



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Seventieth session

### Summary record of the 2030th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 16 September 2015, at 3 p.m.

*Chairperson:* Mr. Mezmur

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*Fourth periodic report of Kazakhstan*

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*The meeting was called to order at 3 p.m.*

**Consideration of reports of States parties (continued)**

*Fourth periodic report of Kazakhstan (CRC/C/KAZ/4; CRC/C/KAZ/Q/4 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Kazakhstan took places at the Committee table.*

2. **Mr. Imangaliyev** (Kazakhstan), introducing the fourth periodic report of Kazakhstan, said that the State party had worked with all relevant stakeholders to implement the recommendations that it had received after submitting its previous report to the Committee. Kazakhstan had also established an online legal database which offered open access to all of the recommendations made by United Nations treaty bodies, special rapporteurs and independent experts, including the Committee on the Rights of the Child.

3. With regard to legislation, Kazakhstan had ratified a number of international instruments, including the Convention on the Civil Aspects of International Child Abduction and the Workers with Family Responsibilities Convention. New national programmes focusing on children's issues were also being implemented by the Government with the support of non-governmental organizations and the media. Such programmes included the Salamatty Kazakhstan State Health-Care Development Programme for the period 2011-2015, the State Programme for the Development of Education for the period 2011-2020, and the Nurly Dzhol State Programme of Infrastructure Development for the period 2015-2019.

4. In terms of social welfare, the Government allocated almost 50 per cent of its budget to areas such as education, child safety, health care, and motherhood. Child benefits were adjusted annually and the improvement of social welfare for families with children was having a positive impact on the demographic situation within the country. According to data from United Nations experts for the year 2013, infant mortality had significantly decreased and Kazakhstan had achieved the Millennium Development Goal of reducing child mortality, given that the rate had dropped by more than 70 per cent. Measures had also been taken to reduce the prevalence of HIV/AIDS by introducing education programmes in secondary schools and higher education establishments.

5. The Government was focusing particularly on providing social support to children in vulnerable situations. For example, the Marriage and Family Code of 2011 strengthened the protection of children's rights, particularly for children from vulnerable groups. Furthermore, the Act amending legislation safeguarding the right to housing of orphaned children and children without parental care provided that such children should receive housing priority. State benefits were also paid to guardians, parents and those who adopted children with disabilities. As a result of such financial incentives, the number of children left without parental care had declined considerably over the previous four years. Another important initiative was the State Education Savings Account System Act, which had allowed more than 8,000 children in care homes to open savings accounts for higher education. Plans were also under way to amend a series of acts with the aim of improving children's rights in areas pertaining to their family environment and alternative care.

6. In respect of education, 99.8 per cent of children of school age received free secondary education. New preschools and schools were being built annually and measures were being taken to provide free technical education for young people. A number of measures had also been adopted to further develop inclusive education for children with special needs, and home schooling had been added to the Register of State Services. In 2015, the Human Capital Index produced by the World Economic

Forum revealed Kazakhstan's encouraging progress in the field of education, as reflected in such indicators as youth literacy rate, primary education enrolment rate, and quality of education.

7. With regard to justice, a number of acts had been adopted to further promote children's rights, including the Mediation Act, which ensured that the legal interests of the child must be taken into account during mediation, and the Act amending and supplementing legislation on the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment. New versions of the Criminal Code and the Code of Administrative Offences increased criminal liability for crimes committed against children and provided that persons convicted of sexual offences against minors should be banned for life from working with children. The Act amending legislation on the prevention of domestic violence had strengthened penalties for offences committed against minors. The juvenile justice system had also been further improved. There were a total of 19 juvenile courts operating within Kazakhstan, some cities had specialized juvenile justice departments within their procuratorial services, and judges referred to the provisions of the Convention in the administration of justice, all of which had been commended by the United Nations Children's Fund (UNICEF).

8. As for cooperation with non-governmental organizations, such organizations worked with the Government under the Interdepartmental Commission for Minors and their Rights, the Human Rights Commission under the Office of the President and other State bodies. The Council of Non-Governmental Organizations was actively involved in the Committee for the Protection of Children's Rights, while representatives from non-profit organizations worked under the national preventive mechanism to monitor the observance of children's right in juvenile adaptation centres and special education institutions. In addition, joint efforts were under way to set up family support services and to carry out projects aimed at helping children from care homes to establish a life and career for themselves. The Government was also working with UNICEF to implement the Child-Friendly City Initiative. More generally, joint campaigns had been undertaken to increase awareness of the Convention and prevent violence against children.

9. **Ms. Winter** (Country Rapporteur) said that there was a growing disparity between children living in rural areas and those living in cities in terms of the issues they faced. For example, in urban areas, child sexual abuse within families and domestic violence needed addressing, whereas one of the biggest problems in rural areas was child trafficking. The latter was a serious issue in Kazakhstan, which was not only a transit country for trafficking but also a receiving country. Other general issues that affected children in both rural and urban areas included child abandonment, bullying in schools and violence in care homes. Suicide and mental health problems among adolescents was another area of concern, the cause of which lay partly in alcohol and drug abuse. Information on what the Government was doing to tackle the issue would be welcome. She was also concerned over the unnecessary institutionalization of children and hoped that the State party was making efforts to arrange care for abandoned children within a family environment rather than in an institutional setting.

10. Although the State party had a number of positive laws in place for the protection of children's rights, such laws were not always adequately enforced. Moreover, in spite of the fact that the Interdepartmental Commission for Minors and their Rights had been set up, it did not always function owing to limited human resources. On the whole, the child protection system remained fragmented because its staff worked under different conditions of service, they did not have the same qualifications, and they had not received the same training. She wondered whether the

State party would consider offering the same training to all staff working in child protection services. Noting that the “Children of Kazakhstan” Programme had come to an end in 2011, she asked whether the State party intended to introduce a similar programme for the period ahead.

11. Although the State party had provided a great deal of data to the Committee, the data was not always consistent and no explanation had been given as to why data pertaining to the same indicators differed between various ministries. As for respecting the views of the child, national legislation stipulated that children aged 10 or over must have their views taken into consideration in matters that concerned them. However, she wondered whether the age could be lowered and whether judges and administrative personnel could be offered training on how to talk to children about issues concerning them, as children younger than 10 were interested in and capable of having their opinions taken into account. She also asked whether the Government planned to allow relevant administrative personnel to talk to children without their parents present as it might encourage them to talk more freely.

12. **Ms. Khazova** (Country Rapporteur) said that, looking at the State party’s replies to the list of issues and the information provided by a number of NGOs, it was clear that the children’s rights situation in Kazakhstan had improved over the past four years. However, children in the State party were affected by a number of environmental issues, such as pollution resulting from mining, exhaust emissions from old vehicles, the burning of fossil fuels, radioactive waste, heavy metal contamination and lead poisoning, as a result of which around 40,000 children under the age of 10 years had developed neurological disorders. Children had experienced serious symptoms owing to the high levels of sulphur dioxide in the air. Drinking water quality had been negatively affected. The Government should make the environment a priority. She asked for information on any plans to promptly resolve environmental problems.

13. As to compliance with the principle of non-discrimination contained in article 2 of the Convention, under the national Constitution, all persons were equal before the law and the courts and the national report clearly stated that the Government took responsibility for preventing discrimination in law and in practice. However, children with developmental disabilities, children living in rural areas and migrant and refugee children continued to face de facto discrimination in the form of unequal access to education and health care, among other things.

14. Many children in Kazakhstan had no official status and could not access basic services such as vaccinations. She asked for information on the process of registering and documenting the births of children of women who were not citizens of the State party, refugee women, women asylum seekers and unregistered repatriated women.

15. She asked whether and how the best interests of the child were taken into account when drafting legislation and preparing programmes, plans and strategies that focused on children and when resolving specific situations, such as cases of families facing eviction for failure to meet mortgage repayments. The views of children on where they wished to live were taken into account in custody proceedings only if they were 10 years of age or older. The Convention did not provide for any such cut-off point in that regard. It was impossible to fully implement the principle of the best interests of the child if the right of the child to be heard, as set out in article 12 of the Convention, was not respected. Under the Marriage and Family Code, parents in the process of separating or divorcing were informed of the views expressed by their children relating to custody. No exceptions were made to that rule. That approach was not in the best interests of the children in question and could traumatize them. She asked whether the practice of secret adoption persisted in the State party and whether there were any plans to abolish it and enable adopted children to ascertain the identity

of their biological parents. As to domestic violence, she asked whether experts representing the national mechanism to prevent torture and other cruel, inhuman or degrading treatment carried out regular visits to institutions, which institutions were included on the list of locations to be visited, whether children's institutions had been placed on the list, and, if not, when they would be. The State party's claim that no complaints of domestic violence had been filed by children gave cause for concern, suggesting that either the complaints mechanism was not functioning properly or children were afraid of reprisals. Additional information on the workings of the complaints mechanism would be welcome. She asked for more information on the situation relating to corporal punishment. Violence within the family could be tackled only if corporal punishment were banned in the home and in all other spheres.

16. **Ms. Ayoubi Idrissi** asked whether and how information on the national human rights institution had been disseminated among vulnerable children, in particular in schools and institutions, whether all child victims could easily contact the institution and whether confidentiality was guaranteed in that regard. She asked whether information on the provisions of the Convention and the Optional Protocols had been disseminated among children with special needs, children living in remote rural areas, child refugees and children deprived of their liberty. She asked whether mechanisms had been put in place to guarantee the participation of children in the decision-making process in all spheres, including in orphanages, shelters, refugee shelters and juvenile detention centres.

17. **Ms. Oviedo Fierro** asked whether the views expressed by children as a part of consultation processes were recorded or referred to by the authorities when planning policies and working to improve services. She asked whether steps had been taken to promote respect for children's views within the family, whether children could request that consultations be carried out on issues of their choosing, whether agreements on interfaith relations in the State party covered issues relating to children, what activities were undertaken by the military-patriotic clubs referred to in paragraph 252 of the national report, whether children and their associations took part in efforts to halt violence, whether children's associations received sufficient funding and were involved in processes to empower children, and how extensive the network of children's associations actually was. She asked whether regulations and monitoring procedures had been put in place relating to the use of the Internet by children and whether campaigns had been conducted to raise awareness among parents and teachers of the need to ensure that children used social media appropriately.

18. **Ms. Sandberg** asked whether the Constitution could be interpreted in such a way as to afford protection against discrimination on the grounds of sexual orientation and gender identity, what the situation of sexual minority children was and what steps had been taken to promote positive attitudes towards them. Information on the situation of intersex children would be welcome.

19. **Mr. Rodríguez Reyes** asked what public policies had been put in place to assist children living in poverty, in particular in economically disadvantaged regions, whether a percentage of the national budget was specifically allocated for efforts to meet the needs of children and adolescents, whether a national or local body had been set up to coordinate public policies on children and adolescents, and, if so, how often it met and how its decisions were taken into account as a part of the follow-up to public policies. He asked whether any specific plan had been drawn up to remove children and adolescents from institutions and place them with their biological families or host families and, if so, what its outcome had been, and whether allegations that international adoption procedures had been used as a cover for the sale of children had been investigated.

*The meeting was suspended at 4.15 p.m. and resumed at 4.35 p.m.*

20. **Ms. Azimova** (Kazakhstan) said that the relationship between national legislation and international treaties was governed by long-term plans. National and international experts were involved in work in that field and a law governing the discussion, submission and adoption of laws was in place. State bodies must post any legislative bills and related financial accounts on their official websites. The Ministry of Justice had created a folder in its database under which all United Nations documents and recommendations made by special rapporteurs and treaty bodies, including the Committee on the Rights of the Child, were uploaded. A bill on access to information was currently before parliament and would be adopted by the end of 2015. A number of NGOs had been involved in discussions on its impact on civil society and its compatibility with the relevant international agreements. Each State body collected statistics on matters within its sphere of competence. Law enforcement agencies and the courts pooled their statistics in a database kept by the Office of the Procurator-General. The Statistics Committee of the Ministry of National Economy set the standards relating to the production of statistics and provided guidance to official bodies in that regard.

21. The Government saw no need at present for a single integrated programme covering all Convention rights, since the various relevant government departments took adequate account of child-related issues when developing and implementing programmes within their specific areas of competence. However, further to the recommendations made following the State party's second universal periodic review, the Government was working with civil society organizations to prepare a new comprehensive human rights action plan that would enhance institutional coordination and take account of the recommendations made by the various human rights committees.

22. **Ms. Ak-Kuova** (Kazakhstan) said that under the Marriage and Family Code the views of children must be taken into account in judicial proceedings affecting them. In recent years judges had received special training on the content of relevant international treaties and, as a result, were increasingly applying the provisions of the Convention, in particular articles 12 and 13. Steps had also been taken to ensure that hearings in juvenile courts were conducted in child-friendly facilities.

23. **Mr. Abishev** (Kazakhstan) said that, while human trafficking was not a widespread problem in Kazakhstan, the relevant legislation was enforced effectively by the authorities when trafficking cases arose. National laws on trafficking in persons were in line with international standards, in particular the Palermo Protocol, and trafficking in persons offences were not subject to a period of limitation. Legislative measures were also being taken in the social sphere, including the introduction of unified standards on the provision of special social services to the victims of violence, in particular children. In addition, the Government was developing valuable partnerships with specialized non-governmental human rights organizations with a view to combating human trafficking.

24. **Mr. Lepekha** (Kazakhstan) said that over the previous five years there had been a downward trend in the number of cases of violence involving children following the implementation of a series of legislative and practical measures aimed at eradicating violence against children, including the Children's Rights Act and the Act on the prevention of juvenile crime, child neglect and child homelessness. Particular emphasis had been placed on humanizing criminal policies toward adolescents, establishing the criminal responsibility of parents and introducing harsher penalties for offences involving children. New aggravated forms of existing offences had been established where they were committed against children, such as aggravated rape of a minor and aggravated sexual exploitation of a minor. Following a 2012 amendment to the Labour Code, persons with convictions for sexual offences against children were

prohibited from working in places where services were provided to children, such as schools and hospitals. Practical measures included awareness-raising and prevention campaigns carried out in collaboration with non-governmental organizations and the introduction of complaints boxes and telephone hotlines for young people. Special emphasis was given to preventive work with dysfunctional families to ensure that parents met their obligations to their children.

25. The introduction in 2009 of the Domestic Violence Prevention Act had resulted in a significant decline in the incidence of domestic violence. Under the Act, offenders could be barred from the family home and prevented from returning to the premises until allowed to do so by the court. Since its implementation, some 30,000 persons had been convicted of a domestic violence offence, and approximately 20,000 barring orders had been issued. A range of social and psychological support services and facilities was available to domestic violence victims, including crisis centres and shelters.

26. **Ms. Tulegaliyeva** (Kazakhstan) said that, under an interdepartmental plan of action for suicide prevention adopted in 2011 by the National Coordinating Council for Health Protection, an investigation into the incidence of suicide, its causes and associated risk factors had been conducted in three regions with high suicide rates among young people. UNICEF and leading international experts had participated in the study. The results of the investigation had been used by various ministries to develop a joint plan for the prevention of suicide among minors which, among other things, provided for the creation of new posts for social workers within the health-care system and the expansion of awareness-raising activities among educators. The actions taken had already led to a drop in the suicide rate among minors in one of the regions studied.

27. Children accounted for 10 per cent of the total population of persons with disabilities. The recent small rise in the number of children registered with disabilities in the State party was due to changes in data collection criteria, in particular the inclusion since 2008 of underweight newborn babies in official statistics. Families of children with disabilities received extensive State benefits and were provided with specialized social support and services.

28. A number of measures were in place to combat alcohol and drug abuse among children, including the provision of medical, social and psychological support in youth health centres located in schools and other establishments for young people. Action was also being taken to identify risk groups through the administration of assessment tests in schools.

29. The health of populations living in polluted areas, such as the Semipalatinsk nuclear testing site, was carefully monitored on an annual basis. A database containing the medical records of over 380,000 people had been established to study the effects of exposure to contaminants and the transmission of associated diseases across multiple generations. In the event of industrial pollution incidents, such as the one that had recently caused children to lose consciousness in a small settlement in the west of the country, the affected local populations were screened for the presence of contaminants such as heavy metals and were provided with medical assistance or resettled, as appropriate.

30. **Mr. Cardona Llorens** said that, although forced marriage and bride kidnapping were criminal offences in the State party, they were nevertheless still deeply entrenched and widely practised, in particular in rural areas. He would therefore like to know what strategies the Government had put in place to eradicate such practices.

31. **Ms. Khazova** asked what measures were being taken to prevent the recurrence of environmental pollution incidents and to ensure that companies involved in

hazardous activities complied with regulatory requirements. In the light of the inadequacy of the available information on sexual violence in the State party, she requested the delegation to provide details of action that was being taken or envisaged to combat such violence. In view of reports of a recent sharp decline in the quality of services provided in the area of child rights protection, it would be helpful if the delegation could explain why, pursuant to administrative reforms carried out in 2013, the protection of children's rights had been placed under the administrative control of local authorities and what the Government was doing to rectify the current situation.

32. **Ms. Winter** said that taking punitive action alone against parents in domestic violence cases was not always helpful and she wondered whether the State party had implemented any initiatives to help re-educate parents. Under the Convention on the Rights of the Child, every child had the right to know his or her identity. However, adoptive parents could legitimately alter the date of birth and details of the biological parents on the child's birth certificate. Were there any plans to amend the law in that regard?

33. She asked what action was being taken in the light of reports that police used violence against children in custody and were complicit in cases of child trafficking. Regarding the principal countries of origin and destination for the trafficking of children to and from Kazakhstan, she asked whether the Government intended to enter into memorandums of understanding with those countries to combat trafficking.

34. **Ms. Ayoubi Idrissi** said that she wished to know whether there had been any investigations into police violence against children and whether any officers had been prosecuted. She also asked the delegation to comment on reports that a newly introduced law to protect children from potentially harmful information contained various discriminatory provisions. Information on that law and how it was intended to protect children from harmful material while upholding their right to access information should be provided.

35. Regarding children's complaints mechanisms, she asked whether complaints boxes in schools and telephone helplines were available nationwide. Furthermore, were initiatives to detect drug abuse conducted in all schools or only in certain areas?

36. **Mr. Suindikov** (Kazakhstan) said that early and forced marriages were viewed as serious offences in the eyes of the law and, depending on the individual circumstances of the case, the perpetrators could be jailed for up to 15 years. The Grand Mufti of Kazakhstan had recently announced that child marriages would no longer be performed in mosques without consent from the authorities. Various preventive measures were being implemented by NGOs and religious bodies, and psychological and legal support was available to victims of domestic violence and early marriages. Research into the root causes of underage marriages had been conducted and a handbook produced with guidance on educating adolescents at the regional level.

37. **Ms. Makenova** (Kazakhstan) said that it was true that using punitive measures alone against parents in domestic violence cases was rarely successful. For that reason, a broad range of protective measures was being introduced at national and regional levels. For example, 8,000 educational psychologists were on hand in public schools to provide support to children whose rights had been violated. Moreover, various awareness-raising activities to inform parents and teachers of children's rights and prevent violence had been carried out, information was readily available online or in print, and 160 different telephone hotlines for reporting incidents or seeking help and advice were in place.

38. **Mr. Kalyuzhnyy** (Kazakhstan) said that of the complaints received by the Office of the Ombudsman around 6 per cent related to children and the majority of those



involved violence against children. Complaints could be made by children themselves or by their parents or legal representatives, or by the media. While it was difficult to know whether all children were aware of the Ombudsman, efforts had been made to ensure that the website was written in child-friendly language, and contact information and areas of competency were prominently displayed.

39. **Ms. Khazova** said that she wished to know what was being done to reduce the number of children living in institutions and to provide alternatives to institutionalization for children removed from the family home. Details of the work being done to rehabilitate problem families, including whether their children could eventually be returned to them, should also be provided.

40. While welcoming the State party's ambitious goal of achieving inclusive education in 70 per cent of its schools, she pointed out that inclusive education involved more than just ensuring that buildings were wheelchair accessible. In view of resource and staff shortages in schools, she wondered what steps were being taken to achieve the Government's target. Regarding reproductive and sexual health, she said that there were high numbers of teenage pregnancies and abortions in the State party, a fact that was almost certainly linked to the total absence of sex education in schools and the lack of access to sexual health and reproductive advice for teenagers.

41. Lastly, she sought clarification concerning reports that refugee children were unable to access health care and other services while awaiting a decision on their status in the country.

42. **Ms. Winter** said that it would be helpful to know what specialized care provisions were available in rural areas and whether there were any specific programmes for children who were living in prison with their mothers. Many schools in rural areas were experiencing such a shortage of funding that classes often contained several different grades and she wondered what action was being taken to rectify that problem.

43. Notwithstanding the progress the State party had made in developing its juvenile justice system, she said that the usual maximum limit for holding children in police custody was 12 to 24 hours, not 72 hours. Similarly, the time frame for proceedings in juvenile cases should be reduced from 18 months to 12 months. While the closure of three juvenile correctional colonies was heartening, the remaining colonies were spread over a large geographical area, preventing parents from visiting their children. There were, however, some very useful best practices available that could serve as a guide to resolving that issue. In that connection, she wondered whether a single, comprehensive law on the administration of justice was also on the horizon.

44. Lastly, she said that while special education schools had been refurbished, the curriculum taught therein also required updating and she wondered whether the Government had any plans to do so. Information would also be welcome on steps taken to tackle the under-reporting of mistreatment of children in labour activities, particularly with respect to trafficked or migrant children, who were often used in the worst forms of labour.

45. **Ms. Sandberg** asked for information on the proportion of children under the age of 6 months who were being exclusively breastfed as well as details of how the State party encouraged mothers to breastfeed and how it regulated the marketing of breast milk substitutes.

46. **Ms. Muhamad Shariff** asked what steps had been taken to address the concerns raised in the Committee's previous concluding observations on the high numbers of teenage pregnancies and abortions, particularly as the abortion rate had barely changed since 2007. She would also welcome information on what sexual health and

reproductive services were available to teenagers and how the State party raised awareness of those services among teenagers and parents.

47. **Mr. Nelson** said that in view of the high teen suicide rate he would welcome details of the national suicide prevention strategy and whether the State party had free, 24-hour hotlines, staffed by qualified counsellors, to provide support for people at risk of suicide. Similarly, up-to-date information on drug abuse and rehabilitation programmes for the period 2010-2015, as well as future plans, should also be provided.

48. On the basis of the information he had seen he said that specialized juvenile courts were not yet in place. Instead, the system seemed to rely on courts that had various jurisdictional responsibilities and the judges therein had not been required to take — and had not been given — any specialized training on criminal cases involving children. Information on that point would be appreciated.

49. **Ms. Aldoseri**, referring to the worst forms of child labour, said that the efforts made by the State party to amend legislation in line with international standards, increase fines against violators and establish mechanisms for lodging and following up on complaints were commendable. However, many issues remained, particularly in relation to child labour in the cotton and tobacco industries. In that connection, she asked the delegation to provide statistical data on the number of children affected and the number of complaints and subsequent investigations. Moreover, had any surveys or research been conducted to assess the link between child labour and trafficked and migrant children? Lastly, in view of the fact that prolonged school absences were almost certainly linked to child labour, what mechanisms were in place to monitor and combat absenteeism?

*The meeting rose at 6.05 p.m.*