emigrants exceeded the number of immigrants and the number of deaths exceeded the number of births. The number of Germans recorded (353,400 or 2.4 per cent) also fell during this period, solely owing to the excess of emigrants over immigrants.

7. The change in the total population is also influenced by the natural growth in the population resulting from changes in the birth and death rates. Statistics indicate that natural growth in the population in 2000 amounted to 69,000 (233,500 in 1990). Natural growth in the population in 1999 had fallen to a record low, at 65,900, but rose somewhat between January and December 2000. Natural population growth was observed throughout the country, except for the Qaraghandy, Qostanay, North Kazakhstan and East Kazakhstan oblasts.

Figure 2

Population of Kazakhstan, 1990-2000
(at beginning of year)

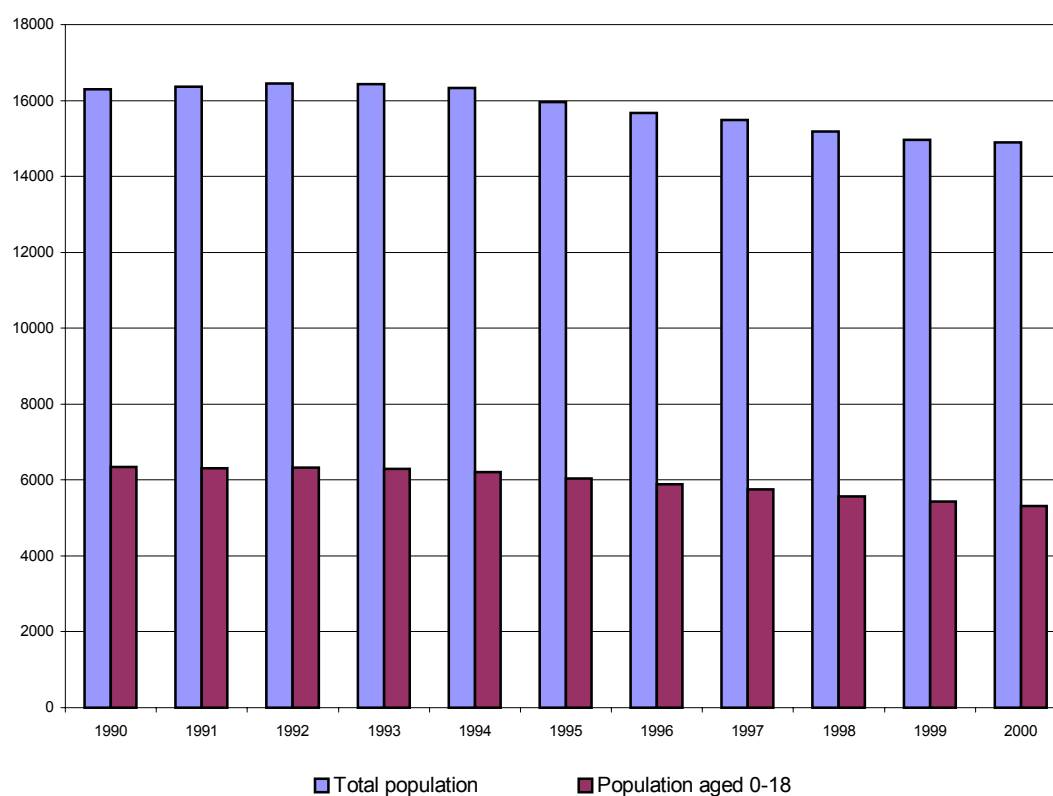


Table 1

Changes in natural population movements, 1990-2000

	Thousands of persons			Per 1,000 population		
	2000*	1990	2000/1990, per cent	2000*	1990	2000/1990, per cent
Births	218.5	362.1	60.3	14.7	22.2	66.2
Deaths	149.4	128.6	116.2	10.1	7.9	127.8

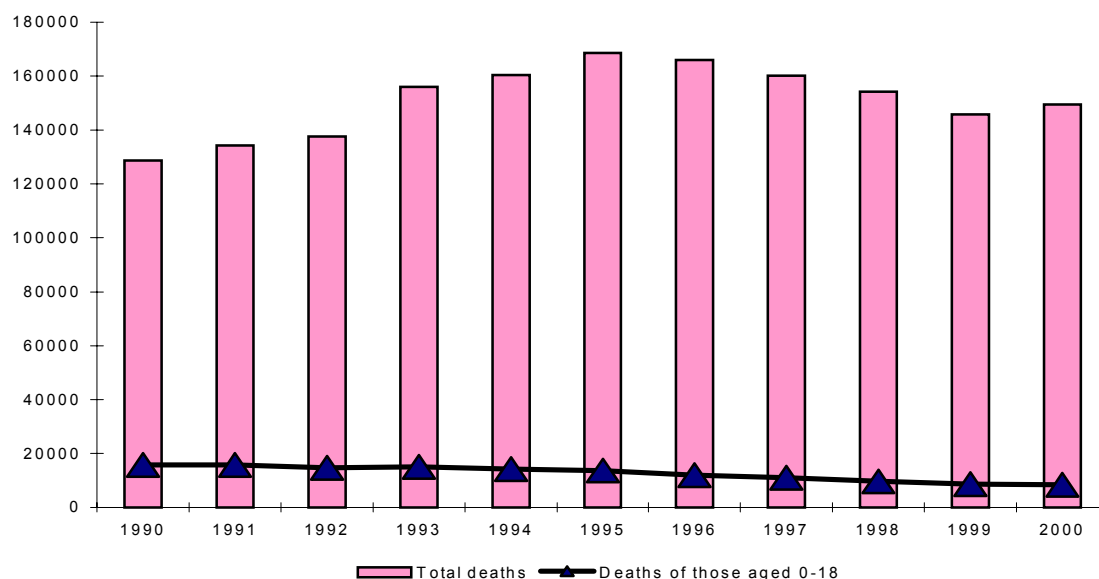
* Data for January-December 2000.

8. The birth rate declined up to 1999, to a low of 14.2 births per 1,000. In 2000 it stood at 3.5 per cent. The highest death rate was recorded in 1995-1996, at 10.7 per 1,000. This was followed by a fall in 1997-1999 (to 9.8 per 1,000), and a slight rise to 10.1 per 1,000 in 2000. In some parts of the country (the Qaraghandy, Qostanay, North Kazakhstan and East Kazakhstan oblasts), the number of deaths is higher than the number of births.

9. The number of deaths of children aged 0-18 dropped by a factor of 1.9 from 15,800 in 1990 to 8,400 in 2000.

Figure 3

Deaths in Kazakhstan



10. In 2000, a substantial fall in the level of infant mortality was observed compared with 1990. In 2000, 4,200 deaths of infants aged up to 1 were recorded, a rate of 19.6 per 1,000 births, against 9,700 or 26.4 per 1,000 in 1990.

11. The number of migrants in 2000 was 374,800, compared with 376,000 in 1999. The fall in the population resulting from migration was 4 per cent smaller than in 1999, at 123,200. This was due to a decline in emigration, including a fall of 11.8 per cent in emigration outside the Commonwealth of Independent States (CIS). The principal migratory flows are those between Kazakhstan and the other CIS countries. In 2000 around 75 per cent of the total number of emigrants went to CIS countries. The most intensive flows of emigration are recorded in the Qostanay, Pavlodar and Qaraghandy oblasts.

12. Positive balances of migration continue with Uzbekistan, Turkmenistan and Tajikistan, while negative balances remain the rule for Russia, Belarus and Ukraine. Outside the CIS a negative balance continues with Germany, Israel and the United States of America, while a positive balance continues with Mongolia, China and the Islamic Republic of Iran.

13. Russians predominate in the ethnic breakdown of emigrants (over 58 per cent), followed by Germans (about 19 per cent), Ukrainians (about 9 per cent), Tatars (2.5 per cent) and Belarusians (1.8 per cent). Russians constitute 69.9 per cent of those leaving for CIS countries, while Germans constitute 63.4 per cent of those leaving for non-CIS countries.

Figure 4
Infant mortality, 1990-2000
(per 1,000 births)

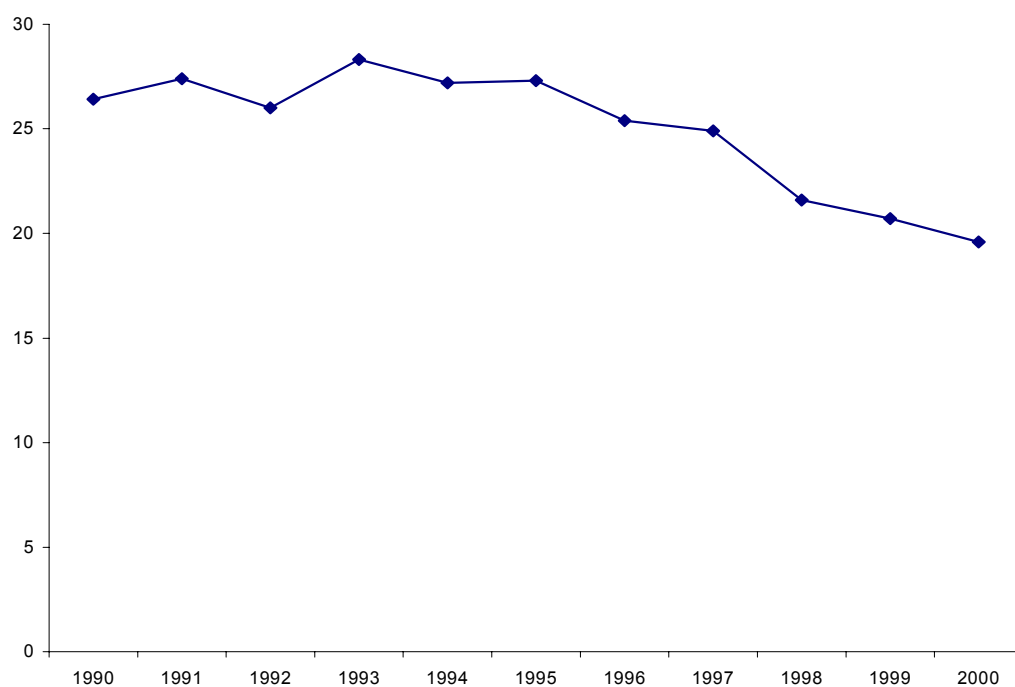
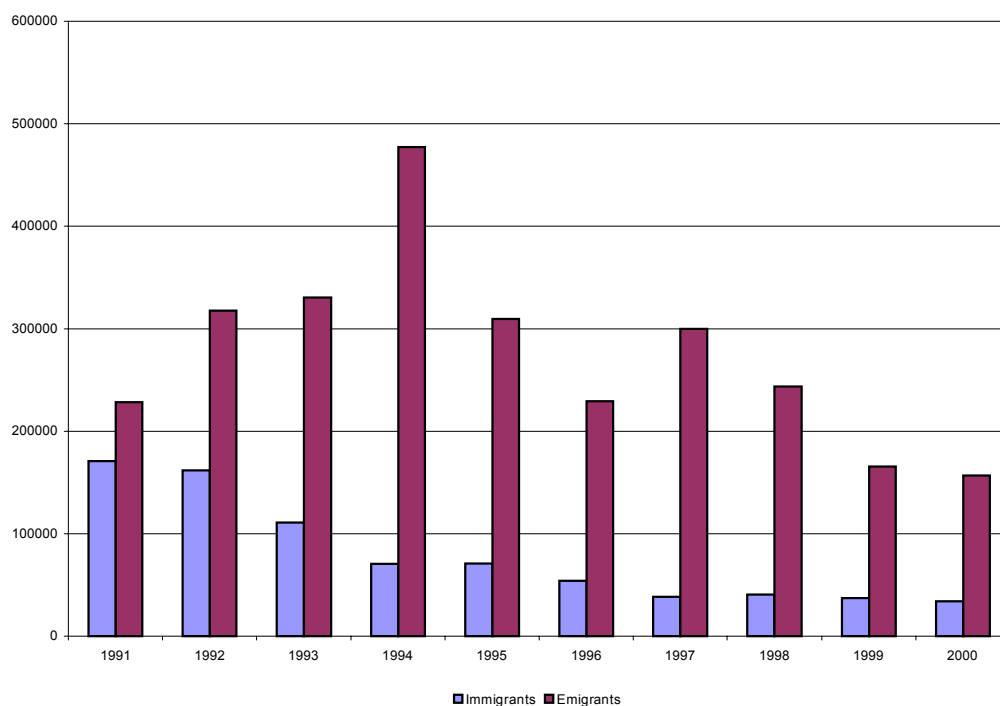


Figure 5
Kazakhstan - External migratory flows, 1991-2000



14. In 2000 the number of movements within the country was almost 11,000 (6.3 per cent) greater than in 1999. The indicator of intensity of migratory flows per 10,000 people was 124 compared with 116 in 1999. A negative migratory balance was recorded in most of the country's oblasts, and particularly in South Kazakhstan (-3,000), Almaty (-2,900), Qostanay (-2,700), East Kazakhstan (-2,600) and Zhambyl (-2,500) oblasts. A positive balance, and the largest growth in migration, occurred once again in the cities of Almaty (+10,200) and Astana (+6,400).

PART TWO

Implementation of the Convention

I. GENERAL MEASURES OF IMPLEMENTATION (arts. 4 and 42 and art. 44, para. 6)

15. In accordance with article 4 of the Convention, legislative, administrative and other measures are being adopted in Kazakhstan for the implementation of the norms recognized in the Convention. The Constitution adopted in 1995 states that human rights and freedoms are recognized and guaranteed in Kazakhstan. Marriage and the family, maternity, paternity and childhood are placed under the protection of the State by the Constitution. The confirmation of State policy in this field in the country's basic law is in keeping with international legal instruments for the protection of human rights, and specifically with the Convention on the Rights of the Child.

16. During the period under review, between 1994 and 2000, domestic legislation guaranteeing the rights and interests of children in accordance with the provisions of the Convention was further developed. Resources for and means of protecting the rights of the child were considerably expanded following the adoption of several new codes - the Civil Code (1994 and 1999), the Criminal Code (1997), the Code of Criminal Procedure (1997), the Code for the Execution of Criminal Penalties (1997) and the Code of Administrative Offences (2001) - as well as the Marriage and the Family Act (1998), the Education Act (1999), the Family-type Children's Villages and Young People's Homes Act (2000), and others.

17. The adoption of the Marriage and the Family Act marked a step forward in guaranteeing the rights of children in keeping with the provisions of the Convention. The principles of legislation governing the family have been brought into line with the basic principles and provisions of the Convention. The section of the Act dealing with the family contains special chapters on "Establishing the parentage of children" and "Rights of the child", and lays down, in keeping with the requirements of the Convention, the right of a child to live and be raised in a family, the right of a child to protection, to express his or her opinion, to protection of his or her property rights, to restoration of maintenance, to protection of the interests of the child in the event of improper treatment, including the removal of the child where there is a direct threat to his or her life or health, and also to protection of the rights and interests of children who are left without parental care. The Act stipulates how children who are left without parental care should be brought up, lays down procedures, including legal procedures, for identifying and placing

such children, and introduces a new form of child-raising in families for this category of children - fostering. The Act is underpinned by the principles of respect for the rights of parents, and equal rights and duties for the father and mother.

18. When legislation is being prepared which affects the interests of children and young people and the activities of children's and young people's voluntary organizations, interested parties are guaranteed extensive participation in its drafting and discussion through the organization of round tables and conferences and the publication of drafts in the mass media. This method was used in the preparation of the Outline of State Policy on Young People and the "Youth Kazakhstan" programme. Representatives of children's and young people's voluntary organizations are participating in the drawing up of a bill to amend the Voluntary Organizations Act by introducing a number of concessions and measures to create ideal conditions for the activities of such organizations.

19. The status of the Convention and other international treaties to which Kazakhstan is a party is defined by article 4, paragraph 1 of the Constitution: "The law applicable in the Republic of Kazakhstan is made up of the norms of the Constitution, the laws which correspond to it, other legislation, international treaty and other obligations and decisions of the Constitutional Council and the Supreme Court." In this way, the norms of international law are directly applicable and are enforced by the organs of power, including the courts. Private individuals and legal entities may directly invoke the provisions of international law in settling disputes between them and State bodies, institutions and organizations.

20. Under paragraph 3 of the article, "International treaties ratified by the Republic shall have priority over its laws and be directly implemented, except in cases when the application of an international treaty requires the promulgation of a law." Hence the Convention is granted the priority of a norm of international law. This means that, where a contradiction is observed between a treaty to which Kazakhstan is a party and a piece of legislation, the rules laid down by the ratified international treaty are applied. The direct application of such international treaties, which enjoy precedence over domestic laws, does not signify that they cancel the provisions of existing laws. International treaties which do not require ratification in order to enter into force and which were concluded prior to the adoption of the 1995 Constitution are valid, and retain their precedence over domestic laws, if such precedence for such international treaties is expressly specified in the domestic laws which govern the sphere of juridical relations in question. Where rights set out in the Convention are violated, the traditional means for their protection provided for in domestic legislation are applied.

21. From 1994 onwards a Commission on Human Rights has been functioning in the office of the President, who established it by means of a decree for the purposes of realization of the human and citizens' rights and freedoms guaranteed in the Constitution. A department on family problems has been set up in the National Commission on Family and Women's Matters in the office of the President, under the leadership of N.A. Kayupova, a Senator in the Parliament. While addressing family problems, the department also deals with protection of the rights and lawful interests of children. In July 2000 the Council on Youth Affairs was set up as a consultative and deliberative body within the Government, composed of representatives of children's and young people's voluntary associations.

22. A comprehensive programme of child-raising in teaching establishments has been drawn up with the aim of guaranteeing the development of personality and creating conditions for its realization. It sets specific goals and targets for rearing children and shaping the environment in which they are brought up. The State education programme, approved by Presidential decree, sets out measures for the further development of child-rearing and instruction in Kazakhstan.

23. Between 1994 and 2000 Kazakhstan expanded international cooperation in the field of protection of the health of children and mothers through the United Nations system, the World Health Organization (WHO), the International Labour Organization (ILO), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and international non-governmental organizations. Such cooperation has taken the form of the establishment of WHO Collaborating Centres, the exchange of information, the holding of international seminars and the exchange of specialists. The ASPERA programme is being implemented in the environmentally harsh parts of the country with technical and financial support from UNICEF. This programme included the iodizing of salt and prevention of iron-deficiency anaemia in women of child-bearing age and children.

24. A programme of breastfeeding and an initiative entitled "After hospital, a friendly attitude to children" are being actively pursued together with UNICEF. To date 11 maternity hospitals and one children's hospital have been awarded this honorary title, and two other medical centres are ready for certification. With technical and financial support from UNICEF, a project entitled "Protection of Mother and Child Health" has been initiated. It covers efforts to combat diarrhoeal and respiratory infections, integrated treatment of childhood diseases, protection of mother and child health during the perinatal period, efforts to combat anaemia, and improvement of mother and child health protection services in the provinces. A reproductive health programme is being implemented in pilot areas as part of a United Nations Population Fund (UNFPA) project on shaping population and development planning policy.

25. In accordance with the Budget System Act, the country's budget, as approved for the corresponding financial year, contains a list of maximum outgoings for each functional group, budget programme administrator and programme. When the proposed national budget for a given financial year is being prepared, the President sets up a budget commission which draws up and submits for approval by the Government budget indicators which contain expenditure and income ceilings for each functional group and budget programme administrator. Within these limits the budget programme administrators submit their budget programmes to the Ministry of Finance.

26. Each year the Ministry of Finance approves the Single Budget Classification, which sets out budgetary expenditure by programme. The Single Budget Classification contains programmes providing State support to children in the field of education, sport and health, and also special State grants to disabled children aged up to 16, social security for children and social security provided through boarding institutions at the local level.

27. By decree No. 448 of 30 September 2000, the President approved the State education programme, which encompasses the principal aspects of pre-school, primary, secondary, higher and post-university vocational education and identifies priorities for the further development of the educational system. Education is one of the priority areas in the strategy for the development of Kazakhstan to the year 2000 in the area of social policy. In order to implement State policy in education and guarantee citizens' constitutional right to education, the budget provides the requisite funds each year for the implementation of programmes in the educational field.

28. In the State budget for 2000 a total of 87,530,314,000 tenge was earmarked for funding education, including 14,934,580,000 tenge in the national budget. Under the National Budget (2001) Act, 19,807,798,000 tenge was earmarked for these purposes.

29. A sum of 162,000,000 tenge was earmarked for vaccination of newborn children against the hepatitis B virus as part of programme No. 33, on centralized purchase of such vaccines, and 162,000,000 tenge was scheduled to be allocated for the same purpose in 2001. Under programme No. 40, on the centralized procurement of vaccines for immunization, 1,833,847,000 tenge was earmarked in 2000 for the vaccination of children against the main vaccine-preventable diseases. In 2001, 283,847,000 tenge was earmarked for these purposes.

30. Under programme No. 36, on the provision of specialist medical assistance, subprogramme No. 31, on the Balbulak national children's rehabilitation centre, 33,139,000 tenge was earmarked for treatment of children during 2000, while 34,781,000 tenge was scheduled to be allocated for the year 2001. Under programme No. 38, on the national tuberculosis programme, subprogramme No. 31, on the Borovoe national tuberculosis sanatorium, 57,820,000 tenge was earmarked for treatment and rest for children suffering from tuberculosis during 2000, while 59,130,000 tenge was scheduled to be allocated in 2001.

31. Under programme No. 46, on rehabilitation of children, 194,847,000 tenge was earmarked for treatment of children in the Aksai national children's hospital and for rehabilitation of children in the Alatai national children's sanatorium, while 211,284,000 tenge was scheduled to be allocated for these purposes in 2001.

32. Under programme No. 65, on specialized medical assistance in national clinics and scientific research institutes, subprogramme No. 31, on provision of specialized medical assistance to the population in national clinics and scientific research institutes, 186,100,000 tenge were earmarked for the Scientific Centre for Paediatrics and Paediatric Surgery and the National Scientific Research Centre for Protection of Mother and Child Health, and 201,494,000 tenge was scheduled to be allocated in 2001.

33. In 2001, 23,000,000 tenge was earmarked for treatment of children suffering from leukaemia. In 2000, 82,872,000 tenge was earmarked for rehabilitation of children in the Bobek National Education and Health Centre, rising to 96,043,000 tenge in 2001.

34. In local budgets for 2000, 3,914,374,000 tenge was earmarked for activities under programme No. 45, "Protection of mothers and children".

35. Under functional group 06, "Social security and social assistance", a total of 612,633,000 tenge was earmarked in 2000 in local budgets under programme No. 30, "Residential accommodation for mentally retarded children". These funds are intended for permanent residence of children who require care, household and medical services and social and occupational rehabilitation. Under the Special State Allowance Act of 5 April 1999, 394,189,000 tenge was earmarked under the revised national budget for 2000 for special State allowances for disabled children aged under 16.

36. Concrete efforts are being made to organize partnerships and cooperation between State agencies and non-governmental associations. Since February 1999 a national centre for supporting non-governmental associations, "Info-centre NGA", of which some 50 non-governmental associations are members, has been operating under the Ministry of Culture and Social Harmony. The work of the "Info-centre NGA" is aimed at strengthening and broadening cooperation between State agencies and non-governmental organizations on the basis of equal partnership and constructive and integral dialogue.

37. In 1999 a scientific and practical conference entitled "The role of the mass media and non-governmental organizations in popularizing population issues, gender and reproductive health" was held. It examined opportunities for non-governmental associations to publicize a healthy lifestyle. Information on the negative influence of drug abuse and smoking on the health of the rising generation is also being disseminated by such non-governmental associations such as "Asthma-Baby", "Diabetes-Astana" (in the city of Astana) and "Mothers against drugs" (in the city of Temirtau).

38. In 2000, more than 15 round-table meetings, conferences and seminars were held with the help of the "Info-centre NGA" on urgent issues arising in the activities of non-governmental associations. With extensive participation by State and non-governmental organizations as well as representatives of the Conference on Security and Cooperation in Europe (CSCE), Tacis, the United Nations Development Programme (UNDP) and the Counterpart Consortium, the following were held: a round table on the topic "Principles of and machinery for State support for non-governmental associations", a regional round table on "Mutual relations and cooperation between State agencies and non-governmental associations", a national conference on "the State and non-governmental associations - a step towards one another", a scientific and practical conference-seminar on "the role of the mass media and non-governmental organizations in publicizing population issues, gender and reproductive health", and a round table involving 21 non-governmental organizations to consider draft legislation on the rights of the child (September 2000). In October 2000 a series of mini-seminars was held for State officials on awareness of women's rights in Kazakhstan. In most cases, public discussion of the problems involved in the situation of children and the corresponding State policy measures was followed by the adoption of recommendations to State agencies for application in their everyday activities.

39. As a part of cooperation in youth policy between the Ministry of Culture, Information and Social Harmony and the German federal Ministry for the Family, the Elderly and Youth, international seminars have been held since 1995 on prevention of drug abuse and other forms of dependence among young people, on various aspects of social work with children and young

people, and on the development of the best possible mechanisms for implementing State policy on youth. More than 300 Kazakh specialists in work with children and young people - doctors, educationalists, psychologists and legal experts - and State officials took part in seminars and conferences in Germany.

40. The women's and young people's movement has become more active in Kazakhstan. Women's, children's and young people's non-governmental organizations constitute a real force in addressing many social problems in Kazakh society, and first and foremost those relating to protection of the rights and interests of children. The Ministry of Culture and Social Harmony provides information support to such non-governmental associations, conducts joint seminars, training sessions and round tables and participates in socially significant activities. For example, the women's voluntary association "ZHARIA" was provided with help and support in participating in tendering under the Tacis programme and in competition for microprojects under the European initiative in the field of democracy and human rights in Kazakhstan and Kyrgyzstan, and the MASHAV educational programme for the non-governmental sector. Technical support was provided to the Aqmola branch of the "League of Muslim Women of Kazakhstan", a voluntary association, and consultations and methodological assistance were provided to the "Zhanuya-2030" Mother and Child Protection Centre, the "Disabled Children" society, the "Altyn Kazyk" non-governmental association, the Taraz city society of disabled young people, the "Murager" children's voluntary organization in Qostanay oblast, the Kazakhstan scout movement, the national young people's movement "For the future of Kazakhstan", and many other non-governmental associations.

41. The Registration Committee of the Ministry of Justice reports that 816 national-level and regional-level voluntary associations, and 2,941 local-level associations, have been registered in Kazakhstan. Of them only 25 are national and regional children's voluntary associations, and 100 local. In addition, there are 45 offices of foreign and international non-commercial non-governmental associations in Kazakhstan. There is no doubt that the non-governmental sector plays the role of an equal partner with the Government in initiating efforts to make the principles of the Convention on the Rights of the Child a reality.

42. While at the beginning of the 1990s the task of the non-governmental associations was to draw the attention of those working in education to the need for human rights education, to destroy the stereotypical Soviet style of thinking of those responsible for teaching and raising children, and to reorient the system of legal education in the schools of Kazakhstan, other issues need to be addressed today.

43. First and foremost, it is noteworthy that the numbers of non-governmental associations are growing. A large proportion of them exist thanks to grants to ensure their viability, and basically, of course, they do not pay major attention to solving such problems facing Kazakhstan in the protection and social adaptation of children as the centralization of actions, the publishing of basic school textbooks and much else. But undoubtedly, regional non-governmental associations are conduits for the idea of protecting single mothers and their children, protecting disabled children and children of pre-school age etc. on the spot, and in their own way constitute sources of information in remote areas.

44. The activities of the largest non-governmental associations also display specific features in their main areas. The “Children’s Protection Centre”, for example, carries out theoretical research in the field of children’s rights. The “Atameken” children’s and young people’s association protects the social rights and liberties of children and young people, while the “Lyubov Centre for Social Protection of Children and Adolescents” engages in social protection of the disabled. The activities of non-governmental organizations are carried out for the most part thanks to financial support from the Soros Foundation, the Tacis democracy programme, the Counterpart Consortium, HIVOS, etc. Efforts to enhance the participation of non-governmental organizations in implementing the provisions of the Convention are facilitated by the existing legislative base, and in particular the Voluntary Associations Act, the Non-commercial Organizations Act and the Social Partnership Act.

45. The message from the President to the people, “Kazakhstan-2030”, constitutes a single national programme of activities. Ministries and departments are working to perform the tasks set out in the State strategy mentioned above.

46. At the second forum of women of Kazakhstan, President N.A. Nazarbaev stated that one of the four main lines of State policy to improve the position of women was improvement of the health of women and their families. In pursuit of these tasks, the Government approved the National Plan of Actions for the improvement of the position of women in Kazakhstan. It includes 105 programmes reflecting 12 priorities. Their implementation is founded not only on the national and local budgets, but also on assistance from international organizations and donor countries. Thanks to the involvement of the National Commission of International Donors, 2 million United States dollars have been invested in the implementation of a number of programmes under the plan.

47. By decision No. 1272 of 17 August 2000, the Government approved the Outline of State Population Policy, which had been drawn up by the Migration and Demography Agency. The Agency is currently working to prepare a Programme and Plan of Action for the implementation of the Outline of State Population Policy, which will include a programme to stimulate the birth rate and a number of other measures to improve the demographic situation in the country, as well as the provisions set out in the Convention on the Rights of the Child.

48. No integrated work to popularize the provisions of the Convention has been carried out among children and adults. The Convention has been published by international and Russian Federation organizations, mainly in Russian. Editions in Kazakh also exist in small quantities, notably an illustrated version of the Convention published in Moscow in 1997, when the non-governmental organization “Konfliktologichesky Tsentr” commissioned 2,000 copies. In 2000 the Scientific Information Centre for Civics Education prepared an initial handbook about the Convention for use in primary schools.

49. The present report was prepared by a broad range of specialists. A working group was set up including representatives of the Ministries of Culture, Information and Social Harmony, Labour and Social Protection, Education and Science, Internal Affairs, Justice and Finance, the

Agencies for Health Affairs, Tourism and Sport and Migration and Demography and other State bodies. Issues arising in the drafting of this report, and the draft of the report itself, were discussed at two meetings of the Commission on Human Rights in the office of the President. During the preparation of the report use was made of official statistical data and information and analytical material from various ministries and departments.

50. This report is scheduled to be published separately in order to publicize widely the problems involved in the realization of the rights of the child. Supplementary steps will be taken to popularize it through press conference, press releases, publication in the mass media, etc.

II. DEFINITION OF THE CHILD

(art. 1)

51. The Constitution of Kazakhstan does not specify the age of majority. Under current domestic legislation, the age of majority is 18 (Marriage and the Family Act, Civil Code). The age of civil responsibility is 18; where a person marries before the age of 18, full civil responsibility is acquired from the date of marriage (Civil Code, art. 17).

52. Irrespective of his or her age, a child has the right to own property received as a gift or by inheritance, as well as any other property acquired using the child's resources (Marriage and the Family Act). Children aged between 14 and 18 may enter into contracts with the consent of their parents, adoptive parents or guardians and bear liability as to property under contracts concluded in accordance with the law (Civil Code, art. 22); in the case of minors aged under 14, contracts must be concluded by their parents, adoptive parents or guardians. Children aged under 14 have the right to conclude only small contracts relating to everyday matters and in keeping with their age (Civil Code, art. 23); a child has the right of independent control over investments made by any person in his or her name from the age of 14 (Civil Code, art. 25).

53. It is possible for a child aged under 3, or a severely ill child aged over 3, who in the opinion of doctors requires supplementary care, to be accompanied in a medical institution by his or her mother or father or another person directly providing care for the child, and to receive an allowance under social insurance (Citizens' Health Protection Act, art. 55). No minimum age for benefiting from juridical services or medical services without parental consent has been established. However, medical services such as surgical intervention, blood transfusions and complex diagnostic methods must be performed on persons under 16 only with the consent of parents or guardians or close relatives (Marriage and the Family Act, Citizens' Health Protection Act). Psychiatric help is given to minors with the consent of their legal representatives. In the event of refusal or in the absence of a legal representative, examination of a minor is carried out by decision of the guardianship authorities, which may be challenged in court (Psychiatric Help and its Provision (Guarantees of Citizens' Rights) Act).

54. Children have the right to express their opinions on any matter affecting their interests within the family, and also the right to be heard in judicial or administrative proceedings, from the age of 10, except in cases where this would run counter to their own interests (Marriage and the Family Act, art. 54). The minimum age of consent to a change in personal status, including change of surname, family relationships, adoption and guardianship, is 10 years (Marriage and the Family Act, art. 54).

55. Every child has the right to know his or her parents, insofar as this is possible; no age limit is set. The confidentiality of adoption is protected by the law (Marriage and the Family Act).
56. The concept of a maximum age for ceasing compulsory secondary education does not exist. General secondary education (forms 11 and 12) is compulsory (Education Act).
57. The minimum age for employment is 16. Employment from age 15 is permitted where the child has completed secondary education or has left a general educational establishment with the consent of his or her parents or guardian. Employment from age 14 may be permitted with the consent of one of the parents or a guardian provided that the child has free time available from studies, and that there is no risk to his or her health. Persons aged under 18 may not take up heavy physical work or work involving harmful or dangerous working conditions (Labour Act).
58. The minimum age of marriage for men and women is set at 18. If valid grounds exist, the civil registration authorities in the place where the marriage is to be registered may lower this age by up to two years (Marriage and the Family Act, art. 10).
59. Corruption of a person known to be aged under 14 without the use of force is a criminal offence (Criminal Code, art. 124).
60. Sexual relations and other acts of a sexual nature with a person known to be aged under 16 are criminal offences (Criminal Code, art. 122). Recruitment or sexual or other exploitation of a person known to be a minor, by means of deception, are criminal offences (Criminal Code, art. 128).
61. The minimum age for criminal prosecution is 16, or 14 in the case of offences representing a serious danger to society, as listed in the legislation (Criminal Code, art. 15). A minor who has reached the minimum age for criminal prosecution but who, at the time of the commission of a minor offence or an offence of medium gravity, was unable to fully appreciate the actual nature of his or her actions or inaction and the danger they posed to society, or to control them, as a result of retarded mental development not connected with mental disturbance, is not liable to criminal prosecution (Criminal Code, art. 15).
62. The minimum age at which a person may be sentenced to rigorous imprisonment is 16 (Criminal Code, art. 46). Life sentences and the death penalty are not imposed on persons who committed the offence in question while aged under 18 (Criminal Code, arts. 48 and 49). Prison terms are not imposed on persons who committed a minor offence for the first time while aged between 14 and 16 (Criminal Code, art. 79). A minor who is being tried for the first time for a minor offence or an offence of medium gravity may be exempted from punishment by the court in circumstances laid down by law (Criminal Code, art. 81).
63. Children who by reason of their young age are unable to appreciate the significant circumstances of a case and testify thereon are not liable to questioning (Code of Criminal Procedure, art. 82). Questioning in court of a victim or witness aged under 14 - or, at the discretion of the court, between 14 and 18 - takes place only during the day, in the presence of a

teacher, and may not continue without a break for longer than two hours, or for longer than four hours in all in any one day. Where necessary the parents or other legal representatives are summoned (Code of Criminal Procedure, arts. 215, 352 and 485). Questioning of a minor who has been accused or is a suspect is carried out in the presence of his or her defence counsel, his or her legal representative and, where necessary, a psychologist or teacher (Code of Criminal Procedure, arts. 485 and 487).

64. A child whose rights and lawful interests have been violated has the right to seek the protection of such rights and interests on his or her own initiative before the guardianship authorities and, on reaching the age of 14, the courts (Marriage and the Family Act, art. 59).

65. The minimum age for obligatory and voluntary military service is 18 (Universal Military Obligations and Military Service Act). Persons who reach the age of 17 in the year of enrolment for training in military academies may be enrolled for military service (Universal Military Obligations and Military Service Act, art. 18) (annulled by the Universal Military Obligations and Military Service Act (Amendment) Act of 20 March 2001).

66. Children may not be donors of blood or blood components (Citizens' Health Protection Act, art. 30).

67. The minimum age for the purchase of alcoholic drinks is 18 (Code of Administrative Offences, Rules governing Retail Trade in Alcohol Products). Kazakh legislation does not lay down minimum ages for other matters referred to in the Convention.

III. GENERAL PRINCIPLES

A. Non-discrimination (art. 2)

68. Human rights and freedoms belong to all from birth. They are recognized as absolute and inalienable. They determine the content and the application of laws and other legislation. The Constitution of Kazakhstan lays down that no one may be subjected to discrimination of any kind on grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other factors. No restriction of any kind of the rights and freedoms of citizens on political grounds is permitted. All are equal before the law and the courts. Aliens and stateless persons enjoy the same rights and freedoms, and are subject to the same obligations, as those laid down for citizens, unless the Constitution, laws or international treaties provide otherwise.

69. Propaganda or agitation in favour of the forcible modification of the constitutional order, violation of the integrity of the Republic, undermining of the security of the State, war, social or sexual superiority or the cult of brutality and violence are not permitted. Any actions which are liable to disturb international harmony are regarded as unconstitutional.

70. The basic functions of education and the avenues of its development are designated in the President's message to the people entitled "Kazakhstan-2030". The State's long-term priorities have been set out over the period to 2030 and are reflected in Presidential decisions and State

programmes. In order to implement the Education Act, 30 government decisions and other ministerial and departmental regulations have been adopted on current educational issues. On 30 September 2000 the State education programme was approved by Presidential decree. State programmes for the computerization of secondary education and the provision of a new generation of textbooks, “Bolashak”, as well as issues of universal education and the development of “Daryn” specialized schools, fall under the direct patronage of the President.

71. The following have been adopted with a view to the social protection of orphan children: the Marriage and the Family Act, the Children’s Villages and Young People’s Homes Act, and government decisions on the volume and sources of social assistance granted to citizens in need while they are being educated, and on job and housing placement for graduates who are orphans or children who have been left without parental care.

72. This legislation and these decisions contribute to the social protection of children and young people irrespective of their sex, ethnic origin or age. The implementation of decisions affecting the fate of children and young people is monitored by the head of State, the Parliament, the Government and interested ministries and departments, and is regularly reviewed at meetings of the Government and senior officials in the Ministry of Education and Science.

73. The activities of those working in the education system are governed by regulations, and they regularly follow retraining courses, including courses of study on the provisions of the Convention. Seminars and meetings are also held to exchange experience.

74. An Assembly of the Peoples of Kazakhstan has been set up as a consultative and deliberative body reporting to the President. It is composed of representatives of the national cultural centres of all ethnic groups and groupings living in Kazakhstan. The purpose of the Assembly’s activities is to study and analyse the situation in the country and to draw up recommendations to ensure respect for the rights and freedoms of the citizens of Kazakhstan, irrespective of their race, nationality, social situation, religion or belief. Currently, in pursuance of paragraph 2 of a set of measures for the implementation of the ideas and proposals expressed by the President and the participants in the seventh session of the Assembly, the Ministry of Justice is drawing up a law concerning the Assembly which will provide for the conceptual structural renewal of the Assembly and the raising of its status.

75. Around 200 Sunday schools operate in the national cultural centres, providing instruction in 25 languages of the peoples of Kazakhstan. In the Sunday schools the children not only enjoy an opportunity to study their native language and culture in depth, but also become acquainted with the culture, art, everyday lives and traditions of other peoples living in the same area.

76. In 1996 an Outline of Language Policy was drawn up to forestall discrimination against children based on race and ethnicity and to ensure the all-round development of every child’s personality. The same issues were addressed in the Education Act and the Languages Act and in the State programme for the functioning and development of languages. Language policy is based on the idea of ethno-cultural education, which seeks to create a model of instruction focused on preservation of the distinctiveness of ethnic groups and at the same time assimilation of the values and standards of other cultures.

77. The Constitution guarantees everyone the right to use his or her native language and culture, and to freely choose the language in which he or she communicates, is brought up, is educated and engages in creative activity (Constitution, art. 19). In Kazakhstan 280 pre-school institutions are operating in the Kazakh language, 516 in Russian and 2 in Uzbek; 18 groups are using Uighur, Korean and German as languages of instruction. In these institutions 72,700 children of Kazakh nationality, 45,900 of Russian nationality and 16,600 of other nationalities (2,500 Germans and Tatars, 3,400 Ukrainians, 900 Belarusians, 800 Uzbeks, 1,400 Uighurs, 1,600 Koreans, 500 Chechens and Azerbaijanis and 2,000 Turks, Jews, Gypsies, Kyrgyz, Tajiks, Lithuanians, Georgians, Dungans, Poles, Mari and Armenians) are being educated. Of these, 38,900 children are being brought up in the State language, including 35,300 children of Kazakhs, 2,300 children of Russians and 1,300 whose parents are of other nationalities. The State language is being studied by 72,900 pupils and 11,300 staff in pre-school institutions. The Tatar, German, Korean, Uighur and Uzbek languages are being studied as native languages in 28 groups, while 11,000 children are studying English in 568 groups.

78. General secondary education is available to every citizen, and is not segregated by sex (Education Act). During the school year 1999-2000, 7,910 schools offering a general education were in operation in Kazakhstan. The languages of instruction were Kazakh (3,395 schools), Russian (2,365), mixed (2,055), Uzbek (78), Uighur (13), Tajik (3) and Ukrainian (1). In 143 general schools in 11 oblasts and the cities of Astana and Almaty, 15 languages are taught as native languages, namely German, Polish, Ukrainian, Korean, Hebrew, Tatar, Turkish, Chechen, Uighur, Armenian, Azerbaijani, Chuvash, Kurdish and Dungan.

79. Orphan children, children with special needs and children from large and poorly-off families are categorized as disadvantaged. For these categories of children the law stipulates the forms and methods of social protection. State support is provided to them through a system of children's homes and boarding schools. Children who have been left without parental care are given for adoption, guardianship or fostering or placed in children's homes or boarding schools (see also paragraphs 181-203 and 207-225 below).

80. During the pre-school period disabled children are raised and taught in accordance with an individual programme of rehabilitation. Disabled children, those who have been disabled from birth and children with special needs study in special rehabilitative educational establishments in keeping with their medical diagnosis, or at home with an individual programme. Kazakh legislation contains no discriminatory provisions against specific groups of children. For the purpose of preventing disabilities among children, and tackling problems related to the upbringing of disabled children, their education and vocational training, as well as their integration into society, a law has been drafted on social, medical and educational support for children with special needs.

81. In order to provide social support for orphan children, children with special needs and children from poorly-off families and environmentally harsh areas, 1,200 children from all over the country relaxed and improved their health at the "Okzhetpes" youth camp during 2000 at the invitation of the State.

82. A Council on Links with Religious Associations has been set up under the auspices of the Government to ensure coordination of relations between State agencies and religious associations, analyse the religious situation in the country, draw up recommendations for the preservation of harmony between faiths, offer expert advice on draft legislation affecting freedom of conscience and the activities of religious associations, and monitor compliance with the law in this field.

83. Measures are being taken to ensure the social protection of children and young people, and problems and possible solutions are being identified.

84. Women and men work in educational organizations in accordance with the education they have received, and enjoy completely identical rights.

85. Health standards in most educational organizations meet the requirements laid down, while 40 per cent of general schools and 20 per cent of children's homes and boarding establishments occupy premises adapted for the purpose.

86. The legislation contains no discriminatory provisions against girls. Children have an equal right to education, social security and health protection, irrespective of their sex. At the same time, there are a number of restrictions on access for girls to vocational training for certain occupations involving arduous and harmful working conditions in which the use of female labour is forbidden.

87. In accordance with order No. 395 issued by the Ministry of Education and Culture on 10 July 1998, an age-specific hygiene programme for adolescent girls in classes 6 and 7 is taught in all educational establishments. A textbook on moral and sex education for young pupils, in which special attention is devoted to the education of girls, is extensively used throughout the country. In addition, a special course entitled "The problems of AIDS and its prevention" is taught in all educational establishments. A programme promoting a healthy lifestyle, including sections on observance of the rules of personal hygiene, the influence of tobacco, narcotic drugs and glue-sniffing on health, AIDS and sexually transmitted diseases, early sexual relations, etc. is also taught.

88. Children living in children's homes and boarding schools have access to medical assistance and doctors' visits. Pupils in general schools receive these services at their homes, and also at the school itself once or twice a year, during medical checks of the children by specialists.

89. The use of threats or corporal punishment is forbidden in educational organizations. In each school a parents' committee and a pupils' self-regulation body operate and take decisions jointly with the teaching staff.

90. Child labour is not used in Kazakhstan. However, if children themselves so wish, and with the consent of their parents, places may be found for them during the holidays for work which does not require major physical effort (see also paragraphs 57 above and 342-346 below).

91. State statistical records exist concerning the number of disabled children who receive allowances, orphan children and children who lack parental care, refugee children and also families with minor children, including data on the number of children they contain.

92. The principle that the child's interests should be protected by the State is respected in Kazakhstan. This is reflected in the country's Basic Law, the Marriage and the Family Act, the Health Protection Act, the Criminal Code, the Code of Administrative Offences, etc.

**B. Best interests of the child
(art. 3)**

93. The principle that priority should be given to protection of the interests and rights of the child is laid down in the Marriage and the Family Act, the Labour Act, the Education Act, the Citizens' Health Protection Act and the various codes. The need to act in the best interests of the child is borne in mind by the courts and government bodies when handling cases involving divorce by parents, deprivation of parental rights, adoption, the placement of orphan children and children deprived of parental care, and in other cases when deciding on the future fate of the child.

94. Parental rights may not be exercised in a manner conflicting with the interests of children. Parents who exercise their parental rights to the detriment of the rights and interests of a child bear responsibility under the procedure laid down by law. All issues relating to the upbringing and education of children are addressed by the parents in the light of the child's interests and the child's opinion. In the event of disagreement between the parents on this matter, one or both parents have the right to request the guardianship authorities or a court to resolve the matter. Where the parents live apart, the child's place of residence is determined by agreement between the parents. If there is no agreement, the dispute between the parents is settled by a court in the light of the child's interests and the child's opinion. In the event of refusal by one or both parents to allow close relatives of the child (a grandfather, grandmother, brothers and sisters, etc.) to exercise their right to contact with the child, the matter is settled by a court in the light of the child's interests and the child's opinion. The court has the right to deny the parents' request for the return of the child, after taking into account the child's opinion, if the transfer is not in the child's interests. The court may refuse a request by one or both parents to restore parental rights, after taking into account the child's opinion, if to do so would run counter to the child's interests. Parental rights in respect of a child aged 10 or over may be restored only with the consent of the child.

95. Where there is a direct threat to the life or health of a child, the guardianship authorities have the right to remove the child immediately from his or her parents or guardians. When placing a child who has been left without parental care, account is taken of his or her ethnic origin, membership of a specific religion and culture and native language, and the scope for ensuring continuity in his or her upbringing and education. The legislation provides that preference in placing a child left without parental care shall be given to upbringing in a family.

96. During allocation of appropriations from the budget, and also from extrabudgetary State social funds, the need to act in the best interests of children is taken into account. This is reflected in the budget law (see paragraphs 37-47 above). In the formulation of socio-economic policy, including policy in the fields of construction, transport and the environment, account is taken of approved government norms relating to culture, the mass media, health, physical culture and sport, and the social protection of the population.

97. Legal issues relating to refugees are to be resolved following the adoption of a special Status of Refugees Act, drawn up in keeping with the Convention relating to the Status of Refugees. Under the draft, the status of a refugee child accompanied by his or her parents is determined in accordance with the principles of family unity and adoption of a decision at the request of an adult. The father or mother has the right to include in the request children who have accompanied them in search of asylum. When the head of a family is recognized as a refugee, asylum is granted to all his or her minor children who arrived with him or her. A child who arrived unaccompanied by parents or guardians and who seeks refugee status will also be issued with a certificate, on the basis of which he or she will be sent to temporary accommodation. The migration authorities must assist the child in obtaining information concerning the fate and whereabouts of his or her parents, or any relatives or guardians (see also paragraphs 291-305 below).

98. Legal proceedings in matters relating to minors are governed by the general rules set out in legislation on criminal procedure. They are supplemented by special rules applying to minors. The presence of defence counsel is obligatory in proceedings on matters relating to a minor. The parents or other legal representatives of a defendant who is a minor must be summoned to the court hearing. The legal representatives of a defendant who is a minor are present in the court throughout the proceedings. When an accused minor who has not reached the age of 16 is questioned, the presence of a teacher is obligatory. On completion of the questioning, the teacher has the right to study the record of the session and make written observations concerning its accuracy and completeness. The new legislation on criminal procedure contains a number of special features relating to cases involving offences committed by minors. The principal court proceedings in cases involving offences committed by minors must now be attended by a procurator acting as State prosecutor - a requirement which was lacking in the earlier legislation.

99. In the interests of citizens who are minors, special units on the affairs of minors exist within the internal affairs authorities in Kazakhstan, which deal with child crime as well as protection of minors against unlawful infringement of their rights, interests and freedoms. The legal basis for the activities of the units dealing with the affairs of minors is made up of the "Outline of Children's Rights", a Presidential decree on internal affairs authorities which has the force of law, and other legislation and regulations dealing with offences committed by minors and protection of their rights and interests. The activities of the units dealing with the affairs of minors are founded on the principles of the rule of law, openness and respect for the individual, as well as cooperation with other State agencies and voluntary organizations. At the local level this work is performed by sectoral inspectors for the affairs of minors

100. In 1998 the Government approved a comprehensive programme for the prevention of crime among minors in the period 1998-2000. The programme was aimed at identifying under-age offenders, as well as their parents or persons in loco parentis who were maliciously failing to discharge their obligation to raise their children and, through their anti-social behaviour, were encouraging them to offend. The programme contains a range of measures designed to assign greater responsibility to parents, teachers and other persons in charge of raising minors, in accordance with the requirements of criminal, administrative and family law.

101. In 2000 alone, 925 criminal cases under article 131 of the Penal Code, "Involving minors in criminal activity", culminated in court proceedings, as well as 35 cases under article 132, "Involving minors in the perpetration of anti-social activities", and 192 under article 137, "Failure to discharge obligations in relation to the raising of minors". In 2000, 43,207 young people and over 100,000 parents, as well as 5,406 adults who had drawn young people into consumption of spirits, were charged with various offences under administrative law. Under the Marriage and the Family Act, more than 1,300 parents who had maliciously neglected the upbringing of their children were deprived of their parental rights (1999 figure: 1,144).

102. Work is being pursued together with the education authorities to strengthen the ties binding pupils to their educational establishments, and scientifically founded principles and methods for the prevention of alcoholism, the abuse of drugs and glue-sniffing among minors have been devised and applied.

103. Steps are being taken to open centres for the medical and social rehabilitation of minors suffering from alcoholism, drug abuse and glue-sniffing. In 2000 a rehabilitation centre was opened in the city of Temirtau offering 75 beds for children and young people. In the cities of Almaty and Qaraghandy daytime medical centres with a maximum of 25 beds for the rehabilitation of minors who abuse drugs and sniff glue are in operation. In the Qaraghandy oblast psychiatric centre's psycho-neurological clinic for children, there are two 10-bed wards where young people aged under 14 who are suffering from psychological disturbance as a result of consumption of narcotic and other powerful substances are treated free of charge (see also Chap. VII.B.2 and paragraph 350).

104. With the aim of providing more prompt legal protection to young people when the fact that it is impossible to live in their families becomes the source and cause of anti-social and illegal behaviour, centres for the temporary isolation, adaptation and rehabilitation of minors (TsVIARN) were set up in 1998 as a result of the reorganization of the former reception and distribution centres for minors. These centres, which form part of the internal affairs network, are used to hold children pending their assignment to children's homes or boarding schools, or pending court rulings on their cases and the issue of travel passes. The centres are staffed by inspector/psychologists, who work to rehabilitate the children and adapt them to new lifestyles. The length of stay by minors in these centres is limited to 60 days. With a view to preventing neglect of minors, lawbreaking and repeat offences, 13,447 children and young people were placed in TsVIARN centres during 2000 on a variety of grounds, including 919 living outside the country. Of the total number of minors placed in the centres, 1,380 were registered in children's homes and 44 were placed in jobs.

105. Under the law on criminal procedure, in cases involving minors who have committed serious and especially serious offences, the following preventive measures are taken at the stage of preliminary investigation: temporary detention, or remand - where they are held in a remand centre separately from adults, for no longer than six months. To replace criminal penalties for minors convicted for the first time of minor offences or offences of medium gravity, the court may impose coercive measures intended to reform their behaviour, including: a warning; placing under the supervision of parents or persons in loco parentis, or a specialist State agency; imposition of an obligation to make amends for the damage caused; restrictions on the minor's leisure and imposition of special requirements as to his or her behaviour; placement in a special educational or medical-educational institution. A special closed school exists in the city of Taraz where young people who have committed criminal acts are held until they reach the age of criminal responsibility. Decisions to send children to the special school are taken by the courts on the basis of information compiled by inspectors from the units dealing with the affairs of minors and the commissions on minors' affairs set up by local authorities.

106. Until 1993 Kazakhstan had special colleges for children with disciplinary problems, who were sent there by decision of the commissions on minors' affairs set up by local authorities. The colleges constituted a response to two problems: the need to hold young offenders temporarily without interrupting their education, and the need to ensure that until reaching the age of majority a young person would not commit repeat offences and would not be the victim of unlawful acts. The special colleges formed part of the education system. Following a decision taken on 18 November 1993 by the Supreme Council of Kazakhstan concerning the procedure for sending children and young people who have committed acts which present a danger to society and contain the elements of a crime to special educational institutions, minors were sent to such institutions only if a court so decided. As a result the number of persons sent to the special colleges for children with disciplinary problems dropped sharply, eventually leading to the closure of such institutions in Pavlodar (for girls), Lisakovsk, Qostanay oblast (for boys) and Shakhan, Qaraghandy oblast (for boys). The need to reopen these colleges was reflected in the State programme to combat crime, 2000-2002, which provides for the opening of special general and vocational schools in each oblast for minors displaying deviant behaviour, as well as special schools to accommodate minors who have committed criminal offences until they reach the age of criminal responsibility (in East Kazakhstan and Qaraghandy oblasts).

107. The social security system is harnessed to serve the best interests of children through the provision of grants to individual categories of children and families in connection with child-raising (including a monthly grant for each child), meeting the various needs of children through allowances in kind, and full-time maintenance of children in social security institutions.

108. There is a diversified network of child care institutions in Kazakhstan, which operate under the education, health and social security systems. They include children's homes, boarding institutions for disabled children, boarding schools, regular schools, summer camps, homes for infants, social shelters, centres for medical and social rehabilitation for disabled children, etc. The primary consideration in placement in such institutions is the best interests of the child, in the spheres of care, upbringing, education, medical, psychological and social rehabilitation, and also the need to care for and supervise each child in the context of his or her parents' employment (pre-school institutions, summer health improvement camps).

109. Under the Labour Act, if a worker performing educational functions in an educational organization commits an immoral act which is incompatible with the discharge of such functions, the person's employer has the right to abrogate his or her individual contract of employment.

110. The activities of State institutions which are responsible for the care or protection of children are governed by regulations approved by the Government. The regulations set out requirements concerning the qualifications of staff. The institutions and the equipment used in them must comply with health standards and rules to ensure the safety of the children. Non-State institutions operate under licences issued by the authorities; the requirements laid down for State institutions as regards health standards and staff qualifications also apply to them.

111. Teaching staff in various kinds of institution have opportunities to exercise their rights with the help of non-governmental organizations (including children's voluntary organizations), which uphold and defend the rights and interests of children on the basis of applicable legislation.

112. During the period under review a number of measures were adopted in accordance with articles 2 and 3 of the Convention for the purposes of protecting the rights of children which are vital for their welfare, including the rights and obligations of their parents and guardians, as well as other persons who are responsible for them under the law. In this process the changing socio-economic living conditions in society are taken into account (see paragraphs 160-164 and 178-180 below).

113. With a view to the realization of the right of children to protection of their health, there is a network of health institutions providing curative and preventive services to children, made up of family health out-patient clinics, children's health centres, children's departments and hospitals, clinics in institutions and medical higher educational establishments, specialist centres for high-technology medical care for children, sanatoria, specialist kindergartens, homes for infants, and children's dairy kitchens (serving children from birth to age 1, as well as children suffering from protracted and chronic illnesses up to age 2). In order to provide children with the best possible medical assistance, the health system is rapidly developing the mother and child health service, including medical technologies which are designed to lower infant and child mortality and prevent child disabilities (prenatal diagnoses, genetic clinics, intensive care, nursing of premature and sick newborn infants, and also the development of various types of rehabilitation and immunization).

114. In order to provide high-quality medical assistance to children, all appropriate curative and preventive institutions in the country are subject to mandatory licensing and certification, as are private medical institutions. In order to ensure that medical personnel work to proper standards, Kazakhstan has introduced a system of licensing and certification for medical workers, and licenses higher and middle-level medical educational establishments. In Kazakhstan there is a diversified network of specialist institutions offering higher and middle-level special education to train specialists in working with children, including key medical staff such as paediatricians, teachers, specialists in child-rearing and psychologists.

115. The principle of the best interests of the child constitutes an important element of vocational training. It is put into effect in a variety of ways: by providing an adequate level of theoretical and practical training for social workers, social educationalists, legal experts, doctors, teachers and other specialists working in the social sphere, through study of the Convention on the Rights of the Child and other international instruments and Kazakh legislation, and by drawing on overseas experience.

116. In 1999, on the initiative of the National Commission on Family and Women's Affairs in the office of the President, Kazakhstan ratified the Convention on the Political Rights of Women and the Convention on the Nationality of Married Women, which contain provisions relating to the rights of the child. A law has been adopted on family-type children's villages and young people's homes. This law was drawn up on the initiative of the honorary chair of the Commission, S.A. Nazarbaeva, the First Lady of Kazakhstan. It takes into account experience in the operation of a variety of children's institutions.

117. A bill on protection of the rights of the child is currently before Parliament for consideration.

C. The right to life, survival and development (art. 6)

118. Under article 6 of the Convention, every child in Kazakhstan has an inalienable right to life, and the State ensures the survival and healthy development of the child to the maximum possible extent. Under the Constitution, every citizen has the right to life, health protection and a guaranteed volume of medical assistance free of charge.

119. In Kazakhstan a child born in or after the 28th week of pregnancy, and weighing 1,000 grams or more, is considered viable. All children born in or after the 22nd week and weighing 500 grams or more are placed in intensive care if they satisfy at least one of the criteria of live birth as defined by WHO. However, the survival rate among such children is very low because of the lack of costly equipment for nursing very premature babies, and of modern medicines designed to prompt maturing of the functional systems of premature children.

120. Under the legislation relating to health, interruptions of pregnancy may be carried out up to the 12th week in a medical institution at the wish of the woman concerned, and after the 12th week if medically indicated.

121. The child's right to life is protected in criminal law through the classification of acts endangering the life or health of a child as serious offences. Since 1997 the killing of a newborn infant by its mother has been a criminal offence. The list of actions against minors which constitute criminal offences has been expanded, and specific criminal penalties for offences committed against children have been strengthened. The death penalty is not imposed on persons who have committed offences while aged under 18 (see also paragraphs 338-339 below).

122. The Citizens' Health Protection Act contains an article entitled "Right to health protection" which sets out measures for clinical monitoring and treatment of children, the provision of free medical care and health education for children.

123. In 1992 the methodological recommendations relating to intensive care and the nursing of newborn infants with very low and extremely low birth weights were revised, a single set of rules was introduced for initial intensive care for newborn infants in the delivery room, measures were taken to strengthen the intensive care services in maternity institutions and provide them with modern equipment, and measures were taken for the nursing of very premature children. As a result, the death rate for children in maternity institutions and children's hospitals dropped substantially. A set of documents relating to the shift to viability criteria in accordance with the WHO definition is currently being prepared.

D. Respect for the views of the child (art. 12)

124. Among the fundamental human rights and freedoms which individuals enjoy from birth, freedom of thought and expression is guaranteed to all. This is reflected in the Constitution, the Marriage and the Family Act, the Code of Criminal Procedure and a number of other laws (see also paragraphs 136-140 below).

125. The provision of social services is based on the principles of a voluntary and humane approach. Minors in a situation of hardship are given priority.

126. The legislation contains provision for measures designed to guarantee the right of children to express their views during the administration of justice in matters relating to minors, and also when they are placed in child care institutions, and during their stay there (see also paragraphs 53 and 54 above).

127. Under the Education Act, pupils have the right to participate in the management of educational establishments in a manner laid down in the rules of each establishment. This right is exercised both directly, through participation in general school meetings, and indirectly through children's voluntary organizations, when a group of children select the most trustworthy leader or representative and confer on him or her specific powers or rights, which he or she must uphold in the management bodies - the pedagogical council, the parents' committee and the board of the institution.

128. The views, needs and interests of the children are taken into account when additional academic disciplines are identified and extracurricular activities are organized. The legislation in force enables every child not only to express his or her views on various types of activity, but also to ensure that those views are taken into account in economic, legal, political and other decisions.

IV. CIVIL RIGHTS AND FREEDOMS (arts. 7, 8, 13-17 and art. 37 (a))

129. The fundamental human rights and freedoms, including the right of everyone to citizenship, the free expression of his or her opinion, freedom of thought, conscience, religion, the freedom to associate and hold peaceful assemblies, the inviolability of the home, the right to

a private life, personal and family privacy, confidentiality in correspondence, access to information, and the right not to be subjected to torture, violence or other cruel or degrading treatment or punishment, are laid down in the Constitution of Kazakhstan. The constitutional provisions regarding children are expanded upon in the corresponding legislation.

**A. Name, nationality and citizenship
(art. 7)**

130. The birth of children is registered in the offices of the civil registration authorities. Births must be declared within two months of the birth of the child, orally or in writing, by one or both parents. In the event of the illness or death of the parents, or where it is impossible for them to make the declaration, registration is carried out on the basis of a declaration by relatives, the administration of the medical establishment where the mother was staying at the time of the birth, or other persons from the place of the birth or the place of residence of the parent or parents. The registration entry indicates the first name, patronymic and family name of the child, its sex, and information on the parents and the place and time of birth.

131. Under the Marriage and the Family Act, the child has the right to a first name, patronymic and family name. The first name is given by agreement between the parents or persons in loco parentis, and the patronymic on the basis of the father's name or in accordance with ethnic traditions. The child's nationality and citizenship are determined on the basis of those of the parents. At the same time, modification of the child's first name and family name is permitted if the family name and first name of the parents is changed, and also in keeping with ethnic traditions. In this context, it is mandatory under the legislation for the child's own interests to be taken into account when he or she is given a first name and family name, and once the child reaches the age of 10, his or her family name and first name may be changed only with his or her consent.

132. Registration of the name of the mother of a child born to parents who are not married to one another is carried out on the basis of a statement by the mother, while registration of the name of the father is carried out on the basis of a statement by the father and mother, or a statement by the child's father, or a court ruling. Where a child is born to a mother who is unmarried, and where there is no joint statement by the parents or court ruling establishing paternity, the mother's family name is recorded in the registration book as that of the father of the child, while the child's first name and patronymic are recorded as decided by her.

133. An adopted child retains his or her first name, patronymic and family name. At the request of the adoptive parents, a court may decide to register them in the register of births as the parents of the child they have adopted.

134. The procedure for registration of children of foreign citizens and stateless persons is the same as that for Kazakh children. The main criteria for the granting of citizenship to a child are the citizenship of the parents and the place of birth.

**B. Preservation of identity
(art. 8)**

135. The Marriage and the Family Act, the Code of Administrative Offences and the Criminal Code provide that substitution of a child, unlawful adoption and violation of the confidentiality of adoption are punishable offences (see paragraphs 192-201 below).

**C. Freedom of expression
(art. 13)**

136. The right of a child to express his or her opinion freely is regulated by general legislation. Under the Constitution, every citizen has the right to freely receive and to disseminate information by any lawful means. The rights and freedoms of other persons must not be violated when this right is exercised. The law contains a list of information which constitutes State secrets. Freedom of the mass media is guaranteed. Censorship is forbidden. This provision of the Constitution is elaborated upon in the Mass Media Act, the Education Act, the Code of Administrative Offences, the Criminal Code, etc. (see also paragraphs 124-127 above).

**D. Freedom of thought, conscience and religion
(art. 14)**

137. The Constitution guarantees everyone the right to freedom of conscience. The exercise of this right must not be a condition for, or place restrictions on, human and citizens' rights or obligations to the State. The legislation regulates the right to practise any religion alone or jointly with others or not to practise any, and to freely choose, hold and disseminate religious and other convictions and act in accordance with them.

138. Respect for the right of children to freedom of conscience and religion and respect for the right of parents to guide children in exercising that right are laid down in the Freedom of Religion and Religious Organizations Act. Under the law, the State system of education is separate from religious groups and is secular in nature. Parents or persons in loco parentis have the right to raise their children in accordance with their convictions, but measures to coerce children into practising a religion are not permitted. Voluntary instruction in religious disciplines may be offered in non-State educational and child-rearing establishments. Religious disciplines may be included in the curricula of State educational establishments.

139. Young people who have been convicted by a court are guaranteed freedom of conscience and religion. Ministers of religion have the right of free access to prisons, and have opportunities to make use of such access. Areas are set up in institutions for young offenders for the holding of religious ceremonies.

140. An area of much activity in recent years has been the opening of temples, mosques and religious or Sunday schools of various denominations in which children can voluntarily receive religious instruction in addition to their basic general education.

**E. Freedom of association and of peaceful assembly
(art. 16)**

141. The activities of voluntary associations are governed by the Voluntary Associations Act, under which the right to free association is one of the most important human and citizens' rights. Article 11 of the Act lays down that membership of, or participation in, young people's voluntary associations within political parties is open to citizens who have reached the age of 16. Age requirements for members of, or participants in, non-political children's and young people's voluntary associations are set out in their statutes. Children's and young people's voluntary associations enjoy all rights that do not run counter to the law, and guarantee the rights of children and young people to freedom of association in the pursuit of overall aims on the same terms.

142. Pupils' and students' self-regulation bodies - school councils and committees on young people's affairs - are also set up in educational establishments. The Ministry of Culture, Information and Social Harmony, together with the Ministry of Education, and with participation by the schoolchildren and students themselves, parents and voluntary organizations, draw up recommendations for the organization of the activities of such bodies, seminars and exchanges of experience.

143. In order to support positive initiatives by children and young people, the Ministry of Culture, Information and Social Harmony is working to organize regular meetings between members of children's and young people's voluntary associations and representatives of State agencies and government leaders. During 2000 meetings were held with representatives of the ministries of education, labour and social protection and culture, information and social harmony, as well as the chief of the office of the President, the head of State. On the basis of the outcome of such meetings, recommendations and measures are being prepared to address the problems they discussed.

**F. Protection of privacy
(art. 16)**

144. Under the Marriage and the Family Act, children have the right to protection of their rights and lawful interests. Protection of the rights and lawful interests of children is ensured by their parents or persons *in loco parentis*, the guardianship authorities, the procurator's office and the courts. A minor who has been declared to have full legal capacity before reaching the age of majority is entitled like any other citizen to exercise his or her right to this protection independently.

145. No one has the right to enter a home without legal justification against the will of the persons living there. The privacy of citizens and the confidentiality of correspondence, telephone conversations, postal, telegraph and other communications are protected by the law. Searches and inspections of citizens' premises, the attachment of correspondence and its seizure in postal and telegraphic institutions may be carried out only on the grounds and in accordance with the procedure laid down in the Code of Criminal Procedure. These rules are fully applicable to minors.

**G. Access to appropriate information
(art. 17)**

146. The numbers of periodicals (magazines and newspapers), books and booklets published for children are declining. At the same time, commercial book publishing, primarily in Russian, facilitates access to classical literature, encyclopaedias and reference works, including those for children. On 1 November 2000 16 children's newspapers and magazines were being published in Kazakhstan. To help ensure that the children's print media are placed on a sounder technical footing, and adapt them to market economy conditions, a publicly held joint-stock company called "Zhas Orken" has been set up grouping together a number of children's publications such as "Ulan", "Ak zhelken", "Boldyrgan" and "Druzhnye rebyata".

147. With a view to creating a children's information space in Kazakhstan, the Ministry of Culture, Information and Social Harmony, together with the "Detskoe Vremya" Children's Press, Radio, Television and Cinema Centre, the national children's newspapers "Ulan" and "Druzhnye rebyata" and the United Nations Children's Fund, UNICEF, held the second International Festival of Mass Media for Children and Young People in Astana in 2000, with the theme "A young capital through the eyes of the young". Over 250 young reporters aged between 7 and 18 from all parts of Kazakhstan, as well as Russia, Kyrgyzstan, Tajikistan, Uzbekistan and Poland, took part in the festival. The festival included training sessions, master classes by well-known journalists, and a round-table meeting on problems involved in forming a single information space for children and young people. At the end of the festival the newspaper "Astana" was published, containing the best work of the participants. The working languages of the festival were Kazakh and Russian.

148. State radio and television regularly show children's artistic films and cartoons, and special broadcasts are created for children and young people, as well as educational programmes, such as "Aigolek", "Balausa", "Erte, erte, ertede" on the channel "Kazakhstan-1", and "Kalya-malya", "Gorod budushchego", "Lider 21 veka" on "Khabare". The radio broadcasts the children's programmes "Balakai", "Altyn saka" and "Detstvo", as well as programmes for young people.

149. The Ministry of Culture, Information and Social Harmony, together with representatives of voluntary associations and children's mass media, holds round tables and conferences on the need to exclude material favouring violence and brutality from the mass media, and to shape the principles of a healthy lifestyle and disseminate them throughout society. In 1999 an international seminar entitled "Protection of the rights of the child and prevention of lawbreaking among young people" was held in the city of Astana. National and regional events under the title "Young people against drugs" were organized in 1999 and 2000 together with children's and young people's voluntary organizations. Jointly with the Ministry of Education and health, tourism and sport agencies, efforts are being made to organize an anti-smoking campaign among young people, which is being widely publicized in national and regional mass media. In 2000 nationwide and regional events were organized on "Young people against smoking and alcohol", as well as regional events on "Rock against AIDS and drug abuse" (Zhambyl, Qaraghandy, Astana), "We are against smoking and alcohol" (Atyrau, Ust-Kamenogorsk) and "No to drugs!", encompassing round tables, seminars, conferences and other large-scale events.

150. Article 14 of the Mass Media Act stipulates that the retail sale of printed publications which contain material of an erotic nature is permitted in specially designated premises for which the location and rules governing sales are determined by local authorities. Local authorities have also set up commissions empowered to investigate print and audio-visual output to determine whether it falls into the category of pornography. Together with the internal affairs authorities, these commissions conduct raids to detect such material and take measures against those responsible in accordance with the law. However, there is currently no special legislation which lays down a single national procedure and rules for evaluating print and audio-visual output and defines the grounds for classifying it as pornographic, or as glorifying brutality and violence. Work is currently under way to draft amendments to the Culture Act which will provide definitions for a number of concepts, including “erotica” and “pornography”, and enshrine in the law rules banning the import of films and video and audio output containing the above-mentioned anti-social material.

**H. Right not to be subjected to torture or other cruel,
inhuman or degrading treatment or punishment
(art. 37 (a))**

151. The Constitution provides that no one must be subject to torture, violence or any other kind of cruel or degrading treatment or punishment. The criminal law safeguards the security of the person. Punishment and other measures adopted under the criminal law against persons who have committed offences cannot be designed to inflict physical suffering or degradation. The death penalty and life imprisonment are not imposed for offences committed by persons aged under 18. Under the Code for the Execution of Criminal Penalties, the application of legislation in this area is based on strict respect for guarantees of protection from torture, violence and other cruel or degrading treatment of convicted persons. Causing physical or mental suffering to minors through the systematic infliction of blows with the use of torture is punishable as a criminal offence. In addition, more severe penalties are imposed for a number of offences when committed knowingly against minors.

152. On the instructions of the President, a special unit has been created in the Ministry of Internal Affairs to combat violence against women and girls. It has regional offices throughout the country. With the participation of non-governmental and international organizations, the first State crisis centre in the country, known as “Zabota” [Care], has been opened, with a confidential telephone line and a refuge for women and girls who are victims of violence. Local crisis centres have been established in the cities of Almaty, Taldykorgan, Tekeli, Semipalatinsk, Leninogorsk, Taraz, Qaraghandy, Qostanay, Petropavlovsk, Shymkent, Uralsk and Ust-Kamenogorsk.

153. Recently adopted legislation has broadened the scope of punishment for offences committed against minors, to whom the following articles of the Criminal Code apply: article 120, “Rape”, article 121, “Violent acts of a sexual nature”, article 122, “Sexual relations and other acts of a sexual nature with a person aged under 16”, and article 124, “Corruption of minors”.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE
(arts. 5; 18, paras. 1-2; 9-11; 19-21; 25; 27, para. 4; and 39)

A. Parental guidance
(art. 5)

154. The right of parents to guide their children in accordance with the developing abilities of each child is laid down in the Marriage and the Family Act, the Education Act and the Languages Act. Parental rights are effective from the birth of the child, and cease when he or she reaches the age of 18 or acquires full legal capacity before the age of 18 in accordance with the law. The right of parents to raise their children prevails over that of any other persons. The two parents - even a parent living separately from the child - have equal rights in relation to their children. Parents are the legal representatives of their children and defend their rights and interests in relations with other private individuals and legal entities, including in the courts, without requiring any special authority.

155. Parents have an obligation to ensure that their children receive a basic secondary education. They have the right, taking into account the views of the child, to select an educational establishment and the form of instruction until the child has received a basic secondary education. Parents or persons in loco parentis have the right to select an establishment which uses a particular language for educating their children. The legal guardian of a child has the right to determine independently the manner in which the child is to be raised, taking into account the views of the child and the recommendations of the guardianship authorities. These measures confirm the responsibility of the parents, guardians or other legal representatives of the child, allow the child to be guided in a manner conducive to his or her development, and encourage participation in the raising of the child by parents who are divorced.

156. Ensuring the unfettered development of children's individual abilities and dispositions, bringing out their creativity in a context of emotional well-being and cooperation with their adult teachers is one of the main issues addressed by the services providing consultative assistance to families. The network of medical, social and psychological advice centres has been expanded in recent years.

157. Parental rights cannot be exercised at the expense of the interests of the child. Safeguarding the interests of the child is the main concern of his or her parents. In exercising their parental rights the parents do not have the right to harm the physical or psychological health or moral development of the child. Under the law the raising of a child must not include neglectful, brutal, rude or degrading treatment, insults or exploitation.

158. Special attention is devoted to the family in the State's policy-making activities. A process is under way to shape family policy as a special system of measures focused on the family with its functional problems and above all family culture in relation to the raising of children in a wide variety of circumstances, including divorce, adoption and birth outside marriage.

B. Parental responsibilities
(art. 18, paras. 1 and 2)

159. Current legislation provides that parents bear responsibility for the raising and development of their children. They have an obligation to watch over their health and their physical, psychological, spiritual and moral development. Parents must support their minor children. The manner and form in which support is provided to minor children is determined by the parents themselves. The principle of common and equal responsibility for the raising and development of children has been introduced for both parents. The mother and father also have an equal obligation to raise and support the children when the marriage between them is dissolved. Where the parents do not agree on matters relating to the raising of a child, or (in cases where the parents live apart) the child's place of residence, disputes are settled by the courts with the involvement of the guardianship authorities, on the basis of the interests of the child and in the light of his or her views.

160. Favourable working arrangements have been introduced through legislation to help parents in discharging their obligations in respect of the raising of their children. The State provides a system of benefits for childbirth and child-raising, as well as schools, institutions for the care of disabled children, after-school child care, summer health camps, income tax concessions for parents, grants payable to children in the event of loss of the breadwinner, and supplementary allowances for disabled children.

161. Under the Labour Act, pregnant women may be assigned night work only with their consent, and overtime work is subject to the consent of the worker involved. In addition to maternity leave and leave for childbirth, women are granted additional unpaid leave at their request to care for their children up to the age of 18 months. During this period of additional leave their jobs are kept open for them. This leave may be used in full or in batches at any time until the child reaches the age of 18 months. The law does not contain any provisions prohibiting employers from dismissing pregnant women, women who have children aged up to 3 or single mothers with children aged up to 14, or 16 in the case of a disabled child.

162. The most vulnerable groups of families with children (large families, one-parent families and families with disabled children) enjoy preferential access to pre-school institutions. Guardians raising children who are orphans or have been left without parental care receive cash payments for food, clothing, footwear and various small items at standard rates.

163. In 1998 the Government approved a comprehensive programme for the prevention of crime among minors in the period 1998-2000. The programme contains a range of measures designed to assign greater responsibility to parents, teachers and other persons in charge of raising minors, in accordance with the requirements of criminal, administrative and family law.

C. Separation from parents (art. 9)

164. The issue of separation from parents is dealt with in the Marriage and the Family Act, the Criminal Code, the Code of Criminal Procedure and the Code for the Execution of Criminal Penalties. Every child has the right to live and be raised in a family whenever possible, the right to know his or her parents, the right to their care and the right to live together with them, except in cases where this runs counter to the child's interests. Parents have the right to require the return of their children from any person retaining them in violation of the law or a court ruling. Kidnapping of a minor is a serious criminal offence. Substitution of a child for mercenary or other base motives is also a criminal offence.

165. Where parents are living apart, a child's place of residence is determined by mutual consent. In the absence of such consent, the place of residence is decided by the courts on the basis of the child's interests and in the light of his or her views. In this process the courts take into account the child's attachment to each parent, brothers, sisters, the child's age, the moral and other qualities of the parents, the relations between each parent and the child, and the prospective conditions for the raising and development of the child.

166. Either parent, or both, may be deprived of his or her parental rights if he or she fails to fulfil his or her obligations, abuses his or her parental rights, treats the child brutally, is legally declared to be suffering from chronic alcoholism or addiction to drugs or glue-sniffing or has committed premeditated offences against the life or health of his or her child or spouse. Deprivation of parental rights is an extreme measure and one adopted only where it would be dangerous for the life or health of a child to continue to live within the family. When the deprivation or restriction of parental rights is imposed on one parent, the child is handed over to the other. If this is not possible, or if the deprivation or restriction of parental rights is imposed on both parents, the child is handed over to the guardianship authorities. Deprivation of parental rights is carried out by the courts on the basis of a declaration by one of the parents or persons in loco parentis, the procurator, or a body or institution whose duty it is to protect the rights of minors. Cases involving the deprivation of parental rights are heard in the presence of the procurator and representatives of the guardianship authorities.

167. Parental rights may be restricted (the child is removed from his or her parents without depriving them of their parental rights) if leaving the child with the parents is dangerous because of circumstances outside the parents' control, or on grounds related to their behaviour. If the parents do not modify their behaviour, the guardianship authorities must, once six months have passed after the adoption of the court ruling restricting their parental rights, apply to the court for them to be deprived of those rights. This period may be shortened in the interests of the child. During this period the social services work with the parents whose parental rights have been restricted with the aim of restoring a normal situation in the family and creating appropriate conditions for the return of the child. This work promotes the reconstitution of the family. In any court proceedings dealing with the separation of a child from his or her parents, all interested parties are given an opportunity to participate and express their views.

168. Where the parents live apart, the child has the right to contact with each of them. The child also has the right to contact with his or her parents in cases where they live in different countries. The parent who lives apart from the child is entitled to have contact with the child and to participate in his or her upbringing and in addressing issues arising in his or her education. The parent with whom the child lives must not stand in the way of contacts with the other parent, provided that such contacts do not harm the child's physical and psychological health or moral development. A guardian does not have the right to prevent contact between a child and his or her parents or other close relatives, except in cases where such contacts are not in the child's interests.

169. In recent years the number of families experiencing difficulties has risen as a result of deteriorating socio-economic circumstances. Whereas 2,630 children were abandoned in 1998, the current figure is 4,098; 1,004 children were left in maternity homes, 1,558 in homes for infants and 1,536 in centres for the temporary isolation, adaptation and rehabilitation of minors. The problem of "de facto" orphans has become extremely serious. There are over 88,000 children who are orphans or have been left without parental care; of these, only 30 per cent have no parents, while 70 per cent have parents who are alive but have been deprived of their parental rights or have abandoned their children for a variety of reasons.

170. A child in a foster family has the right to maintain contact with his or her natural parents and relatives, if to do so does not run counter to his or her interests and normal development and upbringing. Such contacts are permitted with the consent of the foster parents. In cases of dispute, arrangements for contacts between a child and his or her parents, relatives and foster parents are determined by the guardianship authorities.

171. If a child is arrested or detained, imprisoned or hospitalized, his or her parents or persons in loco parentis receive full information on his or her whereabouts. In the case of children in boarding institutions, the information is given to the head of the institution.

D. Family reunification (art. 10)

172. The right of citizens of Kazakhstan to leave the country may not be restricted except on the grounds and in accordance with the procedure laid down in the law, and they may not be deprived of their right to enter Kazakhstan. Departure from Kazakhstan does not entail for a citizen or his or her spouse or close relatives any restriction of the rights guaranteed in the domestic legislation of Kazakhstan or by virtue of the international obligations it has assumed.

173. Citizens of Kazakhstan who are minors normally leave the country together with at least one parent, adoptive parent or guardian. When a minor leaves unaccompanied, he or she must carry, in addition to a passport, the consent of the above-mentioned persons to the departure, certified by a notary, and when a citizen who is a minor leaves for a period exceeding three months, the consent must also be certified by the guardianship authorities. If one of the

parents, adoptive parents or guardians does not consent to the departure from the country of a citizen who is a minor, the question of whether he or she may leave is decided by the courts. If one of the parents, adoptive parents or guardians of a citizen who is a minor withholds consent to his or her departure from Kazakhstan, the question of whether he or she may leave is decided by the courts. Parents who live in different countries have equal rights to contact with the child, unless court decisions provide otherwise.

174. Through the appropriate departments, including the Red Cross organization, the administrations of children's institutions handle investigations into the whereabouts of the parents of refugee children. The Ministry of Internal Affairs organizes search operations for parents, persons in loco parentis and close relatives of children who have arrived from areas of conflict between nationalities or armed conflict. During searches for parents, active use is made of the opportunities made available as a result of the agreement reached by Internal Affairs Ministers of the CIS member States concerning cooperation in preventing the neglect of minors.

E. Illicit transfer and non-return (art. 11)

175. For the purpose of implementing the United Nations Convention on the Rights of the Child, adopted on 20 November 1989, senior officials of ministries in CIS member States, meeting in Volgograd on 24 September 1993, signed an agreement on cooperation in returning minors left without parental care to their countries of residence. During a meeting held in Kiev on 30 September and 1 October 1999, the Council of Ministers of Internal Affairs of the CIS member countries examined progress in the implementation of the Volgograd agreement and set down additional requirements as to the provision of all-round assistance in the transport and relocation of minors and the persons accompanying them, and the provision of assistance as a matter of priority to child victims of armed conflicts. Minors left without parental care and located in a CIS country away from their places of residence are placed in reception and distribution centres for minors (renamed TsVIARN centres in Kazakhstan). Minors who are wanted in the States where they live permanently in connection with the commission of a criminal offence are handed over in accordance with the Minsk Convention of 22 January 1993 on legal assistance and legal relations in civil, family and criminal cases.

176. In Kazakhstan there are five transit TsVIARN centres through which minors are transferred to their countries of residence. Minors housed in such centres who are residents of another country are transferred to a nearby transit centre and subsequently moved to their country of residence.

F. Recovery of maintenance for a child (art. 27, para. 4)

177. Issues related to the recovery of maintenance for a child are governed by the Marriage and the Family Act and the Criminal Code. Children have the right to upkeep from their parents and other members of the family. Parents have an obligation to provide upkeep for their minor children. The manner and form in which upkeep is provided to minor children is determined by the parents themselves. In the event of divorce, the parents have the right to conclude an agreement concerning maintenance of their minor children. If the parents do not provide upkeep

to their minor children, the courts recover maintenance from them each month as follows: for one child, a quarter of the earnings and/or other income of the parents; for two children, a third; for three or more children, half. Maintenance may also be recovered in cash, following the principle that the child's previous standard of living should be maintained to the greatest extent possible. Also following this principle, and the need to act in the best interests of the child, the level of maintenance set in cash terms is indexed. If the child is seriously ill or in other exceptional circumstances, the courts may be requested to order each of the parents to make a contribution towards the additional outgoings necessitated by such circumstances.

178. Maintenance is also recovered from parents for children who have been left without parental care, and is paid to their guardians or foster parents. In the case of children in childcare institutions, medical institutions, institutions for social protection and similar institutions, maintenance is credited to the institutions and allocated to each child separately. Refusal to pay maintenance is a criminal offence. Temporarily, while a parent who has refused to pay maintenance is being sought, the monthly allowance for the child is paid at a higher rate.

179. Kazakhstan is a party to the Minsk Convention on legal relations and legal assistance in civil, family and criminal cases, together with other CIS countries, with the aim of ensuring that parents who now live in the independent States which emerged from the former USSR continue to support their children. The Convention covers the recognition and application of rulings concerning maintenance for children. A multilateral agreement has been concluded on citizens' rights as regards the payment of social allowances, compensation payments to families with children, and maintenance. It is in effect in Russia, Moldova, Ukraine, Uzbekistan, Tajikistan, Turkmenistan, Armenia, Belarus, Georgia, Kyrgyzstan and Kazakhstan. As a sovereign State, Kazakhstan has concluded a number of bilateral agreements on legal assistance and legal relations in family matters, and treaties on legal assistance in civil and criminal matters. It has signed a convention on recovery of maintenance abroad. However, differences in the economic circumstances of the States of the Commonwealth and the purchasing power of the CIS currencies continue to pose problems in ensuring adequate maintenance for children living in Kazakhstan.

G. Children deprived of a family environment (art. 20)

180. Under current legislation, the rights of children who have been deprived of a family environment, and the obligations of the corresponding institutions and organizations in the realization of those rights, are set out in the Civil Code, the Marriage and the Family Act, the Family-type Children's Villages and Young People's Homes Act, etc. The State is working to create proper conditions to enable orphan children, children left without parental care, children with guardians and foster parents and children from large and deprived families to grow up, study and pursue their lives.

181. In 1990 there were 42 children's homes and boarding schools for orphan children, in which only 4,700 children left without parental care were being raised. There are now 66 of them, providing warmth and comfort for 11,704 children - 12 per cent of the total number of children left without parental care. This is the only network of institutions in the system of secondary education which has not undergone reform. There is an extensive network of

organizations for such children: homes for infants within the health system, boarding institutions within the social protection system, and in the education system, children's homes, boarding schools, family-type children's homes and complexes comprising a kindergarten, a children's home, a school and a vocational school. These institutions have become not only places for social protection and upkeep of children in which they are fed and clothed, but also places for study and vocational training for a future life of self-reliance.

182. The establishment of family-type children's homes, which constitute a new and progressive form of placement for orphan children and children who have been left without parental care, began in 1990. They create living conditions and provide an upbringing as close as possible to those of a family. In all 51 family-type children's homes were set up in all parts of the country by local authorities together with the Children's Foundation, of which only 40 remain today. Nineteen children's homes and boarding schools engage in family-type activities, with 2,782 orphan children in 169 family groups living in sets of 10 to 15 children of various ages with shared characteristics, preferences and desires. Organizing the children's lives in this way has a favourable influence on their physical, psychological and moral development.

183. The State is taking steps to address another problem - that of providing jobs and housing for orphan children and children left without parental care when they graduate from educational establishments. Government decision No. 1882 of 22 December 2000 is intended to provide fuller protection for the rights and interests of children in this category. This is a problem of national significance, since jobless and homeless young orphans of both sexes are driven onto the path of crime.

184. In September 2000 the Kazakh State Women's Teacher Training Institute in the city of Almaty organized for the first time a preparatory section for 200 girls left without parental care, who move on to higher education after the appropriate studies. The establishment of such sections for orphan children is also being considered in other higher educational establishments.

185. The law provides that children who are placed under the guardianship of families of citizens are paid allowances for their upkeep. The payment made to each child corresponds to the sum that would be required for the upkeep of the child in a State institution.

186. Children living in children's homes and boarding schools receive timely medical help. In the last two years 100 per cent of orphan children and children left without parental care have benefited from leisure, activities to improve their health, and other activities. Orphan children spend their leisure each year in camps in the country, sanatoria, dachas, school camps and camps combining work with leisure, at the expense of the State and sponsors. A total of 40 children's homes and boarding schools have their own leisure areas in the country.

187. Preparatory work is currently under way for the opening of the "Baldauren" children's health camp, which will operate on the model of the former Soviet "Artek" camp. At this camp it is planned to organize leisure and health activities for orphan children, children from large and deprived families, children from environmentally harsh regions and gifted children, and to carry out festival-type activities involving children selected from all over the country.

188. The measures listed above testify to the fact that the State is doing everything possible to address the problem of the decline in the number of children sent to boarding establishments, and to restore a family environment for them.

189. The placement of children left without parental care is carried out by the guardianship authorities. No other private individuals or legal entities are permitted to engage in this work (see also paragraphs 197 and 200-203 below).

190. Failure to respect the procedure and timetable for providing information on minors requiring adoption, guardianship or transfer to a family for purposes of upbringing is an offence under the Code of Administrative Offences.

H. Adoption (art. 21)

191. Adoption issues are covered by the current legislation. Under the Marriage and the Family Act, adoption is the preferred form of upbringing for children left without parental care. Since 1996 adoption of children is effected by the courts at the request of the persons wishing to adopt a child. The guardianship authorities take part in cases involving adoption of a child. Adoption is authorized in the case of minor children, solely in their interests. The following may not adopt children: persons who are not legally competent or of limited competence; persons who have been deprived of their parental rights by a court; persons who have been debarred from assuming guardianship obligations for improper performance of the obligations placed on them; former adoptive parents whose actions have led a court to annul the adoption; and persons whose state of health prevents them from exercising the rights of an adoptive parent. The consent of the child to the adoption is required if he or she has reached the age of 10. If a married person wishes to adopt a child, the consent of his or her spouse is required.

192. Issues relating to the transfer of orphan children to families for adoption or for guardianship by relatives or persons close to them are dealt with in accordance with the procedure laid down by law. Of 88,000 children left without parental care, 84.2 per cent have been placed in families: 29.2 per cent have been placed under guardianship, 55 per cent have been given for adoption and 12.5 per cent have been sent to boarding institutions for orphan children and children left without parental care.

193. Unlawful activity in connection with adoption is an offence under the Code of Administrative Offences. The law requires that the confidentiality of adoption should be respected, and this is ensured by holding closed court sessions. The legislation relating to adoption does not grant the child an unconditional right to know his or her biological parents. In individual cases the adopted child may maintain relations with one of his or her parents or with the relatives of a parent who has died.

194. Under article 76 of the Marriage and the Family Act, children who are citizens of Kazakhstan may be given for adoption to foreign nationals only if it is impossible for them to be brought up by Kazakh citizens who live permanently in Kazakhstan, or to be adopted by relatives, irrespective of the nationality and place of residence of the relatives. Children may be given for adoption to citizens of Kazakhstan who live permanently outside the country, or to foreigners who are not related to the children, only once three months have passed after they have been placed on a central list in the national databank kept in the Ministry of Education and Science.

195. Foreigners wishing to adopt a child must choose the child personally, have direct contacts with him or her over a period of no less than two weeks, make a written declaration of their wish to adopt the child to the guardianship authorities, and present a certificate indicating their financial solvency, family situation and health status, as well as information on the personal moral qualities of the potential parents provided by agencies officially licensed to provide such services.

196. Currently there are 25 agencies and foundations operating in Kazakhstan which have been officially licensed in their home countries, in Kazakh embassies in their countries or in their countries' embassies in Kazakhstan, and have been registered by the Ministry of Internal Affairs. Only after these procedures have been accomplished and the documents in question have been carefully studied in the Ministry of Education and Science is an agency authorized to operate in a specific region of Kazakhstan. The work of these agencies is carried out under an agreement between representatives of each agency and the guardianship authorities, covering the provision of resources to help in strengthening the machinery of the organization for orphans, a package of measures for improving children's health, job placement of school leavers and the provision of housing for them after they leave the children's home. The Ministry of Education and Science has set up a national commission which is examining a set of documents on adoption submitted by bodies dealing with education.

197. Since the passing of the Marriage and the Family Act in December 1998, over 500 children have been adopted - around 1 per cent of the children who are in the hands of organizations for orphan children and children left without parental care. Most children whose parents are suffering from tuberculosis, syphilis and many other diseases experience difficulties in their physical and mental development. There is no demand for children thus diagnosed in Kazakhstan, but adoptive parents, mainly from the United States, can help to ameliorate their condition to some extent. The adoptive parents first acquaint themselves with the physical and mental shortcomings of the children and consult their own specialists. Only after having received information that the child can recover and adapt to living conditions in the country do they begin to process the adoption papers. Once or twice a year the international child adoption agencies present to the guardianship authorities reports on the lives and upbringing of adopted children up to the age of majority. Children adopted by foreigners become their full heirs and enjoy equal rights with their biological children, if any.

198. In Kazakhstan the confidentiality of adoption is protected by the law. However, in many countries, specifically the United States, this is not the case, and so all the relatives, friends and neighbours who provide the adoptive parents with written recommendations are aware of the child's adoption. This is one of the ways in which the fate of adopted children can be monitored.

199. Children adopted by foreigners are watched over by Kazakhstan's consulates and embassies in the countries where the adoptive parents live. Representatives of these offices periodically visit the adoptive families. The agencies also organize visits by representatives of the Kazakh ministries and departments concerned, the guardianship authorities, the education, health and justice authorities and the procurator to the places where the children live in order to acquaint themselves with their living conditions.

200. The operations of the international agencies and foundations are supervised by the Ministry of Education and Science and its local offices. The State attaches great importance to problems relating to the adoption by foreigners of children who are citizens of Kazakhstan. As a result of the amendment of the legislation on marriage and the family, and in order to ensure more complete protection of the rights of minors and their interests protected by law when the courts consider cases of child adoption, a decision on this matter was adopted by the Plenum of the Supreme Court.

I. Periodic review of placement (art. 25)

201. Periodic reviews of conditions in the area of child placement are conducted in accordance with the Marriage and the Family Act and the Civil Code. The guardianship authorities in the place of residence of children under guardianship monitor the actions of guardians. Twice a year checks are carried out on the living conditions and upbringing of children under guardianship for the purpose of providing any assistance required, as well as monitoring the child's situation in the family of the guardian. The guardianship authorities also monitor the conditions in which children living in institutions for children left without parental care are housed, raised and educated.

202. Responsibility for monitoring the health of children placed under guardianship is borne by local children's health institutions (out-patient clinics and health centres), which have built up experience in reporting on children being raised in what are known as priority families (families raising foster children). In practice these institutions also watch over the proper raising of the children. Local health bodies and institutions have an obligation to provide curative and preventive care to children living in homes for infants, children's homes and other boarding institutions, each of which must have medical personnel on the staff as current rules require. Specialist medical care, when needed, is provided in local special medical centres. Such medical assistance is funded under the State budget.

J. Abuse and neglect (art. 19), including physical and psychological recovery and social reintegration (art. 39)

203. The law provides that parents do not have the right to inflict harm on the physical or psychological health or moral development of children. The manner in which children are raised must not include neglectful, brutal, rude or degrading treatment, insults or exploitation. Officials of organizations and other citizens who learn of threats to the life or health of a child or the violation of his or her rights or lawful interests have an obligation to notify the guardianship authorities in the area where the child is located. On receiving such information, the guardianship authorities have an obligation to take the necessary steps to protect the rights and

lawful interests of the child. Children under guardianship, and children left without parental care who are living in children's homes, medical institutions, institutions for social protection and similar institutions, have the right to appropriate conditions for their upkeep, upbringing, education, all-round development and respect for their dignity, and protection from abuse on the part of their guardians or employees of the institutions in question or outsiders.

204. Under the criminal law, physical violence, including beatings and cruel treatment, offences against the sexual inviolability of the individual, and insults, perpetrated against any citizen, including children, are punishable offences. The Criminal Code contains a special chapter on "Offences against the family and minors". It contains rules relating to the responsibility of adults for inciting minors to commit offences, the systematic consumption of spirits, narcotic substances, psychotropic substances and their precursors, prostitution, vagrancy and begging. Parents and teachers committing such offences are treated more severely. The chapter includes an innovation in our legislation, relating to failure by a parent or teacher or other employee of an educational or medical institution to discharge his or her obligations in relation to the raising of minors, associated with brutal treatment, the misuse of guardianship rights or the improper discharge of the obligation to safeguard the life and health of a child.

205. In recent years the number of children whose parents' whereabouts are unknown has risen significantly. Abandoned children find shelter in cellars, garrets, railway stations, motorway structures and other places in which their lives or health may be in danger. With a view to identifying such minors and taking steps to find the parents or persons in loco parentis, and subsequently arranging placements for neglected children, there are 18 TsVIARN centres for the temporary isolation, adaptation and rehabilitation of minors and 26 children's shelters operating in Kazakhstan.

VI. BASIC HEALTH AND WELFARE **(arts. 6; 18, para. 3; 23; 24; 26; 27,** **paras. 1-3)**

A. Disabled children **(art. 23)**

206. Issues related to the ability of children with mental and physical disorders, including disabled children, to perform their vital functions are set out in the Constitution, the Citizens' Health Protection Act, the Education Act, the Psychiatric Help and its Provision (Guarantees of Citizens' Rights) Act, the Labour Act, the Marriage and the Family Act, the Disabled Persons (Social Protection) Act, the State Social Allowances (Disability, Loss of the Breadwinner and Old Age) Act, the Minimum Living Standard Act and other legislation, as well as a number of government decisions stipulating the procedure for the granting of benefits to families with disabled children.

207. The problem of child disabilities is a topical one in Kazakhstan, as it has tripled in scale in the past 12 years. Following a request made by the Prime Minister on 7 January 1999, a group of scientists drew up a bill on the subject of "social, medical and educational rehabilitative support for children with special needs". The bill is currently before the Government.

208. Kazakhstan considers that there is a need for a legislative basis which can protect the rights and interests not only of orphan children and children left without parental care, but also all those who need support from the State. In the context of the United Nations Convention on the Rights of the Child, there is a need for social as well as juridical guarantees of the right of children to a life in dignity, and to education and protection from exploitation. It is factors related to the social environment (the conditions in which children and young people live and grow up) which are connected with growth in the causes of lawbreaking, the rising proportion of offences committed with disproportionate levels of brutality, the proportion of offences committed by those in the 14-16 age group and the number of repeat offences. For this reason a Protection of the Rights of the Child Bill has been drawn up to spell out children's social and legal rights, freedoms and guarantees which need support from the State. Application of instruments dealing with the lives of children and young people is monitored by the head of State, Parliament, the Government and the ministries and departments concerned, and regularly reviewed at government sessions.

209. During the period under review significant positive developments occurred which created favourable conditions for children with special needs to play a part in the life of society. One of the achievements is the diversified network of special rehabilitative educational institutions for children with growth and learning disorders.

210. However, it must be acknowledged that not all parts of the country are ready for the large-scale application of the concept of inclusive education, owing to legislative, financial, scientific, methodological and organizational shortcomings and the lack of systematic retraining of teachers in rehabilitation through instruction. For example, in general schools in the city of Almaty, classes have been created where children with developmental disorders are grouped together, and some of the lessons are taught in two shifts. In the city of Taldykorgan, an auxiliary school for 150 pupils with intellectual disabilities has been merged with a mainstream school, and there are classes of between 25 and 30 children with special educational needs. At the same time, disabled children receive special instruction through 12 types of programme aimed at their adaptation and integration in society.

211. Special rehabilitative organizations are set up for children who, owing to their psychophysical condition and the nature of their development, experience difficulties in studying in regular schools. The activities of these organizations are aimed at providing rehabilitation and compensation for shortcomings in development during the process of learning and growing up, training pupils in adaptation and rehabilitation in the social, work and psychological fields, and eventually integrating them into society as it develops. Such rehabilitation is carried out in educational organizations of various types (special boarding schools, special schools, special classes, learning at home using individual curricula).

212. Currently 102 special rehabilitative organizations are operating in Kazakhstan, in which 18,977 children are studying, growing up and overcoming their disabilities in 8 basic categories. All types of special rehabilitative educational establishment have been set up in the city of Almaty and in Qaraghandy oblast, while in East Kazakhstan, Qostanay and South Kazakhstan oblasts between four and six such institutions have been set up. Of the total number of special rehabilitative institutions, 55 per cent are auxiliary schools, which exist in all oblasts.

213. Despite the difficult financial and economic circumstances, special rehabilitative institutions are being opened in various oblasts: in the city of Petropavlovsk, a special-purpose boarding school has been opened for children with functional disabilities affecting the locomotor system who cannot move independently, and combined kindergartens and schools for children with hearing, sight and speech disorders have forged a reputation in Qostanay, Aktau and Ust-Kamenogorsk, where the children benefit from less intensive teaching methods and at the same time educational functions are added to those of child-raising.

214. The process of opening centres for psychological and educational rehabilitation of children with behavioural difficulties, and the establishment of classes for compensatory instruction for children who have difficulties integrating in school and in society, have been stepped up. Such centres in the Aqmola, East Kazakhstan, Qostanay, Qaraghandy and Pavlodar oblasts are assisting in the transition to the provision of comprehensive psychological, medical, educational, social and juridical support and rehabilitation for children in groups which pose a threat to society.

215. The network of centres for rehabilitation is being further developed, creating ideal conditions for psychologists, neuropathologists, psychiatrists, disability specialists and speech therapists to engage in ongoing monitoring and investigation of children with health problems. These specialists develop the child's abilities, harness all his or her growth potential, carry out rehabilitation work, observe, investigate and diagnose the full extent of the disturbances and the causes and types of difficulties which develop in the child during the growth process.

216. By Government decision No. 305 of 31 March 1992, relating to the provision of effective assistance to persons with developmental disabilities and the setting up of a disabilities service in Kazakhstan, a national scientific and practical centre for social adaptation and vocational rehabilitation of children and young people with developmental disorders (SATR centre) has been set up and is now operating, offering excellent conditions for the continuous education and successful adaptation of children and young people with developmental problems. The centre has devised a model of social and educational assistance, including assistance to families who have children suffering from such problems, and is engaged in all-round psychological, medical, educational and vocational rehabilitation of children with developmental problems. A similar centre was opened during the current academic year in Atyrau oblast, where infrastructure has been created to protect the mental health of the children of the area and provide prompt diagnosis and thorough assessment of their mental health as well as instruction oriented towards rehabilitation and growth.

217. In order to meet the current requirements of rehabilitation work with children who have special needs in a prompt manner using the latest resources, the SATR centre is cooperating with highly skilled specialists from such prestigious research centres as the St. Petersburg Institute of Early Intervention, the Scientific Centre of Paediatrics and Paediatric Surgery of the Kazakhstan Agency for Health Affairs, the Kazakh State Women's Teacher Training Institute, the Abay State University in Almaty and the "Kainar" University. The SATR centre has prepared a single outline and model of a State system for the provision of rehabilitative assistance to children with special needs, which is of great social significance. The foundation of this system is assistance

to children from birth to the age of three. It should be pointed out that previously no rehabilitative assistance at all was provided to this group. This state of affairs was greatly to the detriment of the health of the rising generation, since early rehabilitative intervention leads to more effective multifaceted assistance in cases of developmental disorders.

218. The foundation of assistance to children with special needs is the earliest possible identification of the various developmental disorders. The SATR centre has developed a package of methods to identify children at risk of developing psychophysical disorders and an algorithm for the application of such methods (jointly with the Scientific Centre for Paediatrics and Paediatric Surgery). Modifications have been made in Ministry of Health order No. 480 of 1 December 1996 concerning preventive monitoring of children (screening of retarded neuropsychic development of young children).

219. Training in screening methods focused on the SATR centre has been received by nurses from four children's clinics in the city of Almaty. The principles governing the flow of children and cooperation between institutions reporting to different departments were identified. However, to ensure the effective operation of the system of early identification of developmental disorders in children on a nationwide scale, there is a need for extensive organizational measures and the corresponding funding: preparation of printed, educational and diagnostic material, large-scale training of nurses, legislation to underpin cooperation between institutions reporting to different departments, etc.

220. A major scientific programme to study the social adaptation and integrated teaching of children with special needs is currently being implemented in the SATR centre. These problems were the subject of an international conference organized by the SATR centre in March 2000 on "Special education and social support for children with special needs - cooperation between State and voluntary organizations".

221. Since 1992 interdepartmental psychological, medical and educational advice centres have been opened and are successfully operating in 12 oblasts (not including Aqtobe and Qyzylorda oblasts) and the cities of Astana and Almaty. They provide prompt skilled assistance to the public in investigating the mental health of children and young people, diagnosing mental disorders and addressing problems relating to the instruction, raising and treatment of children from birth to the age of majority.

222. There is no longer any doubt that computers can be used extensively in special education as an effective tool in the rehabilitation of the disabled. And among the new methods of teaching disabled children, computers and information technologies have earned a definite place. The ability of such children to use computers has become a prerequisite for their socialization, their preparation for life in present-day society, and their familiarity with the world of information.

223. In accordance with the instructions issued by the head of State concerning computerization of the system of secondary education, each institution engaged in rehabilitation is to be equipped with computers and special software for children with sight and hearing disorders. In future the path will be open for the inclusive education of school-age children and the provision of distance education for children and young people with health problems who

need to study at home using individual curricula. State and voluntary organizations are cooperating actively to provide special support for programmes of special education under a project organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on promotion of basic education for children with special needs.

224. The Government attaches major importance to children with disabilities, as is demonstrated by the following:

- (a) A decision on the volume and sources of social assistance granted to citizens in need while they are being educated;
- (b) The education programme contains a section entitled “Children who need support and assistance from the State”;
- (c) A bill on social, medical and educational support in rehabilitation for children with disabilities.

On instructions from the head of State, an outline of social protection of the population is being drawn up, with the main goal of identifying priority areas of State policy in the field of social protection of the population in the short and long term.

B. Health and health services **(art. 24)**

225. In the field of medical services for children, Kazakhstan recognizes the right of each child to make use of the most advanced services of the health system and resources for treatment of diseases and restoration of health. During the reporting period the health services which provide medical assistance to children were operating in the context of an economy in transition. This period was characterized by a fall in the volume of funding for health, and an inadequate level of resources both from the State budget and from sources connected with the expansion of medical insurance. Against a background in which the incomes of the people were falling, there was a rise in prices for medicines, and the range of medical services provided against payment broadened. In this connection, a key task in the health sector was the preservation of the basic potential of the mother and child protection service, its adaptation to the new economic circumstances on the basis of restructuring and enhancement of the role of outpatient clinics and general clinics, ensuring access to medical care for all children and the strengthening of services involved with the realization of the right to life. Towards these ends, the following strategic elements were adopted for the protection of mother and child health in a context of social and economic reforms: vaccination, the quality of pre-natal care, and family planning problems.

226. But there are currently rather a large number of unresolved problems in the area of child health. Between 1990 and 1999, the number of medical institutions providing basic health care to children dropped. Specifically, the number of organizations with children’s general clinics and surgeries fell from 1,157 in 1994 to 821 in 1999, while the doctor-patient ratio for

paediatricians (including specialists in disorders of the newborn) fell from 1.63 per 1,000 children in 1990 to 1.32 in 1999. In-patient medical care is provided in 14 oblast-level children's hospitals, 180 district and national hospitals and 15 city children's hospitals with a total of 18,428 beds. The level of provision of children's beds fell from 74.4 per 10,000 children aged 0-14 in 1994 to 34.9 in 2000. Data on children's medical services and morbidity in Kazakhstan are set out in tables 2 and 4.

Table 2

	1994	1996	1997	1998	1999	2000
Number of paediatricians (thousands)	9 017	7 984	7 267	6 769	6 063	6 056
Number of paediatricians per 1,000 children	1.71	1.63	1.43	1.38	1.32	1.42
Number of beds for sick children	38 953	30 153	24 328	22 011	18 428	14 876
Number of children's beds per 10,000 children	74.4	61.0	49.0	46.0	43.1	34.9

227. It is gratifying to note that in 2000 the main demographic indicators stabilized by comparison with 1999. Between January and December 2000, the natural growth in the population was 69,000, compared with 65,900 between January and December 1999. The rise in natural population growth was due to an increase in the birth rate, and occurred in spite of a rise of 5,000 in the number of deaths compared with the corresponding period in 1999.

228. In recent years the birth rate declined to a low of 14.2 per 1,000 in 1999, against a figure of 18.2 in 1994. In 2000 the birth rate improved by 3.5 per cent over 1999. The number of births rose in all parts of the country, except for Qaraghandy and Qyzylorda oblasts. In such oblasts as Zhambyl, Mangistau, Atyrau, Qyzylorda and South Kazakhstan, the birth rate was above the national average (17.2-22.5 births per 1,000).

Table 3

**Natural evolution of the population,
January-December 1999 and 2000**

	Thousands			Per 1,000		
	2000	1999	2000/1999 percentage change	2000	1999	2000/1999 percentage change
Births	218.5	209.0	104.5	14.7	14.0	105.0
Deaths	149.4	144.4	103.5	10.1	9.7	104.1
Marriages	90.9	85.9	105.8	6.1	5.8	105.2
Divorces	27.4	25.6	107.1	1.8	1.7	105.9

229. The indicator of infant mortality is an objective criterion which reflects the State's attitude to safeguarding and enhancing child health. In recent years there has been a steady downward trend in infant mortality. The number of child deaths in the age range 0-18 fell by a factor of 1.9 from 15,800 in 1990 to 8,400 in 2000. In 1994 infant mortality stood at 27.2 per 1,000 births, while in 2000 it had fallen by a factor of 1.4 to 19.6 (see annex 1 in the files of the secretariat). In recent years the death rate among children aged between 1 and 5 has displayed a steady downward trend, but nevertheless urgent measures are needed to sustain the decline in deaths among children aged over 1.

230. In recent years perinatal disorders have been the leading cause of infant mortality throughout the country, at 32.8 per cent. This is an unfavourable sign pointing to a decline in health among women of child-bearing age, shortcomings in the work of the basic health services, and mainly that of out-patient centres for families, in enhancing the health of women of child-bearing age, the timely registration of pregnant women, and the adoption of measures to safeguard the foetus during the antenatal period. Second and third places are occupied by respiratory diseases (27.5 per cent) and congenital malformations (18.2 per cent). Antenatal diagnoses, including ultrasound examinations, are rare, and genetic factors are ignored. The influence of unfavourable environmental factors is not examined, and pregnant women with severe disorders of the external genitalia and a problematical obstetric history are not properly treated.

231. Infectious and parasitic diseases take fourth place among the causes of infant mortality, while deaths of children aged under 1 from acute intestinal infections, at 4 per cent, are less common than those caused by accidents (5 per cent). The fall in deaths from acute intestinal infections can also be attributed to the introduction of WHO programmes. Recent years have seen greater prevalence of diseases of the blood, the intestines and the gastrointestinal tract and congenital malformations among children. The latter have led to a rise in disability among children. This has prompted the opening of specialist children's centres for oncohaematology, paediatric surgery, gastroenterology, nephrology and urology.

232. In the current year no cases were recorded of children aged between 0 and 59 months displaying high temperatures in areas subject to malaria risk. No cases of illness caused by the wild poliomyelitis virus have been recorded since June 1995. There have been no cases of neonatal tetanus for several decades.

233. Measles cases in 2000 stood at 2.5 per 100,000 children. In 1999, 1,391 children contracted measles; one child aged under 1 died who had not been immunized against measles for reasons of age. Increases in morbidity continue to occur every three or four years. A regular rise in morbidity was observed in 1998-1999, when the indicator stood at 12.4-9.32 per 100,000 compared with 19.5-10.6 in 1993-1994 - in other words, the continuous annual 90 per cent reduction in measles prevalence was not achieved. Since 1997, the delivery level of preventive immunization against whooping cough, tetanus, diphtheria, tuberculosis and poliomyelitis (for children aged under 1) and measles (for children aged under 2) has stood at 95 per cent.

Table 4
Incidence of individual diseases and groups of diseases among
children aged 0-14 in Kazakhstan (number of cases registered
per 100,000 children, first case for each child)

Main groups of diseases	1994	1996	1998	1999	2000
Total	62 874.8	78 225.5	65 586.2	68 717.7	72 869.3
Of which:					
Infectious and parasitic	4 794.7	5 681.3	4 523.6	3 579.3	3 859.0
Neoplasms	48.1	102.6	55.6	63.1	67.5
Diseases of the blood, blood-forming organs and individual immune system disorders	936.4	2 837.0	1 365.2	1 874.1	1 997.3
Endocrine diseases, nutritional disorders and metabolic disorders	663.4	1 714.2	838.9	928.6	1 007.4
Psychological disorders and behavioural disorders	264.4	1 322.0	335.5	367.1	322.0
Disorders of the nervous system	4 561.0	8 353.9	5 920.1	6 556.4	1 699.0
Diseases of the circulatory system	177.4	580.2	337.3	412.7	389.3
Diseases of the respiratory organs	36 527.1	36 252.7	36 856.8	38 081.1	41 675.4
Diseases of the digestive organs	4 470.2	6 059.9	4 133.5	4 724.7	4 745.3
Diseases of the skin and the subcutaneous cellular tissue	4 869.7	6 456.5	4 672.6	4 806.7	4 713.9
Diseases of the osteomuscular system and of the connective tissue	426.4	883.0	670.7	814.8	865.7
Diseases of the genito-urinary system	924.9	2 142.0	1 290.2	1 506.5	1 415.4
Congenital anomalies (developmental defects), deformities and chromosome disorders	184.4	802.8	294.7	342.1	363.4
Wounds, injuries and poisoning	3 067.8	3 488.0	3 154.5	3 278.6	3 277.3

234. Within the overall problem of public health, the reproductive health of women stands out because of its political, social and economic significance, given that it has direct influence on the health of the newborn, and consequently on the future of the nation and the State. As part of the current State public health programme, a special comprehensive medium-term programme for the protection of mother and child health during the period 2001-2005 has been drawn up. A special comprehensive programme on protection of mothers and children is also being prepared.

235. One of the main priorities in the country's socio-economic development is the development of medical science and the conduct of scientific research in the field of medicine. In particular, scientific centres dealing with paediatrics and paediatric surgery and with protection of mother and child health are conducting scientific research on the scientific basis for the protection of children's health and current problems in reproductive medicine. As its main task the Agency for Health Affairs has focused on the four pillars of safe motherhood: family planning, antenatal assistance, clean and safe childbirth and obstetric care.

236. Under a project organized by the International Planned Parenthood Federation, a national programme on reproductive health and family planning has been drawn up for inclusion in the curricula of medical training establishments at all three levels of training. Family planning units are in operation in all oblast centres.

237. Integrated programmes are being carried out for awareness creation among women who have recently given birth (prevention of diaper dermatitis), and on oral hygiene (prevention of stomatological diseases) and the physiology of maturation in young girls (hygiene for teenage girls). More than 180,000 pupils in all the schools in 19 large cities have received such instruction to date.

238. The health of women of childbearing age is deteriorating: the health index stands at 30 per cent, falling to 20 per cent or below in some areas. Over the past five years the frequency of anaemia in pregnant women has risen by a factor of 1.5, kidney diseases by a factor of 1.3, diseases of the cardiovascular system by a factor of 1.2 and extrogenital diseases in general by a factor of 1.7.

239. One achievement in women's health is the downward trend in maternal mortality, which fell from 77.5 per 1,000 live births in 1998 to 65.3 in 1999 and 61.4 in 2000. Disorders of the external genitalia occupied first place among causes of maternal mortality in 2000 at 26.8 per cent, followed by haemorrhage in childbirth (26.1 per cent), gestoses (19.7 per cent) and sepsis (13.4 per cent). Of special concern are cases of maternal mortality at home, which show no signs of diminishing. Six such cases were recorded in 2000.

240. The proportion of medical problems of social significance - tuberculosis, congenital defects and premature births - is rising. As a result, there is a high incidence of complications in pregnancy and childbirth - in 60 per cent of cases childbirth is accompanied by complications, and 260 newborn children in every 1,000 births are born ill. Indicators of reproductive function are genetically determined and reflect the genetic health of the population.

241. Of the total number of women, 51 per cent are of working age, and 12.3 per cent above. The ratio of the non-working population to the working population is rising. The number of females aged under 14 is falling, while the number aged 40 and over is growing.

242. Over the past 10 years there has been a declining trend in the number of abortions, but unfortunately abortion still remains the principal method of regulation of the birth rate, and hence looms large among the causes of maternal mortality. A tendency has been observed for contraception to replace abortion as the main method of regulating the birth rate. Over the past 10 years, the number of women of childbearing age using contraception (intrauterine devices, oral contraceptives and barrier methods) has risen by 30 per cent.

243. A total of 708 women's and obstetric/gynaecological clinics are in operation in the country, about 200 maternity homes and maternity units, over 30 units for sick newborn children and the care of children born prematurely, and 8 perinatal and neonatal centres with intensive care units. Antenatal diagnosis of the state of the foetus is becoming more widespread, and genetic clinics have opened. However, funding difficulties and inadequate equipment levels are standing in the way of further expanding and raising the efficiency of these services.

244. In December 2000, 11-day courses on antenatal, perinatal and postnatal care were organized for 15 trainers of specialists in newborn children, obstetricians and gynaecologists from the cities of Semipalatinsk, Almaty and Astana and Qyzylorda oblast.

245. Paediatricians are trained in the paediatrics faculties of five State medical academies. Further training is offered at an institute and two faculties. Nurses and medical assistants are trained in 30 medical colleges. Changes lie ahead in the training of doctors and medical assistants in primary health care, with the incorporation of the WHO programme on Integrated Management of Childhood Illness into local practice. After testing of this programme in two pilot areas produced positive results, measures to extend the introduction of the programme are being supported by the Government.

246. Measures for the protection of mothers adopted under the Labour Law include the granting of paid leave during pregnancy and childbirth for 70 calendar days before confinement and 56 calendar days afterwards - extended to 70 calendar days in the case of complications or multiple births.

247. Despite the measures taken in Kazakhstan, as in many countries, the epidemiological situation regarding HIV/AIDS continues to worsen. The number of persons infected with the HIV virus is 1,347, of whom 84.7 per cent are injecting drug users. By 1 September 2000 1,189 HIV-infected persons had been registered. Of these, 1,143 (96.1 per cent) were aged between 14 and 49; 890 (77.8 per cent) were men and 253 (20.1 per cent) were women. In an HIV/AIDS awareness survey of 1,030 persons, of whom 720 (69.9 per cent) were women, held during the current year, correct answers were provided by 180 women (25.0 per cent) and incorrect answers by 540 (75.0 per cent).

248. With the aim of lowering the rate of growth in HIV infection and countering the AIDS epidemic, the Government has adopted an outline of State policy to counter the AIDS epidemic, under which a special comprehensive programme to counter the AIDS epidemic over the period 2001-2005 is being drawn up. A countrywide computerized HIV/AIDS monitoring system has been introduced, covering 1.1 million people in high-risk groups. In order to prevent HIV infection among newborn children whose mothers are infected and reduce the death rate among persons carrying the virus, there is a need for the centralized purchase of anti-viral agents.

249. In recent years the water supply situation has somewhat stabilized following the implementation of the Government health programme. However, despite the measures taken, the provision of tap water remains inadequate at 75.1 per cent of the population, against 75.2 per cent in 1998. As much as 18.7 per cent of the population relies on water supplied by lorry, 2.2 per cent from decentralized sources and 4 per cent from open bodies of water.

250. The incidence of tuberculosis continues to rise, with 18,346 patients suffering from the active form currently registered, 6.2 per cent more than the figure of 17,318 patients during the same period of last year. The level currently stands at 123.2 per 100,000. There continues to be a high level in Mangistau, Qyzylorda and Aqtobe oblasts and the city of Astana.

251. At present there are 115 institutions combating tuberculosis, with 15,700 beds. In all 34,120 persons are receiving specialist treatment as in-patients and 9,511 as out-patients, while 30,639 are continuing to be treated using the DOTS method. In all 93.7 per cent of institutions in the general health network and the tuberculosis control service are equipped with modern binocular microscopes. The detection rate using smear examinations is 42.6 per 1,000 subjects. Instruction in the DOTS strategy continues to be provided to specialists in the general health network and the network of primary health care. During the year so far 3,238 specialists have been trained - 84.2 per cent of the annual requirement. Currently all institutions engaged in combating tuberculosis have been provided with the specific medicines needed to treat tuberculosis cases.

252. Computerization of the tuberculosis control service continues. Jointly with the United States Centers for Disease Control, a computerized tuberculosis patient monitoring system is being introduced, specialists in the tuberculosis control service are being trained, the installation of network links has been completed and the introduction of a computer program for collecting data on the treatment of tuberculosis patients has begun.

253. Research has begun during the current year on the prevalence of bovine tuberculosis in livestock and the human population. The research is currently being conducted in the central and northern parts of the country. Similar research is scheduled to cover the entire country in the future.

254. The State health programme, which was approved by Presidential decree, has been under way since 1998. Urgent problems facing mothers and children are to be addressed under the programme. Special attention is devoted to efforts to popularize breastfeeding during the first six months of the life of infants, and to improve child nutrition as they grow older.

255. There are 246 clinics for young people operating in Kazakhstan. Their work is aimed at preventing and treating illness among young people. Young people may also receive anonymous advice on all matters in confidential centres set up in 34 dermatology and venereology clinics and 24 units in central district hospitals as well as 180 dermatology and venereology clinics in medical institutions. Confidential telephone lines are available in the cities of Astana, Almaty, Aqtobe and Qaraghandy. The emergence of problems of pregnancy, HIV/AIDS, drug addiction and alcoholism among young people underlined the urgent need to open such clinics.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

(arts. 28, 29 and 31)

256. In the world today 113 million children do not have access to primary education, and 880 million adults are still illiterate. Young people and adults are denied access to knowledge and skills which are essential to obtain work and play a full part in the life of society. Hence the problem of the shaping of the personality and social awareness of individuals is of acute and urgent importance in any country at any time.

A. Education, including vocational training and guidance

(art. 28)

257. Under article 30 of the Constitution and the Education Act, the State guarantees that citizens embarking for the first time on general secondary and initial vocational education, and, subject to entrance examinations, secondary vocational and higher vocational education in accordance with the educational aims of the State and in the context of the mandatory educational standards set by the State, will be taught free of charge. The principal functions of educational development in Kazakhstan are set out among the State's long-term priorities as identified by the President in his Message to the people entitled "Kazakhstan-2030", in instructions issued by the President and in State programmes. Matters falling under the direct patronage of the President are State programmes for the computerization of the system of secondary education, the provision of a new generation of textbooks known as "Bolashak", issues of universal education, the development of the "Daryn" specialized schools, etc.

258. The Government has approved over 30 decisions for the implementation of the Education Act, and has also prepared and approved a package of departmental regulations governing the functioning of educational organizations which are implementing programmes of pre-school and general secondary education. Women makeup the bulk of educational workers in schools providing general instruction. Health standards in schools meet the requirements laid down.

259. Disabled children, those who have been disabled since childhood and children with developmental disorders are taught in special rehabilitative educational organizations in keeping with their medical diagnoses, and at home following individual curricula.

260. In accordance with the instructions issued by the head of State concerning the computerization of the system of secondary education, every rehabilitative establishment is to be equipped with computers and special software for children with sight and hearing disorders. In future the path will be open for the inclusive education of school-age children and the provision of distance education for children and young people with health problems who need to study at home following individual curricula (see also paragraph 327).

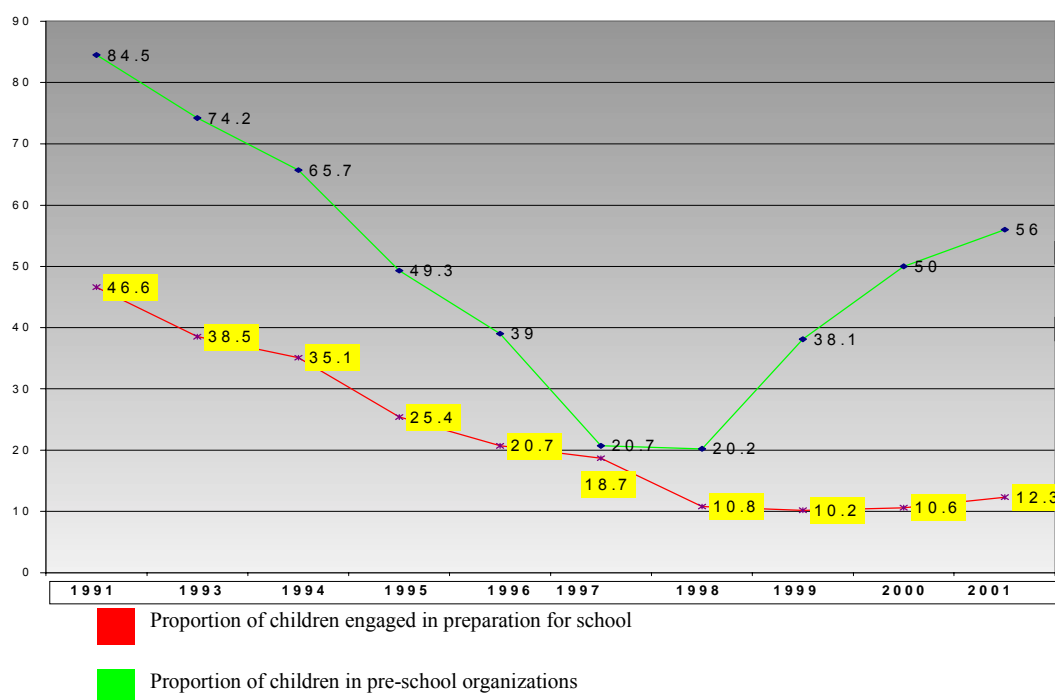
261. In accordance with the national model of education in Kazakhstan, based on the principle of uninterrupted and continuous study, four levels of education have been laid down: pre-school child-rearing and instruction, secondary education, higher vocational education and post-tertiary vocational education. This corresponds to the International Standard Classification of Education recommended by UNESCO.

262. Information provided by the Ministry of Education and Science for 1 January 2001 indicates that 1,562,494 children aged between 0 and 7 inclusive live in Kazakhstan, of whom 135,287 aged between 1 and 7 have an opportunity to attend day nurseries and kindergartens, 135,385 aged between 5 and 7 benefit from a one-year programme of preparation for school in pre-school classes and 333,768 aged between 6 and 7 are taught in primary classes in general schools. In this way 21.9 per cent of children aged between 0 and 7 receive a pre-school education (including 12.3 per cent of children aged between 1 and 7 in day nurseries and kindergartens) and 25.6 per cent attend primary school.

263. A total of 1,144 pre-school organizations provide educational and health improvement services; their work is governed by the Education Act and the Standard Rules for the organization of the activities of pre-school organizations. In urban areas there are 897 kindergartens with 124,400 children, while in rural areas there are 247 pre-school organizations with 10,800 children. The number of children in pre-school organizations increased by 10,500 over 2000 (9,500 in the cities and 1,000 in the countryside), and the proportion of children attending kindergartens rose by 2.1 per cent (see figure 6).

Figure 6

**Proportion of children engaged in preparation for school
and attending kindergartens**



264. A total of 879 pre-school organizations are operating under the Ministry of Education and Science, covering 112,500 children - 170 more pre-school organizations and 13,800 more children than in 1999. The network of departmental day nurseries and kindergartens fell by 26 to 152, containing 15,300 children. There are 113 non-State pre-school organizations which teach 7,600 children. The network of non-State pre-school organizations in Qostanay, North Kazakhstan, Pavlodar, Qaraghandy and West Kazakhstan oblasts is growing steadily. The task of successfully preparing children leaving pre-school groups for the conditions prevailing in schools is entrusted to the network of "kindergarten-school" complexes, which has grown by 38 units (46 per cent) since last school year.

265. A network of innovative pre-school organizations and groups is developing in the country, covering 22,500 children - 23 pre-school gymnasiums, 8 centres for study, child-rearing and health improvement, 7 kindergartens with special methods of instruction, 176 day nurseries and kindergartens specializing in a variety of subjects, and 86 gymnasium groups in general-purpose pre-school organizations. A total of 472 commercial pre-school organizations and 571 units providing supplementary educational and health improvement services for which charges are made, containing 23,100 children.

266. A network of special-purpose day nurseries and kindergartens provides rehabilitative and preventive care. Some 6,000 children with tuberculous intoxication are being treated in 45 kindergarten-sanatoriums and 50 sanatorium units within general-purpose pre-school organizations - 800 more children than in 1999. In 37 special rehabilitative pre-school organizations and 180 similar units in general-purpose pre-school organizations over 8,000 children with speech, hearing, visual, intellectual and locomotor system disorders receive the help they need. Despite the growth in the number of specialized pre-school organizations from 67 units in 1998 to 82 in 2001, only 21.5 per cent of the demand for such organizations is being met and over 43,000 children still fall outside the rehabilitative educational programmes.

267. The Education Act provides for compulsory and free preparation of children aged 5 and 6 for school in State educational organizations in the framework of the general curriculum. The mechanism for the opening of school preparation classes is governed by a Government decision of 22 November 1999 dealing with compulsory school preparation for children. This decision provides that one-year school preparation classes for children aged 5 and 6 may be opened in general schools and other educational organizations, irrespective of their hierarchical status and form of ownership. School preparation groups may also be opened on the basis of older and preparatory units in pre-school organizations. School preparation in State organizations (kindergartens and schools) must be funded from the State budget. The decision also places an obligation on parents to provide school preparation for children aged 5 and 6.

268. As a result of these measures, 206,700 children are engaged in compulsory preparation for school - 56.2 per cent of the total number of children aged 5 and 6: 110,000 (60 per cent) of children in urban areas and 96,700 (52.7 per cent) in rural areas. Of these, 82,900 are 5-year-olds (38.4 per cent of the total) and 123,800 are 6-year-olds (81.6 per cent of the total). School preparation activities are developing especially actively in Qostanay, Aqmola, Pavlodar,

Qaraghandy, Aqtobe and Atyrau oblasts, where between 65 and 83 per cent of future form 1 pupils benefit from them. The figures are 19 per cent in Almaty oblast and 22 per cent in Qyzylorda oblast, where conditions are not ripe for school preparation. A total of 71,300 children (34.5 per cent) receive preparation for school in 4,000 pre-school groups within kindergartens, and 135,400 (65.5 per cent) in 7,600 school preparation classes organized in 5,500 general schools. According to the Kazakhstan statistical agency, there are 7,896 rural population centres, but there is a kindergarten for only one in 32 of them, so that in the countryside the schools themselves are used for the most part for pre-school preparation. In urban areas this is mainly carried out in pre-school organizations.

269. Owing to the growth in the number of children and the creation of new pre-school groups, the number of teaching staff in day nurseries and kindergartens rose from 13,800 in 1999 to 14,300 in 2001. Of these, 38 per cent had received a higher education, 2.3 per cent had not completed their higher education, and 57 per cent had received a secondary special education. In all 7,500 teachers work in school preparation classes.

270. At the beginning of the school year 2000-2001, 8,110 general schools were operating with 3,069,000 pupils. The language of instruction in these schools was Kazakh (3,545 schools), Russian (2,356), a mixture of languages (2,009), Uzbek (81), Uighur (13), Tajik (3) and Ukrainian (1). In 267 schools 10 native languages are studied as separate subjects, while in 17 they are optional extracurricular subjects.

271. The basic curriculum for general schools approved by the Ministry of Education on 14 April 1994 by order No. 15 contains the following subjects: foundations of the State and of law, man and society, ethics and psychology of family life (which must cover the rights of the child and human rights) and, as an option, healthy lifestyles, including guidance on morals and sex.

272. Following a monitoring exercise conducted with participation by UNESCO and the "Soros-Kazakhstan" fund, Kazakhstan's report on "Education for all" was prepared and considered at a UNESCO meeting in Manila in 1999.

273. The Government's first priority task is to implement the President's programme on computerization of the system of secondary education. The adoption of this programme was welcomed outside Kazakhstan. At a UNESCO international forum in Chişinău it was recognized as the first and only such document in the CIS. It was emphasized in particular that Kazakhstan was taking a giant step for its future. Currently over 5,000 schools have been equipped with computers and corresponding educational material, and teachers are undergoing retraining. By 2001 computers will have been supplied to all schools.

274. The second priority task remains the realization of the constitutional right of all citizens to receive a general secondary education. The establishment of the Universal Education Foundation played a significant role in providing assistance to deprived and large families for the education of their children, on the basis of Government decision No. 812 of 28 August 1998. These foundations for universal general secondary education have been set up in all the country's schools. As of 10 January 2001, according to information supplied by the oblast education administrations and departments, 773 children were not attending school. The Ministry of

Education and Science together with local representative bodies and law enforcement agencies regularly carry out searches with the aim of returning children to their classrooms, as well as philanthropic activities to help children in need.

275. The Ministry of Education and Science are taking serious steps to respond to the head of State's call to ensure that all children of school age attend school. Together with the Ministry of the Economy, the Ministry of Internal Affairs and the statistical office a plan of action has been drawn up and adopted, a joint order has been enacted, a working group has been set up, and a set of criteria to govern registration of school-age children who do not attend school has been adopted. Regional commissions have been formed of representatives of administrative bodies in the field of education, internal affairs and statistics, headed by deputy akims.

276. It has become customary for searches and operations of various kinds to be organized jointly with the internal affairs authorities in areas where truanting children may be found. This state of affairs made it necessary to revise the forms, methods and content of educational activities, leading to a decision by the Ministry of Education and Science and the Ministry of Internal Affairs to adopt a plan of organizational and practical measures to prevent crime, lawbreaking, neglect and injuries and ensure full-time school attendance.

277. Despite the measures taken, there are a number of unresolved issues and problems in the field of universal education. Every region experiences non-attendance by children from families in difficulties and deprived families who move from one place to another in search of work and housing. There are parents who oblige their children to work or to beg.

278. In recent years there has been an upward trend in lawbreaking by minors. In 2000 the number of offences committed by young people was 2.8 per cent higher than in 1999 (7,359 as against 7,159). Moreover, in 2000 the internal affairs authorities identified 109,848 young people who had committed administrative offences, up from 90,408 in 1999. In that connection, the prevention of lawbreaking among minors has been assigned priority in the State programme to combat crime over the period 2000-2002, which was approved by Government decision No. 1641 of 31 October 2000.

279. An Institute of Education has been set up in the Y. Altynsarin Academy of Education, and an integrated programme of civic education in educational organizations has been adopted. This programme is designed to shape a multicultural personality characterized by public-spiritedness, patriotism, internationalism and elevated ethics and morals, and also to develop multifaceted interests and skills among those being raised and educated.

280. A priority task is that of implementing the special programme for the preparation and publication of textbooks and teaching materials for schools offering a general education. Efforts are being made to develop a new generation of textbooks and new teaching methods. Pupils in primary classes have used new textbooks in Kazakh, Russian and Uighur prepared in Kazakhstan, and work has begun on the testing of textbooks for forms 5 to 9. During 2002 it is planned to complete the transition to teaching using the new generation of textbooks and teaching methods.

281. Following the adoption of the Education Act, and the Government's decision on the procedure for the provision of textbooks to pupils and boarders in educational organizations, textbooks for forms 1 to 11 will be available for retail sale from the 1999-2000 school year. There is free provision of textbooks for pupils in State general schools and boarding schools who are from large families, as well as from families who are in target groups for the receipt of social assistance under the procedure laid down by law, disabled children, orphan children and children left without parental care and children under guardianship, children living in children's homes and family-type children's homes.

B. Aims of education (art. 29)

282. The aims of education are defined in the Education Act and in the standard regulations governing various types of educational establishment, under which children are to be brought up with a sense of public-spiritedness, industriousness, respect for human rights and liberties and love for the motherland, the family and nature. The aims of education are promoted through the implementation of a number of State programmes in the field of education.

283. A broad awareness of legal issues is taught in Kazakhstan to prepare pupils to live in an active and well-informed manner under the rule of law and in civil society. As early as in primary general education, instruction covers elementary knowledge of democracy, human rights and the rights of the child, and moral values. At the stage of basic general and secondary general education, pupils are offered a fairly full picture of the world, social links and relations, and models of behaviour are developed which foster participation by the individual in decision-making at various levels - from family and everyday decisions to those affecting the State as a whole. The child is brought up in a spirit of tolerance, non-violence and friendship among peoples.

284. Work in school councils and other self-regulation bodies, as well as in voluntary associations, enables pupils to take part in decision-making relating to education and leisure, fosters the accumulation of social experience and ensures that minors are included in the system of social relations.

C. Leisure, recreation and cultural activities (art. 31)

285. Institutions providing supplementary education ensure that children make use of the potential of their free time to preserve and enhance their health, their physical, psychological, spiritual, moral and intellectual development, their education in legal matters, civics and values, and identification of and preparation for a career. These educational establishments foster participation in creative artistic and technical activities, research, problem-solving and design, physical culture and sport, tourism and studies of local lore, astronomy, economics and ecology, psychology and philosophy.

286. The system of supplementary education has a variety of aims, types of institution (whose hierarchical status varies), types of programme and level of instruction. There are no restrictions on entry. In recent years the system of supplementary education has expanded intensively, leading to the creation of a children's leisure industry. Institutions providing supplementary education for children perform a large number of functions: recreation and restoration of children's health, compensation for educational opportunities the children have missed, individual help in fostering their creativity, contacts, identification of skills, development of self-teaching programmes, education, familiarization with cultural achievements and restoration of cultural traditions. The structure of the system of supplementary education for children includes clubs set up where the children live and health and education institutions which organize activities for minors during the holidays.

287. There are 271 sports schools for children and young people in Kazakhstan meeting needs in physical culture and sport, where professional trainers oversee 116,687 children and young people, as well as 132 physical training clubs for children and young people with 30,183 members, and 163 local young people's clubs where sports sections have a total of 21,989 members. There are nine boarding schools for children with special skills in sports, where pupils in forms 7 to 11 study and train in a selected sport after a competitive entrance examination.

288. During the summer and winter school holidays, leisure activities are organized in sport and health camps for pupils of children's and young people's sport schools. Each year more than 3,000 pupils of sport schools enhance their health in sport and health camps. Each year local authorities and education bodies organize sport and health camps for pupils of general schools in the schools or in the countryside. In all 695,359 children spent their holidays in children's health camps in the summer of 2000 - 24 per cent of the total number of schoolchildren in the country. There are 5,244 camps, including 201 countryside camps, 4,710 camps attached to schools, 28 sanatorium-type camps and 305 specialist camps.

289. With the attainment of independence in Kazakhstan, the foundations were laid for regulating tourist activities and revitalizing the historical and cultural heritage of the people. The development of tourism is currently regulated by the Tourism Act of 3 July 1992 and by Presidential edicts on the implementation of the Tashkent Declaration adopted by the heads of State of Turkic-speaking States and the project developed by UNESCO and the World Tourism Organization for the development of tourism infrastructure along the Great Silk Road in Kazakhstan, and on the State programme for the revitalization of the historic centres along the Silk Road, the preservation of the cultural heritage of the Turkic-speaking States and its development in a spirit of continuity, and the establishment of infrastructure for tourism. Bearing in mind the great civic and patriotic significance of the development of such forms of tourism as studies of local lore, sports, independent activity, health improvement, cultural studies, ecotourism, family travel, tourism for the elderly and disabled and tourism for children and young people, as well as the formulation of a holistic State tourism policy, the Government approved an outline of tourism development on 6 March 2001. Children in Kazakhstan are fully entitled to leisure in the country and abroad. There is no discrimination in respect of tourist journeys by children within Kazakhstan and abroad. The sole condition attached to travel by a child is that he or she should be accompanied by adults. Visas are issued to children under 16 without the imposition of consular fees.

VIII. SPECIAL PROTECTIVE MEASURES
(arts. 22, 38, 39, 40, 37 (b)-(d), 32-36)

A. Children in situations of emergency

1. Refugee children
(art. 22)

290. There is no definition of refugee children in Kazakh domestic legislation. There is no special provision on the status of child refugees in the Convention relating to the Status of Refugees, to which Kazakhstan became a party in accordance with a law of 15 December 1998. The status of child refugee accompanied by parents is defined in accordance with the principles of family unity and adoption of a decision at the request of an adult. Fathers or mothers have the right to include in their request their children who have accompanied them in their search for refuge. When the head of a family is granted refugee status, asylum is granted to all his or her minor children who have arrived with him or her. In other cases, when the minors do not accompany the adults, a written statement may be lodged through an authorized representative.

291. Any person who speaks on behalf of a child under the law or an administrative act (parents in respect of their minor children, adoptive parents in respect of minor adopted children, guardians in respect of children under guardianship) is recognized as the minor's authorized representative. In respect of minor children who have no parents or guardians, the obligations of guardians are fulfilled by the administration of the institution in which the child has been placed.

292. A bill on refugees is currently being considered by the Kazakh Parliament. It provides that refugee status should be granted to minors in accordance with a decision taken in response to a request by the parents, a guardian or other adult member of the family who has assumed responsibility for supporting and guiding the minor.

293. As of 1 January 2001, out of 877 persons granted refugee status, and taking into account cases in which the person concerned left or was deprived of refugee status, or where his or her refugee status lapsed, the number of refugees was 759, including 308 children - 129 of pre-school age and 179 of school age.

294. In the city of Almaty 48 Afghan schoolchildren attend the Afghan school, 122 schoolchildren are studying in the city's general schools and 25 children attend the kindergarten for Afghan children. A Sunday school for child refugees is run by the Children's Foundation. But some of the children are unable to benefit from education or to attend kindergartens, for a variety of reasons, including lack of resources, lack of a permanent home, the fact that they are temporary residents, etc.

295. Problems also exist with the education of child refugees arriving from Chechnya, Tajikistan and other parts of the CIS, who do not have Kazakh nationality, a permanent place of residence or proper papers.

296. Medical care is provided to child refugees in the normal way.

297. On 31 December 1996 the President signed edict No. 3308 relating to the State programme of support for fellow-countrymen living abroad, and in accordance with the requirements of the programme the Parliament adopted the Migration Act in 1997. Subsequently, in pursuance of the Act, the Migration and Demography Agency adopted a number of decisions. By order No. 11 of 27 March 1998, it approved an Instruction concerning the procedure for the review of applications to enter Kazakhstan for purposes of permanent residence received from representatives of the Kazakh Diaspora abroad who wish to return to their historic motherland, and an Instruction on the procedure for determining the status of repatriated persons (oralmans), re-emigrants, displaced persons and forcibly displaced persons.

298. With a view to the application of the Migration Act of 13 December 1997 and Government decision No. 1164 of 31 July 2000 concerning the plan of action for the implementation of the programme to combat poverty and unemployment over the period 2000-2002, and to provide social support for repatriated persons (oralmans) and further improve their standard of living, the Ministry of Labour and Social Protection and the Migration and Demography Agency have jointly drawn up a plan of action for the job placement of repatriated persons (oralmans) over the period 2000-2002.

299. In order to simplify the return of ethnic Kazakhs from Mongolia to their historical motherland, Kazakhstan and Mongolia signed a treaty on 2 December 1994 to regulate issues relating to the voluntary resettlement and the citizenship of persons arriving in Kazakhstan on labour contracts. The treaty has been ratified by the parliaments of the two States.

300. Each year the head of State issues an edict establishing a repatriation quota for oralmans. In 2000, 458 families immigrated into Kazakhstan under the quota, of whom 159 were resettled with official help - 19 from Mongolia, 62 from Turkey (including 16 who were originally from Afghanistan), 58 from Pakistan (including 16 from Afghanistan) and 20 from the Islamic Republic of Iran. All these families were settled in Kazakhstan in accordance with the immigration quota, and they were provided with housing and material assistance.

301. In the 1999-2000 academic year, 440 children of oralmans were accepted for preparatory courses in higher educational establishments with the direct help of the Migration and Demography Agency. On 1 January 2001 there were 25,723 children of pre-school age and 47,535 of school age living in the families of oralmans. Of these, 47,089 go to school near their homes, while 446 are studying in boarding schools. At present there are no children who do not attend school. There are 13,600 large families among oralmans, and 12,419 of them have been registered and granted child allowances - 898 families receive allowances on grounds of loss of the breadwinner and 3,014 special grants for families with four or more children, while 4,398 have received a single grant for deprived families.

302. Material help and medical services are provided to all arriving families with meagre resources by the Red Cross and the Red Crescent, as well as from charitable sources. For example, in Qaraghandy oblast children were given school requisites worth 116,400 tenge, and in addition 10 free trips for children to the Cosmonauts health centre, each worth 9,000 tenge, were made available.

303. In the summer of 2000, during the summer holidays after the school year had ended, 126 children of oralmans spent time at health camps in Aqmola oblast, while the akimat in the city of Kokshetau offered 19 free trips for children from deprived families.

304. Efforts to support the families of oralmans are carried out all over the country. In all the major oblast centres and in the cities of Astana and Almaty there are adaptation centres where the children of oralmans and their parents learn the Cyrillic alphabet. In Shortandynsk district a Kazakh school has been opened where more than 80 per cent of the pupils are children of oralmans.

B. Children involved with the system of administration of juvenile justice

1. Administration of juvenile justice (art. 40)

305. The rules governing the administration of justice which are set out in part 1, article 40, of the Convention on the Rights of the Child are elaborated on in the new Criminal Code, which entered into force on 1 January 1998. The Code lays down for the first time the principle that a minor who has reached the age of criminal responsibility may be exempted from such responsibility if he or she does not fully realize the actual nature of the act committed or the danger it represents to society. This approach makes it possible to evaluate the act of the young person more fairly and apply appropriate (non-penal) measures.

306. The need for a humane approach to minors arises from the inclusion in the Criminal Code of a special chapter entitled "Special features of criminal responsibility and punishment of minors". It contains rules governing a special system of measures applicable to young people under criminal law. The law forbids the imposition of the death sentence or life imprisonment on a minor, or measures which might have a harmful effect on his or her health or the development of his or her personality (for example, restrictions on liberty as applied to adults). The types of punishment to which a young person may be sentenced are distinguished by their lesser severity compared with the same punishments imposed on adults - the maximum prison sentence for adults is set at 20 years, while that for minors is 10 years, or 12 years for murder with aggravating circumstances - and additional conditions attached to the sentence - a fine, for example, may be imposed only on young people who have their own earnings. (see also paragraph 337 below).

307. The general rules which define the process of administration of juvenile justice are based on those of the Constitution. They relate to: the presumption of innocence; the equality of all before the law and the courts; a ban on the use of torture, violence and other cruel or degrading treatment or punishment; State guarantees of the right to receive skilled legal assistance; and a ban on the use in proceedings of evidence which has been obtained unlawfully. These rules are reflected in the Criminal Code, the Code of Criminal Procedure and the Code for the Execution of Criminal Penalties, which were all adopted in 1997. Special chapters on criminal responsibility and punishment of minors (chapter 2 of the Criminal Code and chapter 52 of the Code of Criminal Procedure) were drafted in the light of the requirements set out in articles 37 and 40 of the Convention on the Rights of the Child.

308. The current Criminal Code lays down the principle of legality - “The criminal nature of an act and the fact that it is punishable are defined exclusively by the present Code” - and it is not permitted to draw analogies in the application of the criminal law. The criminal nature of an act and the fact that it is punishable are determined under the criminal law in force at the time the act was performed. The principle of the equality of citizens before the law applies. Also laid down is the principle of guilt, without proof of which there can be no criminal responsibility. All these rules are applied equally to adults and to minors.

309. The Criminal Code allows for the possibility of exempting young persons from criminal responsibility and punishment. Under the Criminal Code, the exemption of an adolescent from punishment may be accompanied by the imposition of coercive measures intended to have an educative effect. A new definition is provided for the nature of these measures. In this context account is taken of the need to rectify not only the adolescent’s behaviour, but also the process of his or her upbringing and education and the shaping of his or her personality.

310. A minor found guilty for the first time of an offence of lesser or medium-range gravity may be exempted from punishment by a court if it is found that his conduct may be rectified through the application of coercive measures intended to have an educative effect. The law enumerates such measures as follows: a warning; placing under the supervision of parents or persons in loco parentis, or a specialist State agency; imposition of an obligation to make amends for the damage caused; placement in a special educational or medical-educational institution for minors; restrictions on the minor’s leisure and imposition of special requirements as to his or her behaviour. The special requirements may include a ban on visiting specific places, or on engaging in specific forms of leisure activity, including those involving the driving of mechanical means of transport, restrictions on time spent away from home after a certain hour, and a ban on travel to other localities without the permission of a specialist State agency. Minors may be required to return to an educational establishment or seek work with the help of specialist State agencies.

311. The Criminal Code devotes special attention to the placement of young offenders in special educational or medical-educational institutions. Insofar as such measures involve the deprivation of freedom, their application is restricted. They may be applied only in cases of premeditated offences of medium gravity. It should be pointed out that the State has taken steps to reorganize the system of such institutions. All special educational institutions are classified as rehabilitative institutions whose purpose is less to punish than to re-educate young persons; they must engage in a process of instructing, educating and curing the young persons. It is forbidden to apply physical and psychological pressure against the residents, to use degrading measures, to restrict or ban contacts with parents or persons in loco parentis, to reduce their food portions, to refuse to allow them to take walks, to make use of them in functions associated with the maintenance of discipline, or to use community work as a disciplinary measure.

312. The list of circumstances which the court must take into account during sentencing has been extended in the new law. The list includes: positive determination of age; the minor’s living conditions and upbringing; his or her level of psychological and intellectual development, and other personality characteristics; and the influence of older persons on him or her.

313. In accordance with the Code of Criminal Procedure, minors who are detained must be provided with legal assistance. The involvement of a defence counsel who specializes in cases involving minors is mandatory from the time the adolescent is served with a detention order, and investigations in such cases may be conducted only with the participation of the defence counsel.

314. The interests of minors in judicial, administrative or other proceedings are protected by their legal representatives, who under the law are their parents, adoptive parents, guardians, representatives of institutions or organizations or persons of whom the child is a dependant or in their care. Participation by legal representatives is mandatory in pre-trial investigations and in court sessions. They are entitled to challenge any actions by officials. In particular, a legal representative, like defence counsel, has the right of appeal and the right to participate in court proceedings held to check the lawfulness of a remand in custody or to extend a period of custody.

315. All persons who have reached the age of 16 at the time any type of offence is committed bear overall criminal responsibility for the offence. For specific types of offence - murder, premeditated serious harm to a person's health, premeditated harm of medium gravity to a person's health with aggravating circumstances, rape, acts of violence of a sexual nature, kidnapping, theft, robbery, assault with intent to rob, extortion, unlawful seizure of a car or other means of transport without intent to hijack and with aggravating circumstances, premeditated destruction of or damage to property with aggravating circumstances, hostage-taking, knowingly providing false information concerning an act of terrorism, acquisition of weapons, munitions, explosives or explosive devices by theft or extortion, hooliganism with aggravating circumstances, vandalism, acquisition of narcotic or psychotropic substances by theft or extortion, violation of corpses or their places of burial with aggravating circumstances, or putting means of transport or communication routes out of commission in a premeditated manner - the age of criminal responsibility is 14.

316. The threshold of 14 years of age for this list was set in the light of the clearly serious danger to society presented by these offences, which can be properly appreciated by a normally developing minor. Where an adolescent displays developmental disorders (retarded mental development), the court can invoke the principle referred to in paragraph 305 above in full (and exempt him or her from responsibility), or partially (and reduce the punishment), if he or she does not fully realize the actual nature of the act committed or the danger it represents to society. When cases involving persons under the age of 18 are being heard, it is mandatory to identify and take into account the degree of mental development and personality characteristics of the defendant.

317. When minors who have committed acts which are dangerous to society and contain the elements of an offence cannot, because of prevailing circumstances, be held and reformed in their place of permanent residence, the court may decide that they should be sent to special educational organizations with special regimes - special general schools for those aged between 11 and 14, and special vocational and technical colleges for those aged between 14 and 16.

318. In addition, when sentencing a young person to a prison term or punitive deduction of earnings, a court may specify that the sentence is to be regarded as conditional for a trial period of no less than six months and no more than five years. When a sentence is conditional, the young person is required to comply with specific obligations related to work and studies, which are designed to modify his or her lifestyle and conduct. During the trial period the minor's conduct is monitored by the body responsible for enforcing the sentence. It should be emphasized that conditional sentences are currently the form of punishment most often imposed on young people. For example, from 1996 to 2000 the share of conditional prison sentences in the total number of prison sentences imposed on minors rose from 11.1 per cent to 65.6 per cent.

319. The deterioration in the socio-economic situation during Kazakhstan's accession to independent, sovereign status has had an adverse impact on the living conditions of most of our citizens. In this context, the attitude to life of some young people has a markedly material orientation - that of achieving material prosperity, and doing so by any means available, including criminal ones. To a considerable extent these factors have underlain the rise in crimes against property. The main type of criminal act which characterizes the general state of rising crime in the teenage world is offences against property. Between 1998 and 2000, theft, robbery, assault with intent to rob and extortion made up more than 70 per cent of offences committed by minors. Statistics show an insignificant rise of 6.4 per cent in total crime among minors in 1999. At the same time, there was a rising trend in drug-related offences, premeditated infliction of serious harm to health, rape and manifestations of hooliganism.

320. It should be pointed out that the state of crime among minors is also adversely affected by the fact that a proportion of young people neither work nor study. In particular, out of 7,524 minors who committed offences in 1999, more than half (3,882) were neither working nor studying.

Table 5

	1996	1997	1998	1999	2000
Neither working nor studying	4 393	3 875	3 641	3 882	3 398
Studying	2 765	2 087	2 290	2 992	2 989
Working	687	366	1 108	640	1 114

321. There is an alarming increase in offences committed by minors in gangs. In 1999, 3,185 minors were found guilty of offences committed in gangs, rising to 3,700 in 2000.

322. Analysis of the sentencing practice of the courts shows that the main punishments imposed on minors found guilty of offences were those not involving their removal from society.

Table 6

Sentences	1996	1997	1998	1999	2000
Total	-	-	-	4 542	5 393
Imprisonment	1 981	1 783	-	1 382	1 668
Fines				8	19
Punitive deduction of earnings					
Labour	79	99	-	9	7
Conditional sentences	627	738	-	2 754	3 540
Coercive measures intended to have an educational effect				27	29
Deferred sentences	2 776	2 785	-	19	27

323. It is well known that when unfavourable trends in crime evolve, there is always a serious risk that sentencing practice will become harsher and procedural guarantees will be restricted. However, the State is consistently pursuing a crime prevention policy whose priority principle is the protection of the rights and lawful interests of minors, especially children and young persons falling in the category of “social risk”.

324. Though the social measures adopted by the State have yet to produce a radical change in crime among minors, there are plans to extend and refine them. At the same time, recognizing that protecting the rights of minors is a priority in preventing crime gives rise to the need to make the process of administration of justice more humane where minors are concerned, and to organize it in keeping with the requirements of international law, including those set out in article 40 of the Convention on the Rights of the Child.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b)-(d))

325. The right of citizens, and especially minors, to liberty and inviolability of the person has been substantially broadened and refined by domestic legislation in recent years in accordance with the principles and norms of international law and international treaties to which Kazakhstan is a party. At the same time, the rule of law, as enforced by those directly applying legal norms and by bodies which exercise monitoring and surveillance functions in this area, has been tightened. The sole basis for depriving a person of his or her freedom as a punitive measure is the decision of a court.

326. A system is in operation in Kazakhstan for monitoring the application of the special rules governing the holding of minors who are under investigation - which involve the organization of daily walks, physical exercise and sport, the watching of films or television programmes, and the creation of conditions in which minors can receive a general secondary education and engage in cultural self-improvement. Minors held in custody are permitted to receive and purchase textbooks and school and writing materials in excess of the standard allowance.

327. Special rules governing the detention of minors who are under investigation relate to the remand centres in which they are held until the sentence is handed down. When young persons are placed in young offenders' institutions the regime under which they are held is laid down in

the Code for the Execution of Criminal Penalties, which takes into account the needs of the developing individual in the light of age. Under the Code, minors in young offenders' institutions receive a general and vocational education, work and engage in cultural self-improvement. Convicted persons are guaranteed freedom of conscience and religion under the law. Ministers of religion have the right of free access to prisons, and have opportunities to make use of such access.

328. In correctional institutions separate accommodation is provided for convicted men and women, minors and adults, and this makes it possible to adopt differentiated educational approaches as the main means of influencing the changeable psychological state of minors as they work, study and engage in sporting and cultural activities.

329. Convicted minors who receive positive reports may be permitted to leave the young offenders' institution alone or without an escort, or to travel away from the institution for short periods of up to seven days. The time spent outside the institution is counted against the sentence being served. Convicted minors serving sentences in young offenders' institutions with ordinary or strengthened regimes are permitted six short and two long visits each year, and to receive eight parcels delivered by mail or brought by a visitor, and eight items of printed matter.

330. Convicted minors may be offered incentives for good behaviour, a conscientious attitude to work and study or active participation in the work of voluntary groups and educational activities, by being granted the right to visit cultural spectacles and sports events outside the young offenders' institution in the company of staff of the institution, the right to leave the institution accompanied by parents or other close relatives, or early release from a disciplinary unit.

331. In the new Code for the Execution of Criminal Penalties, conditions under which minors serve their sentences are brought into line with the norms set out in international instruments, and with the Convention on the Rights of the Child. All convicted persons have the right to receive information concerning their rights and obligations, and the procedure and conditions relating to the serving of the sentence handed down by the court. The administration of the institution has an obligation to provide such information to each convict, and also to acquaint him or her with changes in the procedure and conditions in question. Convicted persons must not be subjected to cruel or degrading treatment by the staff of the institution. They may make suggestions and lodge complaints with the administration of the institution, higher bodies responsible for the administration of institutions and the enforcement of penalties, the courts, the procurator's office, government bodies, local authorities, voluntary associations and inter-State bodies engaged in the protection of human rights and freedoms.

332. The law grants minors who have been deprived of their freedom, and their legal representatives, extensive rights of appeal against decisions to place them in pre-trial detention as well as court rulings. Current legislation contains provision for ordinary appeals and appeals to the court of cassation against court decisions which have not yet acquired legal force, as well as a supervisory procedure for the review of court decisions and sentences which have acquired legal force.

333. The application of preventive measures against minors is of great importance in the penal process. The correct choice of preventive measure is guaranteed by precise indications in the law of the circumstances in which its use is permitted, the presence of a specific procedural framework, and monitoring by the procurator to ensure that the bodies responsible for pre-trial investigations comply with the conditions and procedure relating to preventive measures.

334. Under the current legislation relating to criminal procedure, a preventive measure in the form of remand in custody may be applied to a minor only in exceptional circumstances where he or she has committed a serious or especially serious offence. In pre-trial proceedings remand may not exceed two months, or six in exceptional circumstances. In such cases, the minor must be held separately. However, as the findings of checks carried out by procurators demonstrate, violations of the conditions for the holding of minors in remand do occur. In 2000 it was revealed that one minor had been held unlawfully. In the city of Shakhhtinsk, in Karaganda oblast, the minor C was held together with R., who had a previous conviction, and K. who had three.

335. The Code for the Execution of Criminal Penalties lays down the procedure for the lodging of suggestions, statements and complaints on matters related to violations of the rights and lawful interests of convicted persons, stipulating that the administration of the institution has an obligation to examine not only written but also oral complaints and transmit them immediately and without censorship to the proper quarters.

336. Enforcement of the special rules which govern the regime in young offenders' institutions and the conditions in which minors are held is effected by means of checks carried out by the procurator's office. When visiting such institutions, the procurator must earmark a certain amount of time to receive prisoners personally, accept complaints and statements from them and use his or her authority to protect their rights.

3. The sentencing of children, with particular reference to the prohibition of capital punishment and life imprisonment (art. 37 (a))

337. The sentencing of minors to death or life imprisonment is prohibited by the Criminal Code. Protection of minors, and all other citizens of the country, from torture, violence and other cruel or degrading treatment or punishment is guaranteed by the Constitution.

338. For minors who have been deprived of their freedom, the exercise of this right takes the form of the possibility open to them to lodge complaints against the actions of the administration of a young offenders' institution and its regular staff. A young person may communicate information concerning cruel or degrading treatment to his or her parents or persons in loco parentis during visits. The Criminal Code broadens the scope for punishing teaching staff and guards for cruel treatment of minors who have been deprived of their freedom.

**4. Physical and psychological recovery and social reintegration of the child
(art. 39)**

339. Persons serving sentences are assisted to prepare for their release. The administration of the institution outlines their rights and obligations. Children aged up to 16 who are released from correctional institutions are sent to their home areas accompanied by relatives or other persons or by a member of the staff of the institution. Minors who are released from places of detention are provided with help in continuing their studies or finding work. This is the task of the district employment services and the commissions on the affairs of minors.

340. Job placement for such persons and the conditions in which they will live and pursue their studies are handled by police units on the prevention of crime by minors, which not only monitor the behaviour of those released but also provide assistance, including legal assistance, in addressing their problems.

**C. Children in situations of exploitation, including physical
and psychological recovery and social reintegration**

**1. Economic exploitation of children , including child labour
(art. 32)**

341. Forced labour is forbidden by the Constitution. This applies to all citizens, including children. The constitutional rule is supplemented by special legislation governing child labour. It is founded on recognition of the right of the child to protection from performing any work which could be dangerous for his or her health, jeopardize his or her physical, mental, spiritual or moral development or stand in the way of his or her education.

342. As market relations have developed, minors have begun to play an active role in the sphere of work. The State takes steps to counter the exploitation of child labour and the use of children for work which is dangerous for their physical and moral health and prevents them from receiving an education.

343. On 1 January 2000 the new Labour Act entered into force. Like earlier legislation, it sets out specific guarantees and provides for measures to protect minors. Specifically, individual labour contracts may be concluded with persons who have reached the age of 16. At the same time, it is permitted to conclude individual labour contracts with persons who have reached the age of 15 or 14, but with the consent of their parents or guardians. This consent must be recorded in writing, and the work must be accomplished during spare time from studying, must not be harmful to health and must not disrupt the learning process. The law also bans the engagement of persons who have not reached the age of 18 for heavy physical work and work involving unhealthy or dangerous working conditions, and imposes various other restrictions. Workers aged between 14 and 16 may not work for more than 24 hours per week, and those aged between 16 and 18 are limited to 36 hours per week.

344. The growth in demand for minors to perform regular and temporary work which has been observed in recent years has given rise to a number of problems. Young people, who are least well prepared in professional terms, experience particular difficulties in finding work. The most acute problems are those related to vocational training and subsequent job placement for those leaving children's residential and educational institutions, children released from places of detention, young persons aged 14 or 15 who have left school or have run away from their parents, children and young people from refugee families and forcibly displaced persons. It is these categories of young people who enjoy least protection on the labour market.

345. At the same time, with the growth in the non-State sector of the economy, and particularly small private businesses, the number of young people in unregulated employment in the cities is rising, and it is not always possible to monitor respect for the labour rights and guarantees.

2. Drug abuse (art. 33)

346. The problem of preventing the spread of alcoholism and drug abuse among minors is especially acute at the present stage of development of the Kazakh State. In 2000, 48,235 minors were brought before the internal affairs authorities in connection with the consumption of spirits, narcotic drugs, psychotropic substances and their chemical precursors, compared with 36,552 in 1999. Of 5,393 minors convicted during 2000, 1,099 were in a state of alcoholic intoxication at the time of the offence, compared with 936 in 1999.

347. A generally negative trend may also be observed in respect of offences involving the illegal trade in narcotic drugs committed by young persons. In 1996, 546 such offences were committed by young persons, 425 in 1997, 455 in 1998 and 521 in 2000.

348. The Criminal Code provides that it is an offence for an adult to habituate minors to the use of narcotics, and steps have been taken to increase the seriousness of such offences. When charges are being drawn up, it is considered an aggravating circumstance to persuade a person known to be a minor to use narcotic drugs or psychotropic substances. Steps are being taken to make minors and also adults aware of issues relating to drug abuse and glue-sniffing.

349. A law has been in force since 1998 on narcotic drugs, psychotropic substances and their precursors and ways and means of combating the illicit trade in and misuse of such substances, aimed at enhancing efforts to prevent the use of narcotic drugs by minors (see also paragraphs 100-103 above).

350. Non-governmental organizations play an active role in the provision of assistance to young drug addicts, and also in publicizing a healthy lifestyle. They have set up special rehabilitation centres and mutual help clubs for addicts, organize round tables and seminars and issue special publications.

351. Under the Criminal Code it is an offence to incite minors to consume spirits systematically. Punishments are increased in severity when such acts are committed by persons who bear special responsibility for the welfare of children - parents, teachers or others upon whom the law confers obligations in the raising of minors. Under the Code of Administrative Offences it is an offence for parents or other persons to induce a state of alcoholic intoxication in a minor, to sell alcoholic drinks or tobacco products to a minor or to allow an adolescent aged under 16 to appear in a public place in a drunken condition. Children found consuming spirits who have not committed any other offences are "named and shamed". The main form of action taken against minors who consume alcoholic drinks is to place their names on a list held by the local internal affairs authorities and/or the commission on the affairs of minors.

352. In order to study the problems and manifestations of tobacco-smoking, drug abuse, glue-sniffing and alcoholism, especially among young people, as forms of anti-social behaviour which cause irremediable harm to the health of the individual and society, and to seek, study and put into effect a variety of alternatives and ways and means of countering harmful habits, as well as to participate in coordination and cooperation among State, voluntary, international and religious organizations and foundations in developing and implementing programmes to prevent and combat smoking and other harmful habits, a coordinating council was set up on 22 September 2000 to organize and implement international and national targeted programmes to prevent and combat smoking and other harmful habits.

3. Sexual exploitation and sexual abuse (art. 34)

353. As a State party to the Convention on the Rights of the Child, Kazakhstan assumed an obligation under article 34 to protect children from all forms of sexual exploitation and sexual abuse. All necessary steps are being taken to prevent these phenomena. Under the Criminal Code, rape as well as sexual relations engaged in by a person who has reached the age of 18 with a person known to be aged under 14 are criminal offences.

354. It is an offence to incite a person to engage in prostitution by means of the use or the threat of violence, blackmail, the destruction of or damage to property or deception. It is illegal to organize or keep a brothel for purposes of prostitution. However, in the absence of a special State body it is not possible to monitor this process or assess the scale of the phenomenon.

355. Regrettably, there is no special law which makes it illegal to involve children in the creation, storage for purposes of distribution, and distribution of products of a sexual nature, the incitement of minors to provide services and entertainment of a sexual nature, or the use of images of minors in any form in products of a sexual nature or in the provision of services and entertainment of a sexual nature. However, under the Code of Administrative Offences it is an offence to involve minors in the creation of products of an erotic nature, and to advertise products with erotic content outside prescribed places.

356. The problem of sexual exploitation of children in tourism is acute in many countries. Sexual tourism has become widespread in particular in what are known as the countries of the third world, where the standard of living of the population is very low. Against a background of a sharp exacerbation of social problems, the possibility that this trend will grow in Kazakhstan

cannot be ignored. Many countries such as Australia, Belgium, Germany, Denmark, Iceland, New Zealand, Norway, Finland, France, Sweden and Switzerland have already amended their legislation to permit criminal prosecution in domestic courts of their citizens found abusing children abroad. Ireland, Italy and Canada are currently contemplating similar changes in their legislation. Kazakh legislation sets out penalties for citizens who commit such offences within the country. Citizens who commit such offences outside the country are liable to prosecution only if their actions are unlawful in the country concerned.

357. The question of creating special units within the Ministry of Internal Affairs to combat organized sexual tourism and sexual exploitation of children in tourism does not arise, since in practice such matters are dealt with jointly by the criminal, administrative and migration police.

4. Sale, trafficking and abduction (art. 35)

358. For the purpose of preventing the sale of children, an article on the sale of minors was included in the Criminal Code for the first time in 1997, laying down penalties for the sale or purchase of a minor or the carrying out of other transactions with a view to transferring or taking possession of a minor. The following are aggravating circumstances: where the same acts are committed in relation to two or more minors, by a group of persons, by one person repeatedly taking advantage of his or her official position, in connection with the unlawful transport of the minor into or out of the country, with the purpose of inciting the minor to commit an offence or other anti-social acts, or with the aim of extracting organs or tissue from a minor for the purposes of transplantation.

5. Other forms of exploitation (art. 36)

359. The law protects children from other forms of exploitation which are inimical to their lawful rights and interests. This includes protection of their housing and property rights. A child's property interests must be taken into account when his or her parents divorce, and a portion of maintenance payments for a child is transferred to his or her own account.

D. Children belonging to a minority or an indigenous group (art. 30)

360. The law provides that all citizens, including children, have the right to use their native language and culture and to practise their religion. The State assists small minorities to organize child-raising and instruction in their native language, and pursues a policy for the safeguarding and restoration of the culture and national distinctiveness of small minorities and ethnic groups (see also paragraphs 75-79 above).
