



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fifth session

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

**Concluding Observations of the Committee on the
Rights of the Child: Kazakhstan**

1. The Committee considered the consolidated second and third periodic reports of Kazakhstan (CRC/C/KAZ/3) at its 1241st and 1242nd meetings (see CRC/C/SR.1241 and 1242), held on 30 May 2007, and adopted at its 1255th meeting, held on 8 June 2007, the following concluding observations.

A. Introduction

2. The Committee welcomes the State party's second and third periodic reports, which gave a clear overview of the situation of children in the State party and the written replies to its list of issues (CRC/C/KAZ/Q/3/Add.1). The Committee further notes with appreciation the open and constructive dialogue with the multisectoral high level delegation.

**B. Follow-up measures undertaken and progress
achieved by the State party**

3. The Committee notes the enactment of:

(a) The Government decision No.36 of January 2006 establishing the Committee for Protection of Children's Rights;

(b) Presidential decree No. 1438 of 13 September 2004 on the State programme for the reform and development of health care in the Republic of Kazakhstan for 2005-2010;

(c) The State programme for the development of education in the Republic of Kazakhstan for 2005-2010, approved by Presidential decree No. 1459 of 11 October 2004; and

(d) The programme to reduce poverty in the Republic of Kazakhstan for 2003-2005, approved by Government decision No. 296 of 26 March 2003.

4. The Committee also welcomes the ratification of the following international human rights instruments in January 2006:

(a) The International Covenant on Economic, Social and Cultural Rights;

(b) The International Covenant on Civil and Political Rights; and

(c) The Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

C. Principal areas of concern and recommendations

1. General Measures of Implementation

(arts. 4, 42 and 44, paragraph 6 of the Convention)

The Committee's previous recommendations

5. While the Committee notes that some of its previous recommendations (CRC/C/15/Add.213) have been implemented, it regrets that many of them have not been sufficiently addressed, including the recommendations regarding legislation, independent monitoring, a national plan of action, family environment, children deprived of a family environment/alternative care, refugee children, juvenile justice, economic exploitation, sexual exploitation and trafficking and street children.

6. The Committee urges the State party to make every effort to implement the recommendations contained in the concluding observations on the initial report that have not yet been sufficiently addressed and to provide adequate follow-up to the recommendations contained in the present concluding observations.

Status of the Convention

7. The Committee notes with appreciation that according to the State party's Constitution, international conventions prevail over national laws and are directly applicable at the national level. The Committee notes with concern that the Law on International Agreements (2005) may contradict this applicability; however, the Committee welcomes that the State party has indicated that this provision shall be removed by a presidential decree in the coming months. However, the Committee regrets that the Convention has not been invoked before domestic courts.

8. The Committee recommends that the State party confirm the priority of the Convention over national law and speedily revise the Law on International Agreements (2005), which may hamper the direct applicability of the Convention

in domestic law. Furthermore, the Committee recommends that the State party raise awareness within the judicial system in order to make clear that the Convention can be invoked in national courts.

Legislation and Implementation

9. While the Committee notes the efforts undertaken by the State party to harmonize legislation in order to ensure greater consistency with the Convention, it remains concerned that some aspects of domestic legislation are not consistent with the principles and provisions of the Convention such as in the area of child labour and sexual exploitation. Furthermore, the Committee is concerned that existing legislation is not effectively implemented.

10. The Committee recommends that the State party continue harmonizing its legislation with the principles and provisions of the Convention and strengthening the implementation of domestic legislation.

11. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention, and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

National Plan of Action

12. The Committee notes the State party's efforts to develop a national plan of action and the foreseen adoption of the programme entitled "Children of Kazakhstan" for 2006-2011. However, the Committee is concerned that the programme mainly focuses on protection issues and does not cover the full range of child rights and that it can therefore not be considered as a National Plan of Action as required in the Committee's previous concluding observations and the outcome document of the General Assembly's Special Session on children held in May 2002 entitled "A World Fit for Children".

13. The Committee recommends that the State party amend the "Children of Kazakhstan" programme, to ensure that it complies with the Convention on the rights of the child, to adopt it as a national comprehensive and cross-sectoral framework for the implementation of child rights and to provide it with adequate human and financial resources.

Coordination

14. The Committee welcomes the establishment of the Committee for the Protection of Children's Rights in order to coordinate the implementation of the Convention. However, it remains concerned that the Committee's mandate, which should cover the full range of children's rights, might be limited as a consequence of its establishment under the Ministry of Education and Science.

15. **The Committee recommends that the State party ensure that the Committee for the Protection of Children's Rights has a mandate including the implementation of all children's rights incorporated in the Convention, and is provided with adequate financial and human resources in order to ensure an effective and comprehensive coordination of the implementation of children's rights. In this regard, the Committee refers the State party to its general comment No. 5 on general measures of implementation for the Convention on the Rights of the Child (CRC/GC/2003/5).**

Independent Monitoring

16. While welcoming the establishment of the pilot project entitled "Protecting the rights of the child and establishing monitoring mechanisms" and its goal to have a children's rights Ombudsman in every region of Kazakhstan, the Committee is concerned that the Office of Human Rights Commissioner and the Office of the Ombudsman are not vested with the authority to receive and investigate individual complaints of violation of the rights of children. Furthermore, the Committee is concerned that the Ombudsman Office is not an independent institution and has not been established through the Constitution or legislation.

17. **The Committee urges the State party to vest the Office of Human Rights Commissioner and the Office of the Ombudsman with a clear mandate to monitor children's rights and implement the Convention at national, regional and local levels in accordance with the principles relating to the status of National Human Rights Institutions (the "Paris Principles", annexed to General Assembly resolution 48/134 of 20 December 1993). Furthermore, the Committee recommends the State party to provide the Ombudsman Office with the human and financial resources necessary to carry out its mandate and ensure that the Office has a child accessible complaint mechanism. In these actions the State party should fully take into account the Committee's general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child. The Committee also recommends that the State party seek assistance from, among others, United Nations Office of the High Commissioner for Human Rights and UNICEF.**

Resources for children

18. The Committee notes the significant increase in budget allocations in the national budget to children's education, culture, health and social security and social assistance in monetary terms. The Committee is concerned, however, that the portion of GDP spent for these budget items has increased only modestly during the years 2003 to 2006 and that, notably, the GDP percentage of the budget for social security and assistance has been reduced. The Committee, therefore, remains concerned that the means provided for urgently needed improvements in the sectors of education, health, social security, and in particular, family assistance, are not available.

19. **The Committee recommends the prioritization of children's economic, social and cultural rights in the State party's budget policy. In this regard, the Committee recommends that the State party, in accordance with article 4 of the Convention, further increase budget allocations for the implementation of the**

rights recognized in the Convention and especially for health, education and family support by paying particular attention to disadvantaged, marginalized and neglected children with a view to alleviating disparities, deficits and inequalities. Furthermore, the Committee urges the State party to strengthen the skills of local governments in planning and management of budgets that address the needs of children and families.

Data collection

20. The Committee notes the extensive data provided in the report as well as in the written replies. However, the Committee regrets that disaggregated data in important areas of the Convention are not available such as on refugee children, child abuse and neglect, children involved in sexual exploitation, including prostitution, pornography and trafficking, substance abuse, child labour and children working and/or living in streets.

21. **The Committee recommends that the State party strengthen its efforts to develop a system for comprehensive collection of data on the rights of children up to the age of 18 with a specific emphasis on vulnerable groups of children and by making sure that data are disaggregated, inter alia, according to sex, age, urban/rural areas, socioeconomic backgrounds and geographical distribution.**

Dissemination of the Convention

22. The Committee welcomes the efforts undertaken by the State party, with the support of UNICEF, to widely circulate the Convention throughout the country and to increase the awareness of the Convention. However, the Committee remains concerned that systematic teaching of the Convention's principles and provisions has not yet reached all professionals working with and for children, that human rights are still not included in the curricula at all educational levels, and that the level of awareness of the Convention seems low among the public at large and especially in rural areas and among children themselves.

23. **The Committee recommends that the State party:**

(a) **Continue and strengthen its efforts to increase the awareness of the Convention and its principles and provisions and to disseminate the Convention throughout the country, in close cooperation with non-governmental organizations (NGOs) and other stakeholders and by paying particular attention to the remote and rural areas;**

(b) **Pay particular attention to the systematic inclusion of teaching of the Convention's principles and provisions, at all levels of the school curricula; and**

(c) **Strengthen its efforts to provide adequate and systematic training and/or sensitization on children's rights to professional groups working with and for children, such as law enforcement officials, parliamentarians, judges, lawyers, health personnel, teachers, school administrators, academics, social workers and others as required.**

Cooperation with civil society

24. The Committee notes that NGOs were involved in the data collection and are aware of the preparation of the State party's periodic report. However, the Committee is concerned that cooperation with NGOs and civil society is insufficient.

25. The Committee recommends that the State party intensify its cooperation and collaboration with NGOs and civil society in the implementation and monitoring of the Convention.

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-Discrimination

26. The Committee appreciates the significant efforts undertaken to combat discrimination. However, the Committee is concerned at the fact that stigmatizing words, such as "invalid" and "illegitimate child", are consistently used in legislation and official literature produced by the State party.

27. The Committee encourages the State party to continue and strengthen its efforts to combat all forms of discrimination including by passing the legislation on gender equality, and urges the State party to discontinue using vocabulary that stigmatizes children with disabilities and children born out of wedlock.

Best interests of the child

28. While the Committee notes that the principle of the best interests of the child is taken into account in the Constitution and in several laws, it is concerned that this principle is not adequately respected and implemented in all regulations as well as in practice in all domains and for all children.

29. The Committee recommends that the State party strengthen its efforts to ensure that the general principle of the best interests of the child is understood, appropriately integrated and implemented in all legal provisions and in projects, programmes and services that have direct or indirect impact on children, by paying particular attention to vulnerable children.

Respect for the views of the child

30. The Committee notes that the principle of the respect for the views of the child is secured in the Constitution and in some legislation and that the State party considers abolishing the law setting the age-limit for a child to express his/her views at 10 years. The Committee is concerned that traditional practices and cultural attitudes might limit the full implementation of article 12 of the Convention.

31. The Committee recommends that the State party:

(a) Promote and facilitate, within the family and in schools as well as in judicial and administrative proceedings, respect for the views of children and

their participation in all matters affecting them, in accordance with their ability to form their own views and in accordance with their age and maturity (rather than with the legal age-limit of 10 years);

(b) Develop a systematic approach to increase public awareness of the participatory rights of children and encourage respect for the views of children within the family, school, care institutions , community and the administrative and judicial system;

(c) Ensure the involvement of children and children-related organizations in the preparation and implementation of major developmental plans and programmes in the country, such as national development plans, action plans, annual budgets and poverty reduction strategies; and

(d) Take into account the recommendations adopted on the Committee's Day of General Discussion on the right of the child to be heard, held on 15 September 2006.

3. Civil rights and freedoms (arts. 7, 8, 13-17 and 37(a) of the Convention)

Access to appropriate information

32. The Committee takes note of the efforts of the State party to provide additional computers for schools in all regions of the country and expand access to Internet. Furthermore, it welcomes the revision and the introduction of new textbooks in schools. The Committee is concerned, however, at the extent of violence shown by several TV channels and at the slow progress made with regard to effective measures ensuring that children are not exposed to materials injurious to their well-being, including violence and pornography.

33. **The Committee recommends that the State party:**

(a) Promote the plan to equip schools with computer and internet access and to educate children to be competent and responsible users of abundant information provided; and

(b) Expedite the adoption of regulations which prevent the media from broadcasting and publishing materials which may have negative impact on children's mental, social and emotional development.

Torture and other cruel, inhuman or degrading treatment

34. The Committee notes that the Government makes efforts to eradicate acts of maltreatment and degrading punishment in boarding schools, homes, remand and detention centres. However, the Committee is concerned about reports that such brutal and humiliating behaviour still exists and that the possibility of reporting such treatment and the compensation for such violations of child rights are still limited. Furthermore, the Committee is concerned at reports on bullying, insulting and blackmailing among children in schools, which often are a reaction to unbearable conditions in family and school settings.

35. The Committee urgently recommends that the State party:

(a) Strengthen its efforts to eradicate all acts of degrading treatment and violation of children's dignity in schools, boarding schools, at home, remand and detention centres;

(b) Expand and facilitate children's facilities to file complaints about maltreatment in these institutions and enforce the prosecution of offences against the rights of the child;

(c) Intensely train staff of these institutions in order to raise their awareness and to impress upon them the rights of the child which has to be strictly ensured also in these institutions; and

(d) Raise teachers' awareness of peer mobbing and bullying in classroom and school and encourage schools to adopt action plans for combating these rude and humiliating behaviours.

Corporal Punishment

36. The Committee appreciates that corporal punishment is unlawful in schools, the penal system and alternative care. However, the Committee regrets that there is no specific legal prohibition of corporal punishment in foster care, military schools, kinship care and the workplace, and that despite legal prohibitions for some areas, the de facto situation is that children are still victims of corporal punishment.

37. The Committee urges the State party, while taking into account its general comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/GC/2006/8), to:

(a) Explicitly prohibit in law corporal punishment of children in all settings;

(b) Undertake public and professional awareness-raising;

(c) Promote non-violent, positive, participatory methods of childrearing and education and knowledge among children of their right to protection from all forms of corporal punishment; and

(d) Seek assistance from, inter alia, UNICEF and WHO.

Follow-up to the Secretary General's Study on Violence against Children

38. With reference to the United Nations Study on Violence against Children, the Committee recommends that the State party:

(a) Take all necessary measures for the implementation of the overarching and setting-specific recommendations contained in the report of the independent expert for the United Nations Study on Violence against children (A/61/299) while taking into account the outcome and recommendations of the Regional Consultations for Europe and Central Asia (held from 5-7 July 2005) hosted by Slovenia;

(b) Use these recommendations as a tool for action in partnership with civil society and in particular with the involvement of children to ensure that every child is protected from all forms of physical, sexual and mental

violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse; and

(c) Seek technical assistance from UNICEF, OHCHR and WHO for the above-mentioned purposes.

4. Family environment and alternative care

(arts. 5; 18 (paras.1-2); 9-11; 19-21; 25; 27 (para.4); and 39 of the Convention)

Family environment

39. The Committee welcomes the awareness-raising activities undertaken by the State party in order to sensitize and advise families on parenting issues. However, the Committee is concerned at the shortage of professional staff trained to identify and address family problems, as well as at the inadequate financial support and other benefits, including adequate housing, provided to families with children especially to families in crisis situation due to poverty, families caring for children with disabilities or children infected by HIV/AIDS and to single-parent households. Furthermore, the Committee is concerned that insufficient family support and crisis intervention gives rise to neglect and abandonment of children.

40. **The Committee recommends that State party:**

(a) **Continue with its awareness-raising activities on parenting issues in order to prevent and reduce separation of children from their families and their abandonment;**

(b) **Increase the number of well trained professionals, including social workers, providing assistance to parents in the upbringing of their children and provide them with continuous, gender sensitive and targeted training;**

(c) **Increase support, including financial allowances and adequate housing to families with children, in particular for those living in poverty, families caring for children infected by HIV/AIDS and to single-parent households; and**

(d) **Develop and financially support community-based and family-focused services for families at risk of social problems and families who care for children with developmental challenges, disabilities or health problems.**

Alternative care

41. The Committee welcomes the State party's initiative to move toward a family (foster) type of care. However, the Committee remains concerned that progress has still not been made in reducing the large number of abandoned and homeless children, the number of children placed in institutions, and the conditions in those institutions. The Committee is further concerned at the low attention paid to young children and their need to live in a family environment. The Committee is also concerned at reports that many children lacking parental care, in particular abandoned children, are apprehended and placed in the same closed facilities as children suspected or accused of criminal wrongdoing. The Committee is also concerned that some children who have "aged out" of State care are not well prepared to take on the responsibility of adult life and that not all of them are eligible for further services.

42. **The Committee recommends that the State party, while taking into account the recommendations of the Day of General Discussion on children without parental care (2005):**

(a) Develop alternative care policies, regulations and practices placing greater emphasis on reunification and rehabilitation programmes and make sure that children without family care are never placed in prison-type institutions

(Remand Centers) and young children are placed in family-like environments and that there be provisions for family visits;

(b) Develop a care plan for every child in need of out-of-family care, monitor the status of children placed in kinship homes, foster care, pre-adoptive homes and other care institutions, inter alia by regular visitations, and review care plans periodically;

(c) Take into account in all measures the views of the children, ensure their best interests and provide an independent child accessible complaints mechanism;

(d) Ensure properly trained staff for all facilities; and

(e) Redirect allocations in national and regional budgets, with increasing funding for programmes and services supporting living of children in family environment.

Adoption

43. The Committee welcomes the draft legislation mentioned in the State party's report on the ratification of the Convention on Protection of Children and Cooperation in respect of intercountry adoption. However, the Committee remains concerned at the fact that the previous Committee's recommendations in this respect have not been taken into consideration, that there is no comprehensive policy regarding domestic and intercountry adoption, including effective monitoring and follow-up to adoptions.

44. **The Committee reiterates its previous concluding observations and recommends that the State party:**

(a) Speedily ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and take it as the framework for the new law on adoption;

(b) Create legal and other possibilities to implement the right of the child to know, to the extent possible, his/her origin; and make future adoptive parents aware of this right;

(c) Establish a comprehensive policy regarding adoption, including a mechanism to review, monitor and follow-up to adoption; and

(d) Allocate the central adoption authority with sufficient financial and human resources to enable fulfil its mandate in a proper manner throughout the country.

Child abuse and neglect

45. The Committee remains concerned that few steps have been taken to further protect children from abuse and neglect.

46. **The Committee recommends that the State party:**

(a) **Develop and implement a comprehensive strategy for the prevention and reduction of child abuse and neglect particularly within the family, in schools and other institutions by, inter alia, undertaking awareness raising campaigns and providing adequate support to children and families at risk;**

(b) **Develop and implement an effective system for reporting of cases of child abuse and neglect;**

(c) **Strengthen the psychological and legal support for children victims of child abuse and neglect; and**

(d) **Provide a 3-digit, toll-free, 24-hour national helpline for children, in collaboration with UNICEF and the Union of Crisis Centres among others.**

5. Basic health and welfare

(arts. 6; 18, para. 3; 23; 24; 26; 27, paras. 1-3 of the Convention)

Children with disabilities

47. The Committee notes the efforts undertaken by the State party to improve the situation of children with disabilities, such as the increase of budget allocations and the training provided to medical and educational staff. However, the Committee is deeply concerned that a large number of children with disabilities are in schools without special equipment and professional competence for the needs of these children. Furthermore, the Committee is concerned that the predominant method used to address these problems is still by establishing boarding schools. The Committee further notes the persisting shortage of resources for the development of educational, social and health services for children with disabilities and their families in their living environment.

48. **The Committee recommends that the State party, while taking into account the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee's general comment No. 9 on the rights of children with disabilities, take all necessary measures to:**

(a) **Adopt an inclusive education strategy and elaborate a plan of action in order to increase the school attendance of children with special needs and focus on day care services for these children in order to prevent their institutionalisation;**

(b) **Ensure that all children with special needs are being taken care of;**

(c) Support activities of NGOs (organisations of parents) and cooperate with them in the process of developing community based day care services for children with special needs; and

(d) Sign and ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Health and health services

49. The Committee appreciates the efforts undertaken in the area of health including the implementation of the National Programme of Health Reforms for 2005-2010, the increased budget allocation for the health sector and the increase in consumption of iodized salt and the decrease of infant and child mortality rates. However, the Committee remains concerned at the still limited access to adequate health-care services for children in rural areas, the lack of reliable statistics and at the still high mortality rates affecting especially children from rural areas.

50. **The Committee recommends that the State party:**

(a) Develop a comprehensive programme to improve mother and child health, including through basic health-care services for the most vulnerable children, in particular, children living in rural and remote areas;

(b) Seek assistance from UNICEF and WHO before the WHO Live Birth Definition is introduced in January 2008;

(c) Continue practices in salt iodization and flour fortification in order to decrease the rate of anaemia among women of childbearing age and children;

(d) Develop comprehensive policies and programmes to promote exclusive breastfeeding for an infant's first six months and adopt a national law on regulations for the marketing of breast-milk substitutes; and

(e) Continue with its efforts to combat the long-term negative impact of the former nuclear tests at the site of Semipalatinsk and of the Aral Sea disaster.

Adolescent Health

51. The Committee notes that some efforts are being undertaken to promote healthy lifestyles through the "Youth well-being" programme. However, the Committee remains concerned at the high incidence of drug abuse and the widespread alcoholism and tobacco use. Furthermore, the Committee remains concerned about the prevalence of teenage pregnancy and the high abortion rate. The Committee is also concerned at the shortage of mental health services for children.

52. **The Committee recommends that the State party:**

(a) Take all necessary measures to fight substance abuse, and strengthen the programme of health education in schools;

(b) Take all necessary measures, including by providing information and education, with respect to adolescent reproductive health and strengthen measures aimed at the prevention of unwanted pregnancies through, inter alia,

making a comprehensive range of contraceptives widely available and increasing knowledge about family planning;

(c) Develop effective outpatient and day-care mental health services for children with mental health problems and their families, including programmes directed to the prevention of suicide and violence;

(d) Undertake a comprehensive and multidisciplinary study to assess the scope of adolescent health problems including mental health issues; and

(e) Take into account the general comment No. 4 on adolescent health and development in the context of the Convention on the Rights of the Child (CRC/GC/2003/4) of 2003.

HIV/AIDS

53. The Committee notes the relatively low HIV/AIDS prevalence rate in the State party, however the Committee is concerned that the newly reported cases of HIV are rapidly increasing, including through mother-to-child transmission and at the stigmatization of children infected and affected by HIV/AIDS including cases of abandonment. Furthermore, the Committee is concerned at the fact that the State party remains a major trafficking conduit for heroin with a major impact on drug use and the HIV infection rate.

54. **The Committee recommends that the State party, while taking into account the Committee's general comment No. 3 (2003) on HIV/AIDS and the rights of the child and the international Guidelines on HIV/AIDS and Human Rights:**

(a) Strengthen its preventive efforts by conducting campaigns and programmes in order to raise awareness on HIV/AIDS including on prevention methods;

(b) Strengthen preventive measures, including by providing awareness-raising campaigns, to prevent mother to child transmission;

(c) Provide psycho-social support to HIV/AIDS infected and affected children and their families as well as advocacy on early interventions and medical and social inclusion; and

(d) Take effective measures to counter stigma and discrimination faced by children and families infected and affected by HIV/AIDS.

Standard of living

55. The Committee notes that the per capita income has remarkably increased over the last decade, however it remains concerned about the discrepancy between the steadily growing GDP and the low standard of living of a large section of the population, including many children and their families, and that in spite of the State party's Programme to Reduce Poverty 2003 – 2005, a large percentage of the population still lives in poverty, particularly in some less developed districts. The Committee is further concerned that adequate housing remains a problem for many families and for children after they have left homes and that access to clean drinking water and sanitation is not ensured in all regions of the country.

56. In accordance with article 27 of the Convention, the Committee recommends that the State party:

(a) Take steps to improve the standard of living of families with children, in particular those living below the poverty line;

(b) Pay special attention to the impact of child poverty on children's exercise of their rights and develop targeted programmes which can compensate for such negative consequences;

(c) Make adequate housing available also for low-income families, including for large families and provide access to housing for former institutionalized children; and

(d) Ensure access to clean drinking water and sanitation in all regions of the country.

6. Education, leisure and cultural activities

(arts. 28, 29 and 31 of the Convention)

57. The Committee appreciates the importance that the State party gives to education through, inter alia, the increase of budget allocation, the adoption of the State programme for the development of education for 2005-2010, the expansion of compulsory education to grades 11 and 12 of secondary school, the efforts undertaken to increase the enrolment in kindergarten and other early childhood facilities and the introduction of a compulsory pre-school year. However, the Committee is concerned that education for many children is not free of cost, that a small, but significant percentage of children is not enrolled in schools or leave secondary school before completion. Furthermore, the Committee is concerned that the quality of education is not satisfactory, in particular in rural and remote areas.

58. The Committee recommends that the State party:

(a) Ensure that compulsory education is free of cost and accessible for all children, by undertaking targeted programmes that address children living in rural and remote areas, children with special needs, refugee children, children of migrant workers, and children with HIV/AIDS;

(b) Continue its efforts to increase the enrolment in early childhood facilities, with particular regard to the groups of children mentioned under (a);

(c) Ensure that preparatory education for pre-primary school children aged five to six is provided free of cost;

(d) Improve the quality of education on all levels of the educational system by, inter alia, building new schools and providing better equipment of all schools, introducing interactive teaching and learning methods, by teacher training and extending in-service training of teachers in order to actively involve them in the innovation and reform processes; and

(e) Seek technical assistance from UNICEF and UNESCO in this regard.

7. Special protection measures

(arts. 22, 38, 39, 40, 37 (b)-(d), 30, 32-36 of the Convention)

Refugee children

59. The Committee regrets that no sufficient effort has been made to effectively improve the situation of refugee children. In particular, the Committee is concerned that many of them live in severe economic hardship and their access to education and health services remains limited. The Committee is further concerned that refugee children face difficulties to receive appropriate treatment and rehabilitation when needed.

60. The Committee reiterates its previous recommendations and urges the State party to:

(a) Adopt a national law on the protection of and assistance to refugee children in conformity with article 22 of the Convention and other international standards;

(b) Make every effort to ensure that refugee children are able to benefit fully from the Convention's principles and provisions;

(c) Ensure that all refugee children are registered;

(d) Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; and

(e) Strengthen its cooperation with UNHCR.

Children living and/or working on streets

61. The Committee is deeply concerned that no adequate efforts have been made to respond to the highly problematic situation of street children. The Committee is particularly concerned at the violations of the rights of street children and their vulnerability to trafficking and economic and sexual exploitation.

62. The Committee urges the State party to intensify its efforts to increase awareness of street children's rights, provide protection and assistance to children currently living on the streets, including by taking into account their views, and elaborate targeted programmes, on the basis of comprehensive studies, in order to prevent children from living in the streets.

Economic exploitation, including child labour

63. The Committee welcomes the fact that the State party's legislation restricts child labour and provides for criminal prosecution of physical and legal persons for involving children in the worst forms of child labour. However, the Committee is concerned at the still large number of socially vulnerable children engaged in labour as, inter alia, within the tobacco and cotton industry and as domestic servants, and at the lack of information and adequately disaggregated data on the situation of child labour and economic exploitation of children within the State party.

64. The Committee recommends that the State party:

(a) Introduce monitoring mechanisms to ensure the enforcement of labour laws and protect children from economic exploitation;

(b) Undertake a comprehensive study, by taking into account the views of working children, to assess the situation of child labour, in particular

within the informal sector, work on the streets and domestic work, in order to strengthen awareness, prevention and assistance programmes;

(c) Take measures to ensure effective implementation of the ILO Conventions No. 138 on the Minimum Age for Admission to Employment and Work, and No. 182 on the Worst Forms of Child Labour, which the State party has ratified; and

(d) Seek technical cooperation from ILO and UNICEF.

Sexual exploitation and prostitution

65. The Committee is concerned at the high instance of children engaged as sex workers, including a high number of very young children, who are also subjected to violence, abuse and trafficking. The Committee is further concerned that only a negligible number of cases reach the courts.

66. **The Committee recommends that the State party:**

(a) Increase awareness-raising campaigns and public education on sexual exploitation, prostitution and child abuse for children, their families, communities and the public at large and ensure the recognition of the gender perspective in these campaigns and in public education;

(b) Take measures to prosecute perpetrators of sexual exploitation of children and child abuse;

(c) Implement appropriate policies and targeted programs for the prevention, recovery and social reintegration of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children; and

(d) Undertake in-depth studies and research to identify the scope, extent and root causes of sexual exploitation of children to facilitate the implementation of effective strategies.

Trafficking of children

67. The Committee welcomes the efforts undertaken by the State party to combat trafficking such as the implementation of the Plan of Action to Combat and Prevent Offences Involving Trafficking in Persons for 2004-2005 and its subsequent Plan for 2006-2008, as well as the ongoing awareness-raising campaigns. Despite these efforts the Committee remains concerned at the prevalence of national and cross-border trafficking.

68. **The Committee encourages the State party to:**

(a) Continue and further strengthen its awareness-raising campaigns including through education and the media;

(b) Increase protection provided to victims of trafficking, including prevention, social reintegration, access to health care and psychological assistance and free access to legal aid;

(c) Enter into bilateral and multilateral agreements for the prevention of trafficking and for the rehabilitation and repatriation of trafficked children; and

(d) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) and the Council of Europe Convention on Action against Trafficking in Human Beings (2005).

Juvenile Justice

69. The Committee notes the existence of the reform process, albeit slow, within the system of administration of juvenile justice, which shall amend the Penal Code and the Procedural Penal Code. However, the Committee remains concerned that little progress has been made to implement the previous concluding observations (CRC/C/15/Add.213) in the area of juvenile justice, in particular, the lack of specialized judges and juvenile courts throughout Kazakhstan and the low quality of the current system of detention.

70. The Committee recommends that the State party take prompt measures to fully bring the system of juvenile justice in line with the Convention, in particular with articles 37(b), 40 and 39, as well as with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee's general comment No. 10 (CRC/C/GC/10) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party:

(a) Implement the Committee's previous recommendations (CRC/C/15/Add.213) regarding juvenile justice;

(b) Accelerate the process of reform of the juvenile justice system, of its penal law and procedural penal law, taking into consideration the principles of the Convention;

(c) Set up an adequate system of juvenile justice, including juvenile courts throughout the country;

(d) Train judges and all law enforcement personnel who come into contact with children from the moment of arrest to the implementation of administrative or judicial decisions taken against them;

(e) Use deprivation of liberty as a means of last resort and, when used, regularly review it on the basis of the best interests of the child;

(f) Provide a set of alternative socio-educational measures to deprivation of liberty and a policy to effectively implement them;

(g) Ensure that children deprived of their liberty remain in contact with the wider community, in particular with their family, as well as friends and other persons or representatives of reputable outside organizations, and give opportunity to visit their home and family;

(h) Focus on the prevention of crimes strategy in order to support children at risk at an early stage; and

(i) Seek technical assistance from the United Nations Interagency panel on Juvenile Justice which includes UNODC, UNICEF, OHCHR and NGOs.

8. Follow-up and dissemination

Follow-up

71. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, *inter alia*, by transmitting them to the relevant government ministries, Parliament members and the authorities of districts and communities for appropriate consideration and further action.

Dissemination

72. The Committee further recommends that the consolidated second and third periodic report and written replies submitted by the State party and related recommendations (concluding observations) be made widely available in the languages of the country, to the public at large, civil society organizations, youth groups, professional groups, and children in order to generate debate and awareness of the Convention, its implementation and monitoring.

9. Next report

73. The Committee invites the State party to submit its fourth periodic report, which should include information on the implementation of the two Optional Protocols, by 10 December 2011. This report should not exceed 120 pages (CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.

74. The Committee also invites the State party to submit a core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5th Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
