



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Seventieth session

14 September-2 October 2015

Item 4 of the provisional agenda

### Consideration of reports of States parties

## List of issues in relation to the fourth periodic report of Kazakhstan

### Addendum

## Replies of Kazakhstan to the list of issues\*

[Date received: 19 June 2015]

### Part I

**1. Please inform the Committee of cases where national courts have invoked the rights contained in the Convention, either as a ground for a case or as interpretative guidance for legal provisions.**

1. The Supreme Court adopted a regulatory decision on the application of the provisions of international treaties on 10 July 2008. To encourage the inclusion of direct references to the provisions of the Convention on the Rights of the Child in court decisions, relevant lines have been introduced into the statistical reporting procedure (Form 2, Table A: "Report on the work of courts of first instance in the consideration of civil affairs").

2. The Convention has been invoked by provincial and similar courts as follows: 27 times in 2011; 69 times in 2012; 288 times in 2013; and 41 times in 2014.

**2. Please provide information on the authority and competence of the Committee for the Protection of Children's Rights to coordinate the implementation of children's rights across relevant sectors at the subregional level.**

3. The Government has an Interdepartmental Commission for Minors and their Rights. Its working body is the Committee for the Protection of the Rights of the Child.

\* The present document is being issued without formal editing.



4. The following bodies work under the Committee:
  - The National Council of Heads of Educational Organizations for Orphans and Children without Parental Care, established in 2008;
  - The Council of Non-Governmental Organizations, which is a mechanism for partnership and cooperation between the central and the local authorities and civil society sectors in the regions on matters related to the protection of children's rights, established in 2011;
  - The National Council for the Self-Knowledge Programme of Moral and Spiritual Education, which coordinates the moral and spiritual education of children in the country's schools, established in 2013.
5. Representatives from the regions and the centre of the country sit on the Councils. During their meetings, they consider issues related to the rights of children in the sectors concerned. The decisions of the Interdepartmental Commission for Minors and their Rights and of the Councils are constantly monitored by the Committee.
6. Representatives of the Committee sit on the interdepartmental working bodies of other structures to decide on individual matters related to children's rights.
7. During the administrative reform in 2013, the Committee's territorial departments for the protection of children's rights were placed under the administrative control of local authorities. The regional education departments have special sections that deal with protection of the rights of all categories of children and are accountable to the Committee. All levels of the provincial authorities (*akimats*) have Commissions for Minors and their Rights, each with a full-time secretary.
8. There is a mechanism for submitting complaints and appeals in the interests of children: it includes more than 160 telephone hotlines, a free 24-hour national line (150), the websites of State agencies and blogs by the heads of children's counselling offices in all the regions. Complaints boxes have been installed in all educational institutions, juvenile adaptation centres and orphanages.
9. The Committee's mandate to monitor and coordinate the activities of local authority health-care and social development institutions has been strengthened.
10. There is a systematic exchange of information between interested government agencies and the Committee. Every year, a report is prepared for the Head of State on the situation of children in Kazakhstan. It is based on official submissions from ministries, local authorities and NGOs.
11. The Committee for the Protection of Children's Rights has both legal and structural provision for using its powers and competencies to coordinate the activities of the relevant structures at the inter-agency and intersectoral levels.
- 3. Please indicate whether any evaluation of the National Plan of Action on Human Rights for 2009-2012 has been carried out and whether any relevant policies, strategies or new action plans on children's rights have been adopted since 2011.**
12. The Presidential Commission on Human Rights carried out an assessment of the Plan. The recommendations contained in the 20 sections have generally been implemented, with 80 per cent of them already put into practice.
13. The Plan's recommendations concerning children's rights have been almost fully implemented.

14. The Kazakhstan International Bureau for Human Rights and the Rule of Law, the Centre for the Study of Legal Policy and the MediaNet International Journalism Centre have noted the very efficient implementation of the National Plan, concluding that the situation of children's rights in the country has improved markedly in the past four years.

15. An Act of 20 February 2015 ratifying the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption and another ratifying the Convention on the Rights of Persons with Disabilities were both signed in 2010, as recommended in the National Plan.

16. It was decided to introduce the institution of Ombudsman for Children's Rights on a voluntary basis, in line with international standards. This issue is currently in the Office of the President awaiting agreement.

**4. Please provide information on any complaints brought by children before the children's section of the office of the Commissioner for Human Rights.**

17. In total, the Commissioner for Human Rights (Ombudsman) received 326 appeals concerning violations of children's rights during the period 2010-2014 (43 in 2010, 64 in 2011, 71 in 2012, 67 in 2013 and 81 in 2014), of which 7 were from the minors concerned themselves. Rights were restored in 103 cases (17 in 2010, 16 in 2011, 18 in 2012, 27 in 2013 and 25 in 2014).

18. In their appeals, the applicants raised issues concerning: maintenance payments, social security, education, health care, complaints concerning the law enforcement agencies, family relationships, housing, disagreement with court decisions, the rights of disabled children, adoption/guardianship and others.

**5. Please indicate the steps taken by the State party to establish a comprehensive system for the collection and analysis of data covering all areas of the Convention, disaggregated by, inter alia, sex, age, ethnic origin, geographical location, type of disability and socioeconomic background, including on child abuse and neglect, as well as on economic and sexual exploitation of children. Please also indicate what measures have been taken to ensure that disaggregated data are made available to all stakeholders.**

19. According to the State Statistics Act, government policy on statistics is developed and implemented by the Statistics Committee under the Ministry of National Economy.

20. The Committee's tasks include formulating statistical methodology, carrying out statistical activities and meeting the needs of society, the State and the international community in terms of official statistical information. The Committee approves the statistical reporting forms used in national and departmental statistical surveys, organizes and conducts statistical surveys in accordance with the statistical workplan, collects, maintains and updates information in statistical databases, etc.

21. Pursuant to the State Legal Statistics and Special Records Act, the agency responsible, the Committee on Legal Statistics and Special Records in the Office of the Procurator-General, works in the field of legal statistics and maintains special records to provide information to government agencies and natural and legal persons on the situation in respect of the rule of law and law enforcement in the country, on the basis of common statistical principles and standards.

22. The Information Analysis Centre was set up pursuant to Government Decision No. 1063 of 15 September 2011.

23. The Centre's main tasks are to compile and process statistical data on education, to work with the national education database information system to bring national

statistics on education into line with the international indicators used by the United Nations Educational, Scientific and Cultural Organization Institute for Statistics, the Organization for Economic Co-operation and Development, the World Bank and other international organizations and to publish an annual compilation of statistics related to the country's education system.

24. Order No. 570 of 27 December 2012 issued by the Minister of Education and Science approved the forms for administrative reports and instituted periodic (annual) administrative reporting from the regions on education and children's rights.

25. Data from the national education database make it possible to monitor various aspects of education (network of educational organizations, residential institutions, enrolment figures by sex and age, including for orphans and children without parental care, infrastructure and equipment of educational organizations, staff figures, attendance, etc.).

26. The data are available to persons working in the education sector and are used to make comparisons with international indicators.

27. Between 12 May and 12 June 2014, in implementation of the plan of measures to promote the rights and improve the quality of life of persons with disabilities in Kazakhstan for the period 2012-2018, approved by Government Decision No. 254 of 26 March 2014, the Statistics Committee under the Ministry of National Economy conducted a first sample survey on the quality of life of persons with disabilities, including a gender perspective.

28. The survey covered 30,491 respondents registered with the social protection agencies as persons with disabilities. Of those, 21,342 were adults and 9,149 were children, and they represented about 5 per cent of the total number of persons with disabilities as of 1 January 2014.

29. The results of the survey were posted on the Committee's official website in December 2014 under "official statistical information" — "social policy" — "newsletters".

30. The final report on the results of the survey, including data analysis, will be published during the third quarter of 2015.

31. In line with the Convention on the Rights of Persons with Disabilities, the final report is scheduled to be published in formats accessible to persons with disabilities: Braille and Digital Accessible Information System (DAISY) (digital talking books on audio devices).

**6. Please provide information on training provided since 2011 to law enforcement officials, judges, social workers and professionals working with and/or for children.**

32. Juvenile affairs inspectors are given in-service training and retraining in higher education institutions, Ministry of Internal Affairs training centres and abroad.

33. In May and September 2011, the United Nations Children's Fund (UNICEF) representation, together with the Academy of Public Administration attached to the Office of the President, held training courses for teaching staff from Ministry of Internal Affairs institutions on developing a training programme on children's rights and international standards of juvenile justice.

34. At the Ministry of Internal Affairs Academy in Karaganda, the programme of training courses for staff of the internal affairs agencies include special courses (26 hours) on ways and methods of combating violence and working with victims of domestic violence.

35. Refresher courses in tertiary institutions and Ministry and Department of Internal Affairs education centres were attended by staff of the juvenile inspectorate as follows: 221 in 2011, 213 in 2012, 266 in 2013, 266 in 2014 and 33 in the first quarter of 2015.

36. In 2011, a five-day workshop with the participation of Turkish experts was held at the Ministry of Internal Affairs Legal Institute in Aktobe for staff of the internal affairs agencies on the theme of the role of the police in combating violence within family relations, and another on combating trafficking in human beings was held at the Partnership for Peace training centre in Ankara, Turkey.

37. The Turkish Cooperation and Development Agency held an in-service training course from 25 June to 5 July 2012 at the Ministry of Internal Affairs Academy of the Penal Enforcement System Committee to provide basic training for 16 police officers working with minors.

38. In June 2012, the Danish Institute for Human Rights offered a study course in Copenhagen on the police and human rights, which was attended by four teachers from Ministry of Internal Affairs educational institutions.

39. In cooperation with the International Organization for Migration, the Embassy of the United States of America held training courses for juvenile affairs inspectors on action against trafficking in human beings from 13 to 25 May and from 15 to 27 September 2013 in the Ministry of Internal Affairs Academy training centre in Karaganda.

40. As of 2015, a special programme of refresher courses has been developed for juvenile court judges and general court judges who specialize in cases involving minors. The programme was developed to take account of suggestions made by the judges themselves and the results of an analysis of their needs. The two-week training course comprises lectures and practical exercises in civil, criminal and administrative law. The areas studied include the psychological characteristics of minors of different ages, the psychology of family conflict, its impact on issues related to the realization of parental rights in respect of a child and aspects of mediation in disputes concerning children, taking account of the specific features of the work of juvenile court judges.

41. One hundred social workers were trained in 2011 as part of a joint project between the Ministry of Health and Social Development and the United Nations Development Programme on improving the social protection system for persons with disabilities within the framework of the Convention on the Rights of Persons with Disabilities and developing the system for the provision of special social services, organized by Vozrozhdeniye, the Association of Germans of Kazakhstan.

42. Six hundred social workers received funding from the national budget for training between 2012 and 2014.

43. In 2014, training was provided for 150 social workers, including from the non-governmental sector, in Almaty and Kyzylorda provinces.

44. New infrastructure was established for training courses held for teachers, including counsellors, psychologists and specialists in tutorship and guardianship: the Nazarbayev Intellectual Schools centre of teaching excellence and the Orleu national in-service training centre for teachers, which has branches in all regions.

45. Over the coming five years, it is planned that 50 per cent (over 120,000) of the teachers in the country will have been given in-service training.

46. Courses were held in 2014 for more than 1,500 school psychologists (1,245 in 2013). Of the 4,039 educational staff in orphanages, 1,230 were given training in 2013 and 820 in 2014.

47. A total of 98 national seminars, meetings and conferences on the protection of children's rights were held between 2011 and 2014 for professionals working with children.

48. Over the past three years, 1,653 teachers and 368 heads of educational organizations have attended in-service training on the Self-Knowledge Programme of Moral and Spiritual Education; 87 heads of educational institutions have done so in 2015.

49. The Institute of Family Education, which was set up with the support of the Ministry of Education and Science has been working in Astana since 2012 to provide mass education for professionals working with children. Each year more than 1,000 educators, psychologists and parents attend the School of Educational Excellence to improve their knowledge of education and psychology.

**7. Please provide detailed information on measures taken to eliminate de facto discrimination against all children in vulnerable situations, such as children with disabilities, Roma children, children of asylum seekers, migrant children and children in street situations. Please describe efforts made to ensure that migrant children, refugee and asylum-seeking children, children in rural areas and those affected by environmental disasters have equal access to education and health care.**

50. Article 14, paragraph 2, of the Constitution provides that no one may be subjected to any discrimination in access to education or health care.

51. The Children's Rights Act establishes equality of rights between children and prohibits any restriction of those rights. All children enjoy equal and full protection.

52. There are more than 35 nationalities, including Roma, represented among the children attending full-time public schools throughout the country. There were 764 Roma pupils enrolled in schools in 2014.

53. In accordance with the norms of international law and the recommendations of the Office of the United Nations High Commissioner for Refugees, special provisions have been introduced for refugee children in Kazakhstan.

54. Under article 16 of the Refugee Act, children seeking refugee status and child refugees arriving without parents or other legal representatives, as well as children whose parents cannot be found, are accorded the same protection as other children left without parental care in Kazakhstan.

55. Refugee papers are issued to child refugees who are in Kazakhstan without their parents or legal representatives.

56. Article 47 of the Children's Rights Act stipulates that child refugees and internally displaced children have the right to protection of their interests. The local tutorship and guardianship agencies and the territorial offices of the agency responsible for refugee affairs help to obtain information about the child's parents or other legal representatives and their place of residence and, if necessary, send the child to medical or other organizations that protect children's rights.

57. In accordance with Ministry of Education and Science Order No. 468 of 28 September 2010 approving the rules according to which foreign nationals and stateless persons permanently residing in Kazakhstan receive preschool, primary, basic secondary and general secondary education (amended in 2012), such children, as well as the children of persons temporarily residing in the country and migrants, are taken into consideration in the organization of education and enjoy the same rights as citizens of Kazakhstan.

58. Under the Public Health and Health-Care Code, No. 193-IV of 18 September 2009, every child has the right to: the use of modern and efficient health services and facilities for treatment and rehabilitation; education in the field of health care; medical examinations and case monitoring, treatment and medicines within the guaranteed amount of free medical care.

59. Children up to the age of 18 receive medical services within the guaranteed amount of free medical care: skilled, specialized and tertiary care, as well as treatment abroad.

60. Medicines are provided for outpatients within the guaranteed amount of free medical care in line with a list of medicines and medical products approved by the agency responsible; these are supplied on a non-paying basis to some categories of citizens with certain diseases or medical conditions, as are specialized medical products when prescribed by a primary health-care specialist.

61. Pursuant to article 17 of the Act on the social protection of victims of nuclear testing at the Semipalatinsk test site, persons affected are given medical care and comprehensive health checks by the health-care institutions in their place of residence or work. This non-standard specialist medical care is provided for such persons, including children, by all public health agencies in the country.

**8. Please inform the Committee of the measures taken to prevent all forms of violence, abuse and ill-treatment of children in schools, residential care institutions and detention centres, and of the mechanisms and procedures for the submission of complaints in such cases. Please provide information on any proceedings brought against teaching staff or personnel of care institutions since 2007, and on the sanctions imposed. Please also indicate whether the proposal of the Ombudsman to develop a joint plan of action to prevent violence against children living in residential institutions, as referred to in paragraph 323 of the State party's report (CRC/C/KAZ/4), was adopted and implemented.**

62. The State guarantees the personal inviolability of children and protects them from physical and psychological violence, cruel, brutal and degrading treatment, acts of a sexual nature, recruitment for criminal activities, and antisocial and other acts that violate the human and civil rights and freedoms enshrined in the Constitution.

63. An Act amending legislation concerning the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment was adopted on 2 July 2013.

64. To ensure transparency in the activities of residential institutions and to prevent child abuse, the Procurator-General initiated the inclusion of children's institutions in the list of facilities under the national preventive mechanism.

65. This makes it possible for representatives of various non-profit organizations under the auspices of the Ombudsman additionally to monitor the observance of children's rights in juvenile adaptation centres and special educational institutions.

66. Special institutions are subject to a system of regular visits by independent participants of the national preventive mechanism.

67. Pursuant to articles 50 and 51 of the Act on procedures and conditions for the custody of persons in special temporary detention facilities, public monitoring commissions are being set up for the provinces, the major cities and the capital, in line with Government-defined procedure.

68. No cases of torture and other cruel, inhuman or degrading treatment have been identified during the visits to specialized facilities, although comments have been made on the lack of natural light and ventilation and the poor sanitation in the cells.

69. No cases of torture or other ill-treatment of minors serving sentences in the penal correction system were recorded between 2007 and 2015.

70. In 2014, the National Human Rights Centre conducted visits to juvenile adaptation centres under the Ministry of Education and Science. It was concluded that the children's rights to normal conditions of detention and treatment were respected.

71. To date in 2015, representatives of the following NGOs: Volunteers for Economic Growth Alliance, Zheti Agash [Seven Trees], the International Association of Social Projects, Penal Reform International, psychologists from the Kazakh National Teaching University and the Zhabayev State Republican Youth Library have made 25 visits to institution LA-155/6 (a young offenders' institution) run by the Penal System Management Department in Almaty town and Almaty province.

72. Each unit in the facility has a sealed special letter box for letters to the Procurator's Office, the Public Monitoring Commission, NGOs and the national preventive mechanism in Almaty. It is locked, and opened only during visits by representatives of the Procurator's Office and the public.

73. The following Orders of the Ministry of Education and Science have been issued to educational institutions: No. 247 of 28 June 2013 on raising the accountability of managers and teaching staff of educational institutions for creating favourable conditions for education and training and avoiding conflicts between teachers and students and among students; No. 338 of 23 September 2014 on the rules of sentence enforcement concerning a lifetime ban on holding teaching positions involving work with minors; and No. 541 of 26 December 2014 on the procedure for providing information and warning of emergencies in education and science.

74. Video surveillance cameras have been installed in 2,377 schools.

75. There are 2,074 school police inspectors who ensure the safety of children in schools.

76. With the assistance of the Ministry of Education and Science, international experts from UNICEF have conducted studies on "Violence against children in State residential institutions: assessment of the situation", "Children's vulnerability in relation to risky behaviour, sexual exploitation and trafficking in persons" and "An assessment of violence against children in schools".

77. Taking into account the recommendations that resulted from the research, additions have been made to the Education Act, the Children's Rights Act and the Act on the prevention of juvenile crime, child neglect and child homelessness.

78. Publications brought out in 2013 included a manual entitled *A Childhood without Cruelty and Violence*, for educational professionals, including psychologists, social workers and parents, and methodological recommendations for determining children's level of aggression and defining manifestations of maltreatment and violence.

79. In accordance with the above-mentioned Acts, juvenile adaptation centres run by the local education authorities take in young people caught in difficult situations as a result of maltreatment, leading to social exclusion and deprivation.

80. UNICEF, NGOs and volunteers work with family support services in the adaptation centres in providing children and poor families with advice, psychological support and assistance in obtaining necessary documentation. Ministry of Education and Science Order No. 280 was issued on 2 May 2015; it lays out measures governing the provision of social and psychological support services in juvenile adaptation centres to prevent family problems for parents of children who are in difficult situations.



81. Research into violence against children at school resulted in the creation of a programme to prevent violence in educational and boarding institutions in East Kazakhstan province. The programme includes training for pupils in classes 3-7 to teach them about positive behaviour types, how to recognize violence in school, how to stop conflict situations in time, respect for their peers, etc.

82. Electronic versions of the research reports, a compendium of material on independent monitoring of children's institutions and an analysis of legislation are available on the websites of the Ombudsman, [www.ombudsman.kz](http://www.ombudsman.kz), and of the Ministry of Education and Science Committee on the Protection of Children's Rights.

83. Since 2010, the Ombudsman has received 34 written communications complaining about teaching or other staff in institutions (7 in 2010, 5 in 2011, 10 in 2012, 6 in 2013 and 6 in 2014). All the communications received by the Office of the Ombudsman have been followed up with the relevant public authorities, and responses are being prepared.

84. Statistics from the Committee for Legal Statistics and Special Records in the Procurator-General's Office show that the internal affairs authorities have brought the following criminal cases in respect of teaching staff (teachers, trainers and other employees) of educational institutions and staff of other agencies working with children: 14 in 2008, 7 in 2009, 4 in 2010, 5 in 2011, 12 in 2012, 2 in 2013, 27 in 2014 and 17 in the first four months of 2015.

**9. Please provide information on concrete measures in place to combat child marriages, which are reported to be on the rise in the State party, particularly in rural areas.**

85. A legislative mechanism has been introduced placing liability on persons who permit violence or abuse against girls. Forced marriage or bride kidnapping of a minor girl is considered a crime and is punishable by law. Article 125 of the Criminal Code deals with abduction, setting a penalty of imprisonment for between 4 and 7 years.

86. Statistics from the past five years show that an average of 1.3 per cent of all marriages registered are early marriages, i.e., of girls under the age of 18.

87. Government agencies, together with the National Commission on Women and Social Demographic Policy under the Office of the President and in cooperation with NGOs, families, the media, representatives of local communities and the clergy, have held events on the prevention of early forced marriages and the adoption of measures to modify social behaviour patterns among ethnic communities. Similar commissions operate under the provincial authorities in all regions.

88. There is an annual campaign entitled "Woman are the mainstay of the family and the mainstay of the State", which is intended to offer psychological and legal assistance to survivors of domestic violence, and includes round tables, seminars, lectures, briefings, training courses, etc.

89. In 2014, the Women's League of Creative Initiative conducted social surveys to provide a detailed analysis and identify the causes of early and forced marriages. It was allocated 2,300,000 tenge.

90. The study resulted in the publication and distribution in the regions of a manual on the prevention of early and forced marriages for use in organizing teaching activities with adolescents and public awareness-raising work.

91. During a publicity campaign on 2 and 3 October 2014 in Almaty, a training seminar on ways of solving the problem of violence, early and forced marriages and other violations of the rights of the girl child was held for representatives of government agencies, NGOs and the mass media.

92. At the end of the seminar, recommendations were adopted for the plan of joint action at national and regional levels, taking best practices into account.

93. In 2014 and 2015, Astana and Almaty hosted an international conference on preventing early and forced marriages in the countries of Central Asia and the Caucasus within the framework of the Millennium Development Goals and a regional meeting of members of the coalition of women's initiatives for girls' empowerment and gender equality. They were attended by leaders of women's NGOs from Tajikistan, Georgia, Kyrgyzstan and Kazakhstan, together with representatives of UNICEF, the United Nations Educational, Scientific and Cultural Organization and the United Nations Population Fund, with the support of the Soros Foundation-Kazakhstan, the Friedrich Ebert Foundation and the Asian Development Bank. Recommendations were drafted as the outcome of the two events.

94. The Kazakh Kyzy Institute of Cultural and Moral Education was set up in Astana in 2014 to teach girls family and human values.

**10. Please elaborate on planned measures to prevent the institutionalization of children, to provide children with family-based alternative care and to reintegrate children separated from their parents back into their families. Please also clarify the rules and regulations that govern the removal of children from their parents and inform the Committee about complaints mechanisms available to those children.**

95. There are 32,362 orphans and children without parental care in the country. Of those, 21,350 are being brought up under tutorship or guardianship arrangements in the families of Kazakh citizens and 1,820 are living with foster parents.

96. The rise in the number of children placed under tutorship or guardianship is linked to the increase in material incentives available to citizens who take orphans into their families.

97. Under the law, guardians and caregivers receive a monthly child maintenance allowance of 10 times the monthly calculation index; foster carers receive a monthly maintenance allowance of between 9 and 10 times the monthly calculation index, depending on the age of the child, and a caregiver's salary depending on education and experience; and, as of 2015, persons adopting a child receive a one-time cash payment of 75 times the monthly calculation index.

98. Measures taken by the State have resulted in a systemic reduction in the number of children cared for in children's homes; the total number of orphans in the country declined by 4,415 over the past four years, with the number in children's homes falling by 3,733.

99. Work is under way to downsize children's homes and to build family-type children's homes. There are currently 26 children's villages and homes in the country.

100. In the period since 2010, 22 organizations for orphans and children without parental care have been closed down.

101. To realize the rights of orphans and children without parental care to live in conditions as similar as possible to family life, the Ministry of Education and Science adopted Order No. 229 of 18 June 2013 approving model rules for types of educational institutions for orphans and children without parental care.

102. Pursuant to the Order, family-type children's homes are set up by decision of the local authorities and can be created on the basis of a family caring for a minimum of 4 and a maximum of 10 orphans or children without parental care.

103. Charity days, with slogans such as “*Rizashylyk* — Kindness for the sake of the children!” “*Kuan, sebi*” and “Guardians’ Day”, are held to attract persons wishing to adopt a child into the family.

104. Schools for adoptive parents and family support services have been established in the regions. A one-stop information Internet portal called “Adoption in Kazakhstan” was set up in June 2012 to provide information on children for whom Kazakh families are sought.

105. The Marriage and Family Code, adopted on 26 December 2011, regulates the procedure for deprivation and restriction of parental rights and the removal of a child.

106. Parents may be deprived of their parental rights if they:

(1) Avoid their parental responsibilities, including by persistently refusing to make maintenance payments;

(2) Refuse without good reason to take their child from the maternity hospital (ward), organizations for orphans and children deprived of parental care or other organizations;

(3) Abuse their parental rights;

(4) Treat their children cruelly, in particular by subjecting them to physical or mental violence, or infringe their sexual inviolability;

(5) Abuse alcoholic beverages or narcotic substances, psychotropic substances and/or their analogues;

(6) Commit an intentional criminal offence against the life or health of their child, spouse or other family members.

107. Parents may have their parental rights restricted if it is dangerous to leave the child with the parents:

(1) Due to circumstances beyond the control of the parents (mental disorder or other chronic disease, combination of difficult circumstances);

(2) As a consequence of the behaviour of the parents, but where there are not sufficient grounds for deprivation of parental rights.

108. The removal of parental authority is subject to strict legal procedures.

109. Complaints mechanism: children cared for in children’s homes are very well informed of their rights and where to turn if their rights are violated. Any citizen of Kazakhstan, including a child, has the right to submit a written statement or complaint to a government agency or the Ombudsman. In children’s homes, there are sealed mailboxes from which the mail is collected by experts from the tutorship and guardianship authorities.

110. There are telephone hotlines that can be used by any child in a difficult situation.

**11. Please provide information on the progress made to bring domestic legislation into line with the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. Please also provide the Committee with information on the monitoring system for national and intercountry adoption.**

111. Kazakhstan ratified the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption in March 2010.

112. The new Marriage and Family Code, signed on 26 December 2011, contains changes related to foreign adoptions.

113. Ten government regulations have been formulated and approved in implementation of the Code, laying out the registration system for citizens wishing to adopt children, the list of documents necessary for registration and the time limits for the drafting of conclusions on the possibility or otherwise of becoming candidate adoptive parents.

114. A procedure has been introduced for the accreditation of adoption agencies and special rules on accreditation.

115. The responsibilities of accredited agencies are explained in respect of reports to be provided on the living conditions, education and health of Kazakh children adopted by foreigners.

116. Interdepartmental commissions have been set up in the regions to prepare motivated conclusions on whether adoption is in the best interests of the child. Such commissions did not exist in the past.

117. There is now a clear procedure for the initial, regional and central registries and the specific role of each government agency in the adoption procedure is defined.

118. The conditions for the selection of foreign adoptive parents have been modified, with an expanded list of persons who may not adopt (persons with non-traditional orientation, single men, citizens who do not have a permanent place of residence, stateless persons, etc.); the period during which the foreign nationals may communicate with the child has been extended from two to four weeks. Furthermore, the difference in age between the adopters and the child to be adopted may not be less than 16 and not more than 45 years.

119. The accredited agencies send all the documents of the foreign candidate adoptive parents to the agency responsible for the protection of children's rights.

120. The final decision on adoption is taken by the court.

121. There is a national and an intercountry system for monitoring adopted children. Statistics on adopted children (total number of children adopted by Kazakh citizens and by foreign citizens, by region and by country) are posted on the site of the Committee for the Protection of Children's Rights.

122. The Ministry of Foreign Affairs issued Order No. 08-1/31 of 11 April 2003 setting out the instructions for registering children who are citizens of Kazakhstan given for adoption by foreign nationals.

123. After the adoption, the adopted child must be registered with the Consular Service Department of the Ministry of Foreign Affairs and its representation abroad.

124. Under the Marriage and Family Code, foreign adoption agencies arrange for the adoptive parents' records to be submitted to the Committee on the Protection of Children's Rights with information on the living conditions and upbringing of children in their families, prepared by the competent authority of the State in whose territory the adopted child resides.

**12. Please indicate whether an evaluation of the programme to reduce maternal and child mortality for 2008-2010 has been conducted and whether any new programmes have been developed. Please also describe the measures taken to ensure that adolescents are provided with information on sexual and reproductive health, including in rural areas.**

125. The Strategic Development Plan for the period to 2020 includes the reduction of maternal and infant mortality by a factor of 1.5 by 2015. These targets have now been achieved. In 2014, maternal mortality was one third of the 2009 figure and infant mortality had been reduced by a factor of 1.8.

126. The United Nations Inter-agency Group for Child Mortality Estimation conducted an assessment of child mortality in June 2013. This included a recalculation of child and infant mortality which confirmed the validity and objectivity of the registration of child and infant mortality in Kazakhstan.

127. According to the Group's estimates, in 2013, the infant mortality rate in Kazakhstan was 15 per 1,000 live births and child mortality was 16 per 1,000 live births (Child Mortality Report 2014). Kazakhstan thus achieved Millennium Development Goal 4 ahead of time, having reduced child mortality by 70.3 per cent.

128. The data related to this achievement were included in the official database of the World Bank in 2014 and the country's global competitiveness ranking for infant mortality has improved by 17 positions (from 98 to 81).

129. In November 2014, the Ministry of Health and Social Development invited the United Nations Maternal Mortality Estimation Inter-Agency Group to work in the country. The results of the review of maternal mortality estimates will be published in September 2015.

130. The Minister of Health issued Order No. 881 of 25 December 2012 approving a road map for strengthening the reproductive health of the citizens of Kazakhstan and Order No. 452 of 3 July 2012 giving a procedure for surveys of women of childbearing age in primary health care.

131. To guarantee universal coverage of advisory and information activities aimed at strengthening reproductive health, each primary health-care facility now has a healthy child unit and a family health centre with sections for prevention and psychosocial care, in addition to the more than 350 units offering family planning and infertility treatment.

132. At primary health-care level, the 6,177 centres include family health centres, youth-friendly clinics, young people's health centres and health promotion centres. At the beginning of 2015, there were 87 young people's health centres. The remit of youth-friendly clinics includes counselling on reproductive health, prevention of unsafe abortions and sexually transmitted infections, provision of personal protection from unwanted pregnancy, psychological and legal assistance, the provision of diagnostic and treatment services for sexually transmitted infections and the dissemination of information and educational materials (leaflets, pamphlets, etc.).

133. The United Nations Population Fund country office in Kazakhstan has developed a manual to help teachers at colleges and schools introduce an enhanced sexual and reproductive health component into the subject of health education.

134. The programme provides modern, and particularly interactive, methods for teaching adolescents and young people from urban and rural areas about general and reproductive health protection and promotion.

135. Various procedures for family planning counselling have been developed. Thirty-five certified regional coordinators (trainers) have been trained, sexual education programmes for adolescents and young people have been developed on the basis of the World Health Organization recommendations on encouraging safe sexual behaviour among teenagers and young people, preventing abortion, explaining contraceptive methods and preventing sexually transmitted infections.

136. As many as 1,691,599 posters, booklets, leaflets and pamphlets have been published and distributed on topics such as sexual behaviour, prevention of sexually transmitted infections, HIV/AIDS, pregnancy, childbirth and abortion and its consequences in teenagers.

137. In 2015, social projects are being carried out on reproductive health protection, family planning, preparing for pregnancy and healthy childbirth through counselling and education for the public and health workers and improving public awareness of the benefits of vaccination to prevent cervical cancer.

138. A new State health-care programme for the period 2016-2020 is currently in development.

139. To reduce maternal and child mortality and improve access to health-care services, measures will be taken to introduce new common standards for medical services and provide medical facilities with better equipment, new approaches will be adopted to children's health care, with inclusion in the legislation governing minimum living standards of coverage with the full range of health services, a socially-oriented model for primary health care will be developed, innovative projects will be set up and advanced medical technology will be transferred into the general health-care system, etc.

**13. In the light of reports that children have been contaminated by blood transfusions, please provide information on sanitary standards in health institutions and on their monitoring.**

140. Health-care facilities are subject to the requirements of the sanitary and epidemiological regulations approved under Government Decision No. 87 of 17 January 2012.

141. Health-care establishments that provide services related to blood follow the relevant laws and regulations:

142. Order No. 666 of the Acting Minister of Health of 6 November 2009 approving the classification and regulations for the collection, processing, storage and treatment of blood and blood components, and regulations for the storage and transfusion of blood, blood components and blood products;

143. Order No. 684 of the Acting Minister of Health of 10 November 2009 approving rules on quality control and safety of donor blood and blood components.

**14. Please provide information on preventive measures taken by the State party to address the high rate of suicide among adolescents. Please inform the Committee on the status and on the implementation of the national suicide prevention strategy, referred to in paragraph 216 of the State party's report.**

144. Figures from the Committee on Legal Statistics and Special Records under the Office of the Procurator-General show that there were 192 cases of suicide and 509 attempted suicides in children between the ages of 9 and 18 in 2014, compared to 211 and 544, respectively, in 2012, 292 and 597 in 2013 and 47 and 88 in the first quarter of 2015.

145. The number of suicides fell by 65.7 per cent between 2013 and 2014, from 292 to 192.

146. Suicide prevention has been addressed at meetings at various levels, including those of the Government's Interdepartmental Commission for Minors and their Rights.

147. An interdepartmental plan of action for suicide prevention for the period 2012-2014 has been implemented.

148. Measures have been taken in collaboration with the local authorities to increase the number of school psychologists. There are currently 7,800 psychologists and about 4,000 counsellors working in educational institutions.

149. Astana has a children's emergency mental care office.

150. The Ministry of Health and Social Development Centre for Psychiatrics, Psychotherapy and Narcology has a newly-opened department of suicidology. Specialized psychiatrists provide support for the establishment of information stands in universities, colleges and secondary schools giving telephone numbers and addresses of all services providing psychological, social and psychotherapeutic care for minors.

151. Refresher courses have been organized for specialists from different disciplines (psychiatrists and psychologists from primary health-care establishments and educational institutions, and educational psychologists) on the provision of specialized care for individuals in crisis or displaying suicidal behaviour.

152. International conferences were held in 2013 on the interdepartmental aspects of suicide prevention and in 2014 on the modernization of psychological services in educational establishments.

153. These were aimed at professionals working in the field and psychologists, and attracted both international and local experts in the field of psychology.

154. A draft strategy for the organization and development of interdepartmental services for suicide prevention was discussed.

155. For the second year, to help prepare school leavers to take their final examination, parents' meetings have been held at the same time in all the provincial centres of the country on psychological support for parents preparing their teenage children for the common national test.

156. Changes have been made to the content of the training programmes of the Orleu National Further Training Centre to provide psychological and educational support for students in difficult situations, to identify disturbing trends in children's behaviour and to foster resilience in children.

157. Joint Order No. 102 of the Minister of Health and Social Development (27 February 2015), No. 95 of the Minister of Education and Science (2 March 2015) and No. 201 of the Minister of Internal Affairs (11 March 2015) addressed the phased implementation of a project on suicide prevention for minors.

158. An interdepartmental action plan is being developed to implement the Order.

159. UNICEF is currently working with international experts to develop a training module on suicide prevention that will be implemented in Astana and Kyzylorda provinces.

**15. Please inform the Committee of measures taken to solve the reported problem of "ungraded" public schools, where pupils of different age groups are taught together in one class.**

160. There are currently 3,268 ungraded schools (45.3 per cent of the total) in Kazakhstan, with 221,879 students enrolled.

161. Most ungraded schools — 3,209 or 44 per cent of all schools, with 221,879 students, or 8.5 per cent of all schoolchildren — are in rural areas. There are in all 7,222 general schools in the country, with 2,615,898 students.

162. The 3,268 ungraded schools include 765 small primary schools with 9,381 young pupils, 849 small basic schools with 35,143 pupils and 1,654 small schools with 177,355 pupils.

163. Teaching children of different ages in the same class is not a problem. This is one form of organization of the educational process. Teachers working in ungraded schools are given support through the State Education Development Programme,

under which work began in 2011 to set up resource centres for all the ungraded schools in the same district. Twenty-six resource centres were established in 2011, 28 in 2012, 31 in 2013 and 35 in 2014. By 2015, there was a total of 120 resource centres.

164. The resource centres mean that pupils can find out about new technologies in education, increase their substantive knowledge and make broad use of interactive equipment. The cultural and cognitive activities organized for students during the sessions have helped to expand their horizons and develop the motivational component of education. Final examinations and tests have been developed for the different subjects in order to assess the degree to which students meet the State standard. A comparative analysis makes it possible to provide a graphic representation of the results of their learning activities.

**16. Please provide information on the legislative steps taken to enhance the protection of children from the worst forms of child labour, and on their implementation. Please provide specific information on monitoring efforts and inspections carried out to enforce the prohibition of child labour in the State party since the implementation of the joint work plan to eliminate the worst forms of child labour for the period 2009-2011.**

165. The interdepartmental work plan for the elimination of the worst forms of child labour for the period 2009-2011 has been implemented.

166. National legislation restricts child labour and establishes criminal and administrative responsibility for making children work in the worst forms of child labour.

167. The Children's Rights Act, in its article 16, paragraph 4, prohibits the use or recruitment of children to perform any work that may endanger their health, hinder their education or damage their health or physical, intellectual, spiritual, moral or social development.

168. The Labour Code includes a number of provisions to protect child labour, especially in its special chapter 16, which lays out regulations specific to the employment of workers under the age of 18.

169. Pursuant to the Act of 17 July 2009 amending some legislation concerning private enterprise, a new approach to conducting State monitoring of respect for national legislation in the areas concerned was adopted in 2010.

170. Specifically, the inspection agencies are allowed to carry out planned inspections of private businesses only in line with the risk assessment system and using approved checklists.

171. When conducting planned inspections, State labour inspectors pay particular attention to cases of illegal use of child labour by employers.

172. Spot checks of private businesses for compliance with labour legislation are carried out only where complaints or applications have been received from natural or legal persons.

173. State labour inspectors carried out 13,808 checks in 2010, but found no occurrences of employers using the worst forms of child labour.

174. The Ministry of Health and Social Development has a National Coordinating Council to combat child labour. The Council has held seven meetings to discuss an information campaign on labour legislation relating to minors to explain to the public the issues related to child labour.



175. An Act amending some legislation on trade union activity and labour management was adopted on 27 June 2014 in the context of the 2012-2014 joint plan. The Labour Code and the Act on State Control and Monitoring introduced amendments, specifically concerning inspections of enterprises in accordance with the International Labour Organization Conventions ratified by Kazakhstan: the Labour Inspection Convention, 1947 (No. 81) and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

176. The amendments were adopted in order to improve the efficiency and effectiveness of State labour inspectors in taking measures to prevent and suppress violations of workers' labour rights, including to prevent the worst forms of child labour.

177. The new Criminal Code includes stronger penalties for crimes against children in order to protect the rights of minors.

178. Thus, in the case of an employer who breaches labour legislation by recruiting minors for work forbidden to workers under 18 years of age, the applicable fine is substantially increased to an amount of up to 200,000 times the monthly calculation index (art. 153).

179. The Code of Administrative Offences establishes liability for an employer who employs a minor without a contract (art. 86).

180. As of 1 October 2014, the education departments and representatives of the internal affairs and health agencies, the State Labour Inspectorate, voluntary associations and young people's, children's and parents' organizations had carried out 4,062 raids to identify cases of exploitation of child labour in all regions of the country. They visited 4,557 sites (markets, fuel stations and construction sites) and identified 6,837 minors.

181. Preventive discussions were held with parents to clarify administrative and criminal law relating to the rights of minors. A total of 185 cases of child labour were identified.

182. In 2014, the procuratorial agencies made 14 submissions, protected the rights of 629 minors and brought disciplinary cases against 68 individuals and administrative cases against 17 persons in cases related to the exploitation of child labour.

183. A number of gross violations involving child labour were identified by the Maktaaral district Procurator's Office (South Kazakhstan province).

184. In particular, during a check conducted in Ferdowsi secondary school on 3 October 2014, it was ascertained that 153 pupils from grades 5 to 11 were not in school because they were harvesting raw cotton in the fields.

185. Inspections in other secondary schools in the district found that 547 pupils from grades 5 to 11 were absent from school for the same reason and were being made to work illegally.

186. The Maktaaral district Procurator's Office held an interdepartmental meeting on the prevention of illegal child labour, attended by representatives of the provincial labour inspectorate, the provincial education department, local authorities and the police. On the recommendation of the procuratorial authorities, disciplinary cases were brought against 10 school officials.

187. Work on the prevention and elimination of the worst forms of child labour will continue under the joint plan for the period 2015-2017.

**17. Please provide updated information on the progress achieved in setting up juvenile courts, placing well-trained police officers specially and establishing**

**specialized law offices in all regions of the State party. Please also describe the measures in place to protect the rights and interests of children in conflict with the law, and child victims and witnesses at all stages of criminal proceedings, including access to legal representation and social reintegration programmes.**

188. In line with the juvenile justice system development concept for the period 2009-2011, interdistrict courts for minors' affairs have been established in all provincial centres and other large populated areas.

189. In October 2014, Professor Carolyn Hamilton and Awaz Raoof of the Coram Children's Legal Centre presented the results of a study on monitoring of juvenile courts to the Supreme Court, including a review and report on the Kazakhstan model of juvenile courts, looking at their development, impact and the lessons learned (initial results), and a review of the results of the implementation of the juvenile justice system development concept for the period 2009-2011 (pretrial detention). The activities of the juvenile courts were described as a significant step towards implementation of the Convention on the Rights of the Child.

190. There are now 19 juvenile courts operating successfully in Kazakhstan: 2 in each of Almaty, East Kazakhstan and Karaganda provinces and 1 in each of 11 provincial centres and the cities of Astana and Almaty.

191. About 40 per cent of judges in the juvenile courts have more than 10 years' experience as judges. Furthermore, 14.8 per cent of all juvenile court judges have training in both law and education.

192. According to data from the judicial system's central database, courts of first instance (including juvenile courts) sentenced 15.9 per cent of minor defendants to actual deprivation of liberty in 2014, compared to 19.5 per cent in 2013. The courts generally used prison sentences only in cases of serious crimes.

193. Since 1 July 2014, juvenile courts have had the services of freelance inspector-psychologist units (working on contracts) and they now have special rooms that are furnished and decorated to allow ease of communication between the child and the psychologist.

194. The courts now operate without bars or special cells separating adolescents from the rest of the world.

195. Pursuant to the Advocacy Act, lawyers provide free legal assistance on the recovery of alimony, pension and benefit allocations, rehabilitation, refugee or repatriate status and minors left without parental care and, where necessary, supply written documents of a legal nature. Specialized legal advice (juvenile legal advice) centres have been established in some cities and provinces, such as Astana, Almaty and Karaganda.

196. In some cities, there are specialized departments in the procuratorial agencies or units of the juvenile justice system. There are plans to set up specialized legal advice centres and departments in the procuratorial agencies and to provide training for their staff.

197. In terms of practical measures to protect children's rights, remote questioning has been introduced into the Code of Criminal Procedure. This new form of questioning is provided for under articles 56 and 106, paragraph 6 (during examination by the investigating judge), 98 (questioning by video conference for the security of the person concerned to prevent him or her being seen by other parties to the proceedings) and 213, paragraph 4, during pretrial proceedings with changes made to the person's appearance and voice to preclude recognition. The particular features

of the procedure for this form of questioning are regulated under article 213 of the Code of Criminal Procedure.

198. The deposition of statements, which is new for Kazakhstan, has now been introduced. It is part of the procedure used by the investigating judge when questioning the parties and other participants in the proceedings prior to the trial. In accordance with the new requirements set out in article 217 of the Code of Criminal Procedure, the procurator, the suspect and the lawyer involved in the case as defence counsel have the right to request the examining magistrate to question a person who is a victim or a witness, if there is reason to believe that it might not be possible, for objective reasons, to question him or her later during the pretrial investigation or court hearing and in order to avoid repeated questioning of juvenile witnesses and victims to prevent any psychotraumatic effect.

199. Figures from the first quarter of 2015 show that the courts considered four applications for depositions of statements from juvenile victims during the pretrial procedure, and all four were accepted.

200. The internal affairs agencies' juvenile affairs units have become juvenile police units (of which there are 3,231) and are responsible for preventing juvenile crime and protecting the rights of minors (Ministry of Interior Order No. 281 of 10 June 2011).

201. The Internal Affairs system has 184 criminal police detectives and 175 investigators specialized in the detection and investigation of crimes committed by juveniles.

202. A school police inspector system was introduced in 2000 and there are currently 2,074 such officers.

203. A memorandum has been signed between the Astana penal correction system department and the Pravo public foundation on the provision of legal and social services for the rehabilitation of juvenile offenders.

204. The Chance Social and Legal Support Centre offers day residency on a voluntary basis with courses in psychosocial rehabilitation and integration of minors who have been convicted without taking them out of society.

**18. Please provide information on the measures taken to implement the recommendations contained in the Committee's concluding observations on the State party's initial report under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/KGZ/CO/1) with regard to asylum seeking, refugee and migrant children who may have been recruited or used in hostilities abroad, and on the establishment of extraterritorial jurisdiction for crimes under the Optional Protocol. Please also provide detailed information on military education for children enrolled in national and provincial military boarding schools and academies, and indicate whether an independent mechanism for receiving possible complaints from pupils and students has been established.**

205. Articles 160-165, 170, 171 and 172 of the new Criminal Code lay out the penalties for propaganda for or institution of war and participation in foreign military conflicts.

206. Article 41 of the Children's Rights Act prohibits the participation of children in hostilities or armed conflicts and the establishment of children's military units.

207. Work is under way to disseminate and publicize to students and their parents the content of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

208. Under current legislation on education, school-age children have the possibility of taking basic military training and then continuing with military disciplines in higher education.

209. Young men who have completed basic secondary schooling, are in acceptable health and are willing to serve in the country's armed forces in the future may attend these educational establishments.

210. The procedure for the provision of in-depth pre-service physical training programmes in educational establishments is governed by model rules for specialized educational organizations (Ministry of Education and Science Order No. 289 of 19 July 2013).

211. The network of these educational establishments with in-depth study of preliminary military and physical training currently includes three national-level military boarding schools, three provincial cadet boarding schools and 48 cadet classes in general schools. They provide training for no more than 3,000 students, which is 0.12 per cent of the total number of schoolchildren.

212. They have parent committees, there are mail hotlines and there is a Ministry of Education and Science blog available to students. There are also telephone hotlines. The mechanism for possible complaints by pupils and students also includes the Human Rights Ombudsman, the media, voluntary associations and public watchdog commissions.

**19. In follow-up to the Committee's concluding observations on the State party's initial report under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/KGZ/CO/1) and with reference to paragraphs 713 to 751 of the State party's report, please provide more information on the measures taken to amend its legislation with a view to fully incorporating articles 2 and 3 of the Optional Protocol and to ensuring that children who are victims of offences under the Optional Protocol are not treated as offenders. Please also provide information on the implementation and evaluation of the action plan to combat trafficking in persons for 2009-2011 and indicate whether the State party has adopted a new action plan. Please inform the Committee of any complaints brought against law enforcement officials for complicity in child trafficking and/or sexual exploitation.**

213. The general principles and norms of the Convention on the Rights of the Child are included in the relevant legislation.

214. Under article 36 of the Children's Rights Act, children who have suffered physical or emotional trauma as the result of an offence, violence or other unlawful act must be provided with help towards restoration of their health and their social rehabilitation.

215. Steps have been taken under the Government's action plan to combat and prevent crimes linked to trafficking in persons for the period 2009-2011 to improve legislation related to trafficking in human beings.

216. A draft Act was adopted in 2010 to amend some legislation protecting children's rights, supplementing the Criminal Code with new articles on suborning a minor to prostitution and the production and circulation of materials or items with pornographic representations of minors or inducement of minors to take part in performances of a pornographic nature.

217. The Mediation Act was adopted in 2011 (see chap. 2). Under the plan, meetings have been held of an interdepartmental commission working to suppress the illegal transfer of persons into and out of the country and human trafficking, information

campaigns on combating human trafficking have been run and migration officials have been trained in the detection, prevention, suppression and exposure of crimes involving trafficking in persons.

218. NGOs participate each year in a national Childhood without Cruelty and Violence campaign to combat trafficking in children and promote zero tolerance of violence and brutality against minors.

219. Since 2014, article 135 of the Criminal Code (article 133 of the Criminal Code of 1997) has established criminal liability for trafficking in minors. The recruitment of minors into prostitution is established as an offence in article 134.

220. The Criminal Code first established liability for the recruitment of minors into the production of articles with erotic content (art. 144) in 2014.

221. The new Criminal Code and Code of Administrative Offences came into force on 1 January 2015, introducing harsher penalties for trafficking in persons.

222. Trafficking for purposes of labour or sexual exploitation is prohibited under articles 125, 126, 128, 134, 135, 208 and 309 of the Criminal Code and article 450 of the Code of Administrative Offences, establishing criminal penalties of up to 15 years' imprisonment. These penalties are sufficiently tough and commensurate with those in place for serious crimes such as rape. Before the legislation was amended, the rape of a minor was subject to a term of imprisonment of between 8 and 15 years; under the new legislation, the penalty is between 10 and 15 years for the rape of a minor, and between 15 and 20 years for the rape of a child.

223. Kazakhstan has fundamentally changed the doctrine in favour of the victims of crime. This requirement is reflected in the new Criminal Code and the Code of Criminal Procedure, with article 173 mentioning the establishment of a special compensation fund for the victims of violent crimes, including human trafficking, and a separate act regulating the basis and operation of the fund, the competent designated authority responsible for its work, and such detailed questions as the persons entitled to compensation, the size, type and limit of compensation and methods for the calculation of the harm caused to health, moral harm, etc.

224. Specialized training courses have been run on the detection, investigation and prosecution of trafficking for police, procuratorial staff and judges in the training centres of the Office of the Procurator-General, the Supreme Court and the Ministry of Internal Affairs Legal Academy in Karaganda.

225. According to 2014 results (figures from the Committee on Legal Statistics and Special Records of the Office of the Procurator-General), 29 persons were convicted for offences under article 133 of the Criminal Code (trafficking in minors), and 14 of them were given prison sentences.

226. A further seven persons were convicted in the first quarter of 2015, with three given prison terms and the remaining four handed a 1-year suspended sentence.

227. One person was sentenced to prison under article 132-1 of the Criminal Code (recruitment of minors into prostitution). There have been no convictions under this article so far in 2015.

228. In conjunction with the internal affairs agencies, the procuratorial agencies conduct inspections every year of recruitment agencies and organizations offering exit visa facilitation services, as well as modelling, tourist and marriage agencies.

229. The Government's plan of action to combat and prevent offences involving trafficking in persons for the period 2015-2017, approved by Government Decision No. 23 of 28 January 2015, is being implemented. The plan includes a set of

organizational measures aimed at stepping up the detection, suppression and investigation of child exploitation and standards for the provision of social services to victims of trafficking in persons, including minors, as victims of abuse.

## **Part II**

**In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:**

**(a) New bills or laws, and their respective regulations;**

230. The Marriage and Family Code came into force in 2011, providing strong protection of children's rights.

231. Its chapter 10 provides more detailed regulations on the content and the mechanisms for the realization of children's rights. The additions concern such areas as the right to a name, a patronymic and a surname.

232. Details have been added to article 66 on children's property rights. The Code prohibits the disposal of amounts owed to the child in child support or child benefits by heads of organizations for orphans and children left without parental care.

233. Chapter 13 on the adoption of children contains more detailed regulations on adoption procedures for both Kazakh citizens and foreign nationals. A minimum (16 years) and an upper (45 years) threshold are set for the age difference between the adopter and the child adopted.

234. The Mediation Act, No. 401-IV, of 28 January 2011. The main task of the new institution is to reconcile the parties and find a solution to their dispute satisfactory to both sides.

235. Mediation can be used to resolve disagreements between spouses regarding the exercise of parental authority, residence of the children, parental contributions to the children's upkeep and any other disputes arising in family relationships. During the mediation, the mediator must take account of the legitimate interests of the child.

236. The State Education Savings Account System Act, No. 67-V of 14 January 2013, on opening educational savings accounts for children in care homes. About 7,000 such children have opened these savings accounts.

237. An Act amending legislation on the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment was adopted in 2013. Special institutions are subject to a system of regular visits by independent participants of the national preventive mechanism.

238. Pursuant to the Act, juvenile adaptation centres and special educational institutions for children with deviant behaviour will be subject to monitoring visits.

239. The State-guaranteed Legal Assistance Act was adopted on 3 July 2013. It regulates the types, procedure and financing of State-guaranteed legal assistance.

240. The assistance provided for under the Act includes: legal information, legal advice, protection and representation of the interests of natural persons before the courts, criminal prosecution authorities, other public bodies and NGOs in cases and according to the procedure established by the Act and other legislation.

241. State-guaranteed legal assistance in the form of legal information is available to all natural and legal persons from all State authorities within their sphere of competence.

242. State-guaranteed legal assistance in the form of legal advice is provided by notaries, private officers of the court and lawyers.

243. The State guarantee of the right to professional legal assistance provides funding from the State budget in the manner prescribed by law for the activities of lawyers providing such assistance.

244. An Act amending legislation safeguarding the right to housing of orphaned children and children without parental care was adopted on 4 July 2013. It gives priority entitlement to housing to orphans and children left without parental care, and makes their legal representatives responsible for putting their charges on the subsidized housing list in a timely manner. An article was introduced on the procedure for safeguarding the housing assigned to orphans.

245. An Act amending legislation on the prevention of domestic violence was adopted on 18 February 2014. It strengthens the penalties for offences in the area of family relations, including those committed against minors.

246. New versions of the Criminal Code and the Code of Administrative Offences came into force on 1 January 2015. They:

- Provide for strict criminal liability for violence of any kind, sexual or economic exploitation, abduction and trafficking of children;
- Put a lifetime ban on working with children for persons convicted of sexual offences against minors, and on public service positions for officials convicted of corruption;
- Introduce a new chapter on medical offences, designed to protect motherhood and childhood.

247. Protection is provided, where necessary, for all participants in the criminal process, including child victims of and witnesses to these and other offences (new version of the Code of Criminal Procedure, art. 97).

248. A new rule concerning soliciting in public places is introduced in article 449 of the Code of Administrative Offences.

249. Parental liability is increased for non-fulfilment or improper fulfilment without good reason of responsibility for the upbringing of a minor resulting from the parent's actions.

250. A framework bill has been drawn up to introduce amendments to some legislation related to the protection of the rights of orphans and children left without parental care. The framework includes proposals for a training mechanism for foster families and prospective parents, together with support services for families in difficult life situations. The legislation will include concepts such as weekend families and foster families.

**(b) New institutions (and their mandates) or institutional reforms;**

251. In order to implement the institutional reforms and further modernize Kazakh society and Government, the President signed Decree No. 6 of 30 April 2015 on the National Commission on Modernization. The Commission will monitor and evaluate the effectiveness of measures taken by State bodies and other organizations on a variety of issues, including the rule of law and human rights.

252. The establishment of the institution of a Children's Ombudsman is at the approval stage in the Office of the President.

253. A common national database of orphans and children without guardians has been set up and a network of institutions based on public-private partnerships is being

established to provide comprehensive assistance to young families, single mothers, children and older people.

**(c) Recently re-introduced the policies, programmes and action plans and their scope and financing;**

254. The following have been approved and implemented: the State Programme for the Development of Education for the period 2011-2020 (funding for phase 1, 2011-2015: over 461.1 million tenge), the Salamatty Kazakhstan State Health-care Development Programme for the period 2011-2015 (380,358.9 million tenge), the Cancer Care Development Programme for the period 2012-2016 (178,592,369,000 tenge), the Government-UNICEF Country Programme Action Plan for the period 2010-2015, the Sectoral Programme to Combat Drug Abuse and Drug Trafficking for 2012-2016 (7,480,762,000 tenge), the National Plan of Action to Strengthen Family Relationships and Ethical, Spiritual and Moral Values in Kazakhstan for the period 2015-2020 and the Nurly Dzhol State Programme of Infrastructure Development for the period 2015-2019 (more than 3 trillion tenge).

255. The programmes and plans include a series of events with the participation of voluntary associations and media aimed at improving the quality of life of children.

**(d) Recent ratifications of human rights instruments.**

In this section the Committee invites the State party to briefly (three pages maximum) update the information presented in its report with regard to:

256. Ratifications:

- Convention on the Civil Aspects of International Child Abduction (Act No. 48-V of 13 November 2012);
- Workers with Family Responsibilities Convention, 1981 (No. 156) (Act No. 50-V of 16 November 2012);
- Convention on Civil Procedure (1954) (Act on ratification No. 252-V of 14 November 2014);
- Convention on International Access to Justice (1980) (Act on ratification No. 262 of 9 December 2014);
- Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) (Act No. 243-V of 20 October 2014);
- Convention on the Rights of Persons with Disabilities (Act No. 288-V of 20 February 2015).

## **Part III**

### **Data, statistics and other information, if available**

**1. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, for the period 2011-2014, on the number of:**

**(a) Children working in the informal sector and children in street situations;**

257. Statistical information on key indicators of the labour market, formed on the basis of a quarterly sample survey of employment of the population aged 15 years and over, in terms of sex, age, region and other characteristics are freely available on the



Committee's website: <http://www.stat.gov.kz/faces/homePage>, in "official statistical information" (by branch) under "Labour".

258. Prior to 2011, the Statistics Committee studied child labour using a quarterly selective survey of 21,000 households. The results of the survey showed that child labour is not common in Kazakhstan.

259. The law enforcement authorities and representatives of government agencies, NGOs and the media conducted raids to identify children working in the informal sector, street children and abandoned children.

260. Street children and abandoned children are sent to juvenile adaptation centres. A total of 23,611 minors have been placed in juvenile adaptation centres over the past four years: 4,795 in 2011, 6,286 in 2012, 6,174 in 2013 and 6,356 in 2014.

261. The adaptation centres are mandated to provide reception and short-term care, adaptation and appropriate conditions for minors.

262. Of the 6,356 young people taken into adaptation centres in 2014, 5,173 returned to their families and the remainder were found places in establishments for orphans and children left without parental care, taken into foster care, adopted or placed in adaptation centres in other regions or similar establishments in other countries.

**(b) Children in detention facilities and penitentiary institutions, including those in pretrial detention**

**Information on convicted juveniles serving sentences in the penal system between 2011 and 2014**

			<i>year</i>			
			<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
<i>I</i>			<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
<b>Total number of convicted persons</b>			<b>160</b>	<b>121</b>	<b>125</b>	<b>95</b>
Of the total number of convicted persons held at the end of the reporting period	by sex	male	155	114	123	91
		female	5	7	2	4
	by age	14	3	0	6	0
		15	16	3	18	6
		16	53	56	43	41
		17	78	41	49	38
		18	10	21	9	10
	by ethnic origin	Russians	65	45	57	35
		Kazakhs	64	57	58	40
		Tatars	4	2	2	2
		Germans	2	2	3	3
		Koreans	3	1	2	1
		Uzbeks	5	4	2	2
		Uighurs	1	2	1	1
		Roma	0	1	0	1
		Azeris	1	1	0	0
		Armenians	1	1	0	0
		Belorusians	1	1	0	0

	<i>year</i>			
	2011	2012	2013	2014
<i>1</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
Ingush	1	1	0	0
Udmurts	0	1	0	0
Ukrainians	3	2	0	0
Bashkirs	3	0	0	0
Lezgins	1	0	0	0
Mordvins	2	0	0	0
Turks	1	0	0	0
Chechens	2	0	0	0

**(c) Criminal cases involving juveniles which have been settled by reconciliation under article 67 of the Criminal Code.**

263. According to a statistical report of the Committee on Legal Statistics and Special Records in the Office of the Procurator-General using form 1M, the number of criminal cases involving minors settled by reconciliation under article 67 of the Criminal Code between 2011 and 2014 was 5,215: 581 in 2011, 972 in 2012, 1,790 in 2013 and 1,872 in 2014.

**2. Please provide data, disaggregated by age, sex, socioeconomic background, ethnic origin and geographical location, regarding the situation of children deprived of a family environment, covering the period 2011-2014, on the number of children:**

**(a) Separated from their parents**

**Information on children separated from their parents**

<i>Year</i>	<i>Total</i>	<i>of whom</i>					
		<i>Girls</i>	<i>Boys</i>	<i>0-3 years</i>	<i>4-6 years</i>	<i>7-13 years</i>	<i>14-18 years</i>
2011	<b>36 777</b>	17 542	19 235	2 420	2 904	15 322	16 131
2012	<b>34 785</b>	16 503	18 282	2 545	3 099	14 366	14 775
2013	<b>33 682</b>	15 886	17 796	1 773	3 073	14 246	14 590
2014	<b>32 362</b>	15 757	16 605	2 026	3 137	13 843	13 356

**Information on children separated from their parents by region**

<i>Province</i>	2011	2012	2013	2014
1. Aqmola	2 817	2 605	2 468	2 389
2. Aktobe	1 960	1 663	1 502	1 340
3. Almaty	3 238	3 389	3 460	3 568
4. Atyrau	850	829	757	703
5. East Kazakhstan	4 148	3 813	3 658	3 469
6. Zhambyl	1 977	2 055	2 161	2 061
7. West Kazakhstan	1 651	1 425	1 308	1 222

<i>Province</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
8. Karaganda	4 717	4 599	4 167	4 043
9. Kostanay	3 326	3 112	3 100	3 064
10. Kyzylorda	983	1 003	1 001	952
11. Mangystau	716	735	706	701
12. Pavlodar	2 083	1 901	1 858	1 756
13. North Kazakhstan	1 960	1 862	1 833	1 724
14. South Kazakhstan	3 535	3 202	3 130	2 853
15. Almaty town	1 792	1 573	1 514	1 488
16. Astana town	1 024	1 019	1 059	1 029
<b>Total</b>	<b>36 777</b>	<b>34 785</b>	<b>33 682</b>	<b>32 362</b>

**(b) Information on children placed in institutions**

<i>Year</i>	<i>Total</i>	<i>of whom</i>		<i>0-3 years</i>	<i>4-6 years</i>	<i>7-13 years</i>	<i>14-18 years</i>
		<i>Girls</i>	<i>Boys</i>				
2011	<b>12 925</b>	5 576	7 349	1 611	1 013	5 197	5 104
2012	<b>10 887</b>	4 906	5 981	1 505	816	3 909	4 657
2013	<b>9 879</b>	4 105	5 774	1 052	1 072	4 015	3 740
2014	<b>9 192</b>	3 952	5 240	1 129	842	3 765	3 456

**Information on children placed in institutions, by region**

<i>Province</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
1. Aqmola	980	794	681	565
2. Aktobe	665	487	371	307
3. Almaty	910	840	797	827
4. Atyrau	270	244	208	160
5. East Kazakhstan	1 747	1 376	1 259	1 191
6. Zhambyl	591	478	429	335
7. West Kazakhstan	462	309	284	237
8. Karaganda	1 962	1 940	1 690	1 636
9. Kostanay	1 219	1 102	1 099	1 082
10. Kyzylorda	185	172	157	147
11. Mangystau	236	208	175	157
12. Pavlodar	841	669	631	580
13. North Kazakhstan	817	702	671	596
14. South Kazakhstan	712	510	473	444
15. Almaty town	840	575	532	545
16. Astana town	488	481	422	383
<b>Total</b>	<b>12 925</b>	<b>10 887</b>	<b>9 879</b>	<b>9 192</b>

**(c) Information on children placed with foster families**

<i>Year</i>	<i>Total</i>	<i>of whom</i>		<i>0-3 years</i>	<i>4-6 years</i>	<i>7-13 years</i>	<i>14-18 years</i>
		<i>Girls</i>	<i>Boys</i>				
2011	<b>23 852</b>	11 886	11 966	809	1 891	10 125	11 027
2012	<b>23 898</b>	11 597	12 301	1 040	2 283	10 457	10 118
2013	<b>23 803</b>	11 781	12 022	721	2 001	10 231	10 850
2014	<b>23 170</b>	11 805	11 365	897	2 295	10 078	9 900

**Information on children placed with foster families, by region**

<i>Province</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
1. Aqmola	1 837	1 811	1 787	1 824
2. Aktobe	1 295	1 176	1 131	1 033
3. Almaty	2 328	2 549	2 663	2 741
4. Atyrau	580	585	549	543
5. East Kazakhstan	2 401	2 437	2 399	2 278
6. Zhambyl	1 386	1 577	1 732	1 726
7. West Kazakhstan	1 189	1 116	1 024	985
8. Karaganda	2 755	2 659	2 477	2 407
9. Kostanay	2 107	2 010	2 001	1 982
10. Kyzylorda	798	831	844	805
11. Mangystau	480	527	531	544
12. Pavlodar	1 242	1 232	1 227	1 176
13. North Kazakhstan	1 143	1 160	1 162	1 128
14. South Kazakhstan	2 823	2 692	2 657	2 409
15. Almaty town	952	998	982	943
16. Astana town	536	538	637	646
<b>Total</b>	<b>23 852</b>	<b>23 898</b>	<b>23 803</b>	<b>23 170</b>

**(d) Information on children adopted within the country**

<i>Year</i>	<i>Total</i>	<i>of whom</i>		<i>0-3 years</i>	<i>4-6 years</i>	<i>7 years and older</i>
		<i>Girls</i>	<i>Boys</i>			
2011	<b>3 219</b>	1 633	1 586	1 934	641	644
2012	<b>2 920</b>	1 409	1 511	1 787	538	595
2013	<b>2 856</b>	1 360	1 496	1 780	548	528
2014	<b>2 694</b>	1 245	1 449	1 647	549	498

**Information on children adopted within the country, by region**

<i>Province</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
1. Aqmola	109	108	118	112
2. Aktobe	198	151	220	158
3. Almaty	280	309	308	323
4. Atyrau	188	168	112	125
5. East Kazakhstan	245	192	207	194
6. Zhambyl	203	258	244	203
7. West Kazakhstan	167	117	91	64
8. Karaganda	277	211	235	243
9. Kostanay	130	114	92	66
10. Kyzylorda	196	189	189	182
11. Mangystau	150	164	140	185
12. Pavlodar	82	96	84	95
13. North Kazakhstan	66	49	57	63
14. South Kazakhstan	600	491	395	404
15. Almaty town	211	159	179	147
16. Astana town	117	144	185	130
<b>Total</b>	<b>3 219</b>	<b>2 920</b>	<b>2 856</b>	<b>2 694</b>

**Information on children adopted through intercountry adoptions**

<i>Year</i>	<i>Total</i>	<i>of whom</i>		<i>0-3 years</i>	<i>4-6 years</i>	<i>7 years and older</i>
		<i>Girls</i>	<i>Boys</i>			
2011	<b>130</b>	66	64	97	26	7
2012	<b>1</b>	0	1	1	0	0
2013	<b>31</b>	15	16	24	5	2
2014	<b>60</b>	29	31	37	21	2

**Information on children adopted through intercountry adoptions, by region**

<i>Province</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
1. Aqmola	10	0	1	0
2. Aktobe	7	0	5	1
3. Almaty	6	0	3	4
4. Atyrau	0	0	0	0
5. East Kazakhstan	15	0	0	11
6. Zhambyl	13	0	0	0
7. West Kazakhstan	8	0	4	8
8. Karaganda	25	0	8	13
9. Kostanay	4	0	0	2

<i>Province</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
10. Kyzylorda	2	0	0	0
11. Mangystau	5	0	0	1
12. Pavlodar	3	0	0	0
13. North Kazakhstan	2	0	4	5
14. South Kazakhstan	6	0	1	3
15. Almaty town	16	1	2	10
16. Astana town	8	0	3	2
<b>Total</b>	<b>130</b>	<b>1</b>	<b>31</b>	<b>60</b>

**3. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographical location, for the past three years, on the number of children with disabilities:**

- (a) Living with their families;
- (b) In institutions;
- (c) Attending regular primary schools;
- (d) Attending regular secondary schools;
- (e) Attending special schools;
- (f) Out of school;
- (g) Abandoned by their families.

264. According to information from local authorities, there were 141,952 children with disabilities as of 1 January 2015. In all, 129,980 children (91.5 per cent) were in training or education as part of educational programmes or receiving special pedagogical support in educational, health-care or social protection institutions, or voluntary or private organizations. There was a rise of 6.1 per cent in the number of children with disabilities receiving remedial teaching (91.4 per cent in 2014 compared to 85.3 per cent in 2013).

265. The remedial training covered 89.2 per cent of children of school age; 93.6 per cent of preschool-age children and 61.5 per cent of infants.

**Enrolment of school-age children**

266. A total of 84,120 children (89.2 per cent) are following the special education curriculum.

267. They attend:

- Special schools: 13,722 children with disabilities (14.6 per cent);
- Special classes in general education schools: 11,461 children (12.2 per cent);
- Inclusive classes (together with healthy children): 46,340 children with disabilities (49.1 per cent). Of those, 34.4 per cent do not receive special teaching support; 13.8 per cent of children with disabilities receive special teaching support;
- 10,408 (7.3 per cent) at home;
- 2,189 (2.3 per cent) in private or public educational organizations;
- 2,877 adolescents (3.0 per cent) in vocational schools and colleges.

268. 11,496 school-age children (12.2 per cent) receive special teaching support in psycho-pedagogical correction and rehabilitation centres.

269. In the social protection system, 4,055 children (4.3 per cent) with severe mental disorders (severe and profound mental retardation, unable to master the educational standard in educational institutions) receive special teaching support.

270. Enrolment has risen by 23 per cent compared to 2013 (66.2 per cent in 2013, 89.2 per cent in 2014).

271. Data on children with disabilities are not disaggregated by ethnic origin.

**4. Please provide data, disaggregated by, inter alia, age, sex, socioeconomic background, geographical location and ethnic origin, for the past three years, on:**

**(a) The enrolment and completion rates, in percentages, of the relevant age groups in pre-primary schools, primary schools and secondary schools, especially among girls in rural areas;**

**(b) The percentage of school dropouts and repetitions.**

**Number of students in general day schools**

Year	Total					
	2011	%	2012	%	2013	%
Cohort	2 522 838	100.0	2 533 930	100.0	2 581 607	100.0
Graduating	163 776	6.5	160 554	6.3	142 427	5.5
Dropped out	2 132	0.1	1 846	0.1	1 911	0.1
Repeating a class	1 315	0.1	1 035	0.0	1 037	0.0

  

Year	Rural population					
	2011	%	2012	%	2013	%
Cohort	1 284 576	50.9	1 275 088	50.3	1 286 261	49.8
Graduating	94 594	57.8	92 738	57.8	117 426	82.4
Dropped out	1 216	57.0	1 102	59.7	1 082	56.6
Repeating a class	591	44.9	452	43.7	467	45.0

  

Year	Girls					
	2011	%	2012	%	2013	%
Cohort	1 245 553	49.4	1 250 118	49.3	1 272 907	49.3
Graduating	87 609	53.5	84 812	52.8	75 520	53.0
Dropped out	863	40.5	719	38.9	787	41.2
Repeating a class	377	28.7	334	32.3	329	31.7