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Summary record of the 16th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 27 February 2019, at 3 p.m.

Chair: Mr. Zerbini Ribeiro Leão

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

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second periodic report of Kazakhstan ([E/C.12/KAZ/2](#); [E/C.12/KAZ/Q/2](#) and [E/C.12/KAZ/Q/2/Add.1](#))

1. *At the invitation of the Chair, the delegation of Kazakhstan took places at the Committee table.*
2. **Mr. Mukushev** (Kazakhstan) said that, in recent years, per capita gross domestic product (GDP) in Kazakhstan had risen to over \$9,300 and the share of the population with incomes below the subsistence minimum had decreased from nearly 13 per cent to 3.6 per cent thanks in large part to the macroeconomic stability that the Government had ensured. There had also been significant improvements in life expectancy, birth rates and the maternal and infant mortality rates over the previous five years. Large-scale State programmes had been implemented to promote employment and provide citizens with freedoms and opportunities to exercise their economic rights. By the end of 2018, the unemployment rate had stood at 4.8 per cent and the youth unemployment rate at 3.8 per cent. The structure of employment was changing, as the proportion of the population in the workforce had increased and the number of persons who were self-employed or engaged in the informal sector had declined. Under legislative amendments introduced in December 2018, persons employed in the informal sector could sign up to a single consolidated payment scheme allowing them to participate in government health, insurance and pension programmes, and thus formalizing their status. Since the beginning of 2019, over 18,000 payments had already been made under the scheme.
3. A freely accessible digital labour market had been set up with the establishment of the largest database of employment opportunities and curricula vitae in the country. In 2018, over 95,000 employers had registered and nearly 500,000 people had found employment through the system, which had resulted in a higher employment rate and reduced expenditure for State services.
4. Kazakhstan had taken part in the December 2018 conference on migration in Marrakesh, Morocco and had subscribed to the Global Compact for Safe, Orderly and Regular Migration. The Government had adopted a new migration policy concept for the period 2017–2021 which took into account the Sustainable Development Goals and the various international instruments related to migration. The aims were to create a favourable investment climate, to attract qualified foreign specialists to move to Kazakhstan, to simplify migration regulations and to protect the rights of migrants. The Nurly Zher programme was designed to provide affordable housing for people of all income levels, and over 6,300 rental units for socially vulnerable groups had already been built. The programme had been expanded in 2019 to cover the construction of 4,000 units per year, with \$92.6 million in annual funding.
5. The country's solid economic base had made it possible to develop social services and social security. Social spending currently amounted to 45 per cent of all budget expenditures, and there had been a rise of 23.6 per cent in spending on pensions between 2017 and 2018. Pension savings amounted to over 16 per cent of GDP, with pensions indexed to increase at a rate 2 per cent above the inflation rate. Various types of pensions had been raised numerous times since 2016, including through the adoption of a new methodology for the calculation of base pensions.
6. State social security benefits for persons with disabilities and for survivors in the event of the loss of a breadwinner had increased by 32 per cent in 2017 and had continued to rise in 2018 and 2019. The country had acceded to the Convention on the Rights of Persons with Disabilities in 2015 and had submitted its initial report to the Committee on the Rights of Persons with Disabilities in 2017. In 2018 the Special Rapporteur on the rights of persons with disabilities had reported to the Human Rights Council on her 2017 visit to Kazakhstan, mentioning achievements in the provision of social protection for

persons with disabilities. In 2019, a new national plan would be adopted for actions to be taken in the period to 2025, with a focus on seven priority areas for persons with disabilities, including their self-realization of rights and their full integration into the country's social and economic life. A social services portal would be introduced in 2019 to improve the use of and access to rehabilitation equipment and services.

7. The minimum wage had increased by over 70 per cent between 2017 and 2019, and the average monthly nominal wage by over a third since 2014, to over \$420. Secondary education was free of charge, and 95 per cent of children aged between 3 and 6 years were enrolled in preschool programmes. Over 99 per cent of schools had broadband Internet access. Under a new certification system, teachers who met certain criteria received significant additional remuneration. The vocational education system had introduced dual training programmes for 177 specialities. In order to ensure the standardization of higher education qualifications, Kazakhstan had joined the Bologna Process in 2010. Every year, some 3,000 Kazakh students were able to study in other countries through the President's Bolashak overseas scholarship programme. The country's rating for education in the IMD World Competitiveness Rankings had improved markedly between 2017 and 2018.

8. The Government had established a national model for family support, with a system of benefits and payments to promote parenting. Benefits paid at the birth of a child had increased by more than 50 per cent over the previous five years, and new benefits had been introduced for children with certain childhood disabilities. The university curricula for all teaching professions included a section on inclusive education, and conditions for inclusive education had been created at 15 per cent of kindergartens and 58 per cent of schools. The State fully or partially covered expenses for children with disabilities and provided information resources, textbooks and teaching materials for children with special needs. One quarter of vocational training institutions were equipped to train students with special needs, and State scholarships were granted to persons with visual and hearing impairments.

9. Kazakhstan was committed to achieving full gender equality and eliminating gender discrimination. The Government had in 2016 adopted a long-term strategic action plan for the implementation of family and gender policies in the period to 2030, the first phase of which included the amendment of the relevant legislation. The share of women in legislative bodies was over 22 per cent and there were women in national cabinet posts, including the Deputy Prime Minister, one government minister and 11 deputy ministers. The share of women in public service ranged from around 10 per cent of deputy mayors to 55 per cent of all civil servants and about half of the judges of the Supreme Court.

10. The practice of allowing free admission to museum exhibitions and theatre performances on holidays and weekends was adopted nationally in 2017, and low-income and large families had free access to cultural facilities in all regions. The State also subsidized visits by persons with disabilities to such facilities, which were adapted to ensure their physical accessibility.

11. The national system for the protection of human rights included a number of commissions and ombudsman's offices. A law had been adopted in 2017 amending the Constitution to give the Senate exclusive jurisdiction over the election and dismissal of the Human Rights Commissioner (Ombudsman), thus bringing the conditions for the operation of that office, which was the national human rights institution, into line with the Paris Principles. The Government carefully reviewed and analysed the recommendations of the Committee and developed systems for their implementation.

12. **Mr. Kedzia** (Country Rapporteur) said that the Committee would like to find out to what extent the Parliament, the office of the Human Rights Commissioner, civil society bodies and academia had been involved in the preparation of the State party's report. Noting that, prior to a constitutional amendment in 2017, the Constitution had ensured the direct applicability of international treaties, he asked why that provision had been removed and what impact its removal had had on the applicability of the Covenant. The replies to the list of issues had indicated that international treaties were still directly applicable by virtue of the Civil Code and the Criminal Code. He asked whether similar provisions had been included in relation to other laws relevant to the Covenant, such as those governing labour, insurance and social security. Were individuals able to invoke their rights in those fields on

the basis of the Covenant when the national law provided insufficient protection? The delegation was requested to specify what stood in the way of the country's ratification of the Optional Protocol to the Covenant and whether there was a timetable for ratification. He expressed the hope that the Committee's case law, as expressed in its general comments, could help address any doubts that had arisen.

13. The Committee would appreciate an update on the outcomes of communications received by the Commissioner for Human Rights in relation to the violation of economic, social and cultural rights and on corrective actions taken by the Commissioner to provide victims with effective remedies. It would also like to receive information on the resources and staffing of the Commissioner's office, which reportedly had a staff of just 14 and maintained no presence at the local level, but had handled over 1,200 written communications and verbal complaints in 2016. As the national human rights institution, the Commissioner's office had been accredited by the Global Alliance of National Human Rights Institutions with B status. What steps were planned to improve its compliance with the Paris Principles?

14. The information provided on judicial reform mainly concerned the newly adopted Code of Civil Procedure, the Code of Criminal Procedure and the Code of Administrative Offences. The delegation was requested to shed some light on any reforms relating to other laws, such as the country's labour law, that strengthened protection of rights and access by victims to redress. Noting that the country's Freedom House ranking for judicial independence had worsened since 2009 and that the Human Rights Committee had recently expressed concern about the independence of the judiciary and the competence and tenure of judges, he asked how the delegation viewed the position of the judiciary in Kazakhstan.

15. In view of the fact that the constitutional provisions prohibiting discrimination failed to specifically address discrimination based on a person's gender identity, sexual orientation or failure to obtain residence registration, he asked whether the Government was considering the adoption of a comprehensive law prohibiting discrimination on all grounds and addressing de facto discrimination. What steps were planned to combat discrimination against foreign and internal migrants who were disadvantaged by the rigidity of the residence registration system?

16. The Committee was concerned about attacks and harassment directed against lesbian, gay, bisexual and transgender persons. The State party's reply on the issue, which merely stated that the law did not establish specific protection for such groups and that it had thus been impossible for it to provide information on investigations and judgments relating to such cases was not satisfactory. The Committee would like to know the status of the bill to amend the legislation governing family and gender policy and to find out more about the scale and dynamics of religious marriages and other traditional practices such as bride kidnapping and early or forced marriage that discriminated against women. What measures had been taken to change such practices, and were they effective? Over the previous 10 years, representation of women had increased in public positions, but the membership of the Parliament was still overwhelmingly male. What was blocking greater progress in ensuring women's representation in the political system? He asked the delegation to comment on the reasons for the decriminalization of certain forms of domestic violence by amendments to the Code of Administrative Offences and the effect it might have on harassment of women, even outside of domestic settings. The traditional perception of gender roles and responsibilities in the family and in society was apparently still strong and posed certain problems in the State party.

17. The reply to the list of issues stated that the Government kept no information on claims filed by victims when private companies failed to respect their economic, social and cultural rights. The collection of such information was an essential prerequisite for the effective protection of such rights in the context of business activities and its absence impeded the ability of the State to comply with the provisions of the Covenant in protecting people against abuses by the corporate sector. Had the Government adopted a plan of action on business and human rights, as required by the Guiding Principles on Business and Human Rights endorsed by the Human Rights Council? He would also like to know whether domestic law required the authorities to carry out human rights impact assessments either for society as a whole or for affected communities before they entered into trade and

investment agreements and environmental impact assessments prior to the licensing of new investments.

18. Noting that progress had been made in combating corruption since the adoption of the 2015–2025 anti-corruption strategy, he asked what measures the Government had taken to protect anti-corruption activists, whistle-blowers, victims and human rights activists when they denounced corrupt activities.

19. **Mr. Uprimny** (Country Task Force) said that, now that Kazakhstan was an upper-middle-income country, the State party had an even greater responsibility to ensure that it was using its maximum available resources to realize social rights. However, despite significant inequalities with respect to the right to health and to education, spending in those areas as a proportion of GDP was low compared to other upper-middle-income countries, and very low compared to member States of the Organization for Economic Cooperation and Development (OECD), which the State party aspired to join. Fiscal pressure (tax in relation to GDP) was also very low. He asked whether the State party intended to increase spending in relation to GDP in those important fields, and if so, how it intended to do so without undermining its impressive record of economic growth and equality, represented by its low Gini coefficient.

20. **Mr. Abishev** (Kazakhstan) said that the Human Rights Commission attached to the Office of the President consisted of 31 people, of whom 17 were from civil society. The State party viewed its civil society organizations as active and strategic partners in efforts under the Covenant and other human rights instruments, and an open invitation had been extended to them to take part in the drafting of the report. In addition to the relevant government ministries and civil society, the drafting process had involved the Human Rights Commission, the National Commission for Women, Family and Demographic Policy, parliamentary representatives, a standing advisory body to the Ministry of Foreign Affairs on human rights and an expert council.

21. Human rights instruments, upon ratification, became part of the living law of the State party. Article 4 (3) of the Constitution, as amended in 2017, provided that international agreements ratified by the State party had primacy over national legislation. For the implementation of their provisions, special enabling legislation was adopted, as, for instance, in July 2018 when the Supreme Court had issued an order on the implementation of international treaty norms. In individual cases, everyone in the State party, not just the courts and other law enforcement bodies, was thus empowered to make a direct reference to international instruments such as the Covenant because, under the Constitution, they were an integral part of domestic legislation.

22. The Human Rights Commissioner (Ombudsman) was an independent body for the protection of human rights, which, just like similar institutions in many other Member States, had B status under the Paris Principles. The Ombudsman's independence was enshrined in constitutional norms and no executive body was permitted to interfere in its work. It dealt with a range of different issues, including the examination of over 1,000 written and oral complaints and communications from individuals annually, while the Human Rights Commission attached to the Office of the President received over 900 oral or written communications. Three lawyers worked for the Commission, in addition to Commission experts; the Ombudsman's office had 14 members of staff, as well as the expert council, which brought together more than 40 independent experts from civil society. Any communication lodged with the Ombudsman in keeping with legislation was considered. Naturally, as in any other country, the Ombudsman was not entitled to interfere in the judicial process of cases before the courts; complaints related to court cases were transmitted to the procuratorial or judicial authorities. A dedicated section of the State budget was allocated to ensuring the work of the Ombudsman's Office.

23. Discrimination was prohibited under the Constitution and other legislation, such as the Code of Civil Procedure, the Labour Code and the Civil Service Act. Steps had been taken to establish effective mechanisms to ensure that complaints concerning discrimination on the basis of sex, gender identity or sexual orientation could be lodged appropriately, and the constitutional principle of equality of all before the law was enshrined in legislation. The Human Rights Commission had indeed refused three cases of

registration of non-governmental organizations (NGOs), noting that the aim of the activities of such organizations must be in keeping with the Constitution, with the State party's human rights commitments and with legislation on non-profit organizations. A feminist organization to defend the rights of sexual minorities had therefore been approved, whereas one for sex workers had not.

24. **Ms. Unzhakova** (Kazakhstan) said that, unlike in other countries in Central Asia and the Commonwealth of Independent States, the State party's gender policy had been institutionalized right from independence, through the National Commission for Women, Family and Demographic Policy, a presidential commission with advisory status that ensured that the cross-cutting principle of gender equality was mainstreamed across all ministries. In late 2018, work had begun aimed at also institutionalizing the issues of youth and the family in the work of the executive. In the 1990s, the focus of the gender policy had been on dealing with poverty among women and children, broadening in the early 2000s to cover issues concerning men, including the health and longevity of men, alimony, and the involvement of men in the upbringing of their children. The focus of the current family and gender policy, covering the period to 2030, was on the family as the place – in addition to legislation – where gender equality needed to be enshrined and encouraged.

25. In line with the State party's aim of welcoming the many people returning to the country and helping them integrate into society, the policy took account of the fact that those people brought with them their own sociocultural rules. It could not be denied that conduct in society was regulated not just by the law but also by morals. There had been cases of girls being assaulted that were clearly part of the difficulties of the integration processes under way. The draft legislation on the matter aimed to define what constituted such sexual offences. In addition, amendments before Parliament in January 2019 were aimed at increasing flexibility and opportunities for members of Parliament, in particular women, to move to posts in other parts of government without having to go through complicated procedures as in the past.

26. **Mr. Abishev** (Kazakhstan) said that the State party had signed the Optional Protocol to the Covenant in 2010. According to Human Rights Commission data, only 24 Member States had ratified the Optional Protocol and only 43 had signed it. Far from refusing to ratify it, the Government was currently, in consultation with NGOs, considering what further steps would be necessary to ensure its successful implementation after future ratification and entry into force. In particular, the fact that citizens and those living temporarily in the country would be able to submit individual communications would have budgetary implications.

27. **Mr. Mukushev** (Kazakhstan) said that the Government, through an interdepartmental commission, was currently considering how to make State services more automatically available. A bill was being discussed in Parliament that would remove the requirement to hold a residence permit in order to gain access to State services and make them available to all persons living in Kazakhstan irrespective of their residential status. It would introduce a proactive approach, whereby the State, rather than waiting for citizens to come forward to request services to which they were entitled under the law, worked through local government to ensure that they were enjoying the benefits they were entitled to. Furthermore, access to services would be simplified through a single-window system, whereby an application for one service would automatically trigger the provision of related services, without the need for separate applications.

28. **Ms. Smagulova** (Kazakhstan) said that a series of steps had been taken over recent years to increase confidence in the judiciary and improve access to it. A total of 11 bills were planned, aimed at improving the work of courts; 4 of them were currently before Parliament and 7 were being drafted for further discussion. Pilot projects were under way in relation to evening court sittings, court sittings by videoconference, family judges, labour disputes and other cases involving social rights, with the aim of improving the quality of justice and enhancing access to it. The Code of Civil Procedure emphasized reconciliation between the parties to disputes, and the judiciary, together with trade unions and associations, was currently examining questions of reconciliation and arbitration. According to court statistics, more than half of cases involving social disputes were resolved through reconciliation. Regarding the independence of the courts, Kazakhstan was

ranked seventy-third out of some 140 countries for judicial independence in the World Economic Forum Global Competitiveness Report. Efforts in that regard had been recognized through the admission of the national Union of Judges as a member of the International Association of Judges, one of the requirements for which was independence. Under the Constitution, there was no limit to the tenure of judges, which was also evidence of their independence. Furthermore, the principle of independence in the administration of justice was enshrined in legislation, including the Constitution, the Code of Administrative Offences, the Civil Code and the Code of Criminal Procedure.

29. **Ms. Erzhigitova** (Kazakhstan) said that businesses and other such actors were obliged to comply with legislation, including the Entrepreneurship Code and the Non-Profit Organizations Act, and provide proof of such compliance. Private companies were required to comply with domestic legislation on the rights of both natural and legal persons. The protection of those rights lay not just with the central authorities, but also with the legal profession, which was an important part of civil society and played a key role in providing legal aid and protection to individuals when their rights were infringed. Lawyers offering legal aid were subject to rigorous monitoring of qualifications, and programmes were provided to enhance their skills. There was, however, a lack of competition: according to available data, there were approximately 300,000 citizens per lawyer, whereas in Europe that figure tended to be between 250 and 1,000 individuals per lawyer. Comprehensive legal aid was provided to socially vulnerable groups free of charge, and the number of citizens receiving legal aid had increased significantly in 2018.

30. Parliament was examining a bill that would ensure that the judiciary was comprised of well-qualified legal experts, and enable the best-qualified individuals to move quickly up the career ladder. It would also safeguard the independence of the judiciary by allowing the Supreme Judicial Council to consider complaints made by clients, prosecutors and defendants; regional courts would not be permitted to exercise any influence over the Council's decisions.

31. Other economic, social and cultural rights enshrined in the Constitution included the right to freedom of association, with no State interference in the establishment of trade unions nor requirement for prior registration, the right to property and the right to use one's own national or original language and culture.

32. **Mr. Mukushev** (Kazakhstan) said that the percentage of GDP used for social programmes was likely to increase, in view of the growth of GDP and the introduction of a number of new social initiatives targeting vulnerable groups.

33. **Ms. Janenova** (Kazakhstan) said that implementation of the Anti-Corruption Strategy was ongoing and involved expert monitoring, assessment of the risk of corruption and development of innovative methods of combating corruption. The Strategy had been effective in reducing the number of reported corruption offences, and had helped to identify issues that affected the enjoyment of economic, social and cultural rights. High risks of corruption had been found in cases involving alimony payments and other family-related issues, and the right to residency.

34. In order to protect the rights of investors and entrepreneurs, the Government had examined their methods of work and the related risks of corruption. A hotline had been set up so that anyone could report corruption offences to the authorities. The Anti-Corruption Act established State protection for whistle-blowers and others who assisted the authorities in their investigations. Whistle-blowers could receive up to 250,000 tenge to report corruption offences; 185 people had received such payments in 2018, totalling approximately 2,000,000 tenge. The Government was developing a system to make payments to whistle-blowers proportionate to the amounts involved in the offence.

35. **Ms. Aitzhanova** (Kazakhstan) said that Kazakhstan had signed an Enhanced Partnership and Cooperation Agreement with the European Union, its largest trading partner. The Agreement covered justice reforms, cooperation on human rights, and business and investment, including provisions on Kazakhstan's most important exports: raw materials and energy products. It also included commitments to promote sustainable development in trade and corporate social responsibility, in accordance with the OECD

Guidelines for Multinational Enterprises and Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas.

36. The Agreement required foreign companies investing in Kazakhstan in the regulated mining sector or the oil production sector to commit to developing local infrastructure, using procurement practices to support local suppliers of goods and services, and training and hiring Kazakh citizens as managers and senior employees. Each contract would have specific provisions and quantitative indicators.

37. **Mr. Baibolov** (Kazakhstan) said that offences causing non-serious harm to health and involving fights had been decriminalized in 2017 and were now categorized as administrative offences. Victims were able to file complaints independently, fines could be imposed on the perpetrators and the offences could be reclassified as criminal in the event of any severe harm to the victim's health.

38. **Mr. Windfuhr** (Country Task Force), noting that women were excluded from 191 jobs, said that he wished to know how the Government would increase female participation in the workforce, whether it considered the list of prohibited jobs to be a form of discrimination against women and what impact the list had in practice. Despite good progress, further steps were needed to ensure the participation of persons with disabilities in the labour market, while lesbian, gay, bisexual, transgender and intersex persons were often forced to hide their identities in order to avoid discrimination and find employment. Although individual laws included anti-discrimination provisions, he wondered whether the Government had considered introducing overarching anti-discrimination legislation to protect as many people as possible.

39. Refugee status was subject to annual review, which precluded refugees from finding steady employment. Moreover, businesses employing foreign nationals, including refugees, were subject to higher taxes. It would be useful to know how the Government planned to improve access to the labour market for migrant workers. Forced and bonded labour also remained a problem, particularly in the tobacco, cotton and construction industries. Many women, including victims of trafficking in persons, worked illegally in low-skilled jobs in the trade and service sectors, and domestic workers were at particular risk of domestic servitude. He wished to know how the Government was working to combat forced and bonded labour, and identify the affected groups.

40. Although the overall and youth unemployment rates had fallen, large numbers of older persons and people aged under 25 were employed in the informal sector, leaving them without social security coverage. Demonstrations organized by young people without regular employment had been subject to a harsh police response and many participants were still being held in pretrial detention. He would welcome information on the extent of unemployment, how the Government calculated informal employment and the size and composition of the informal sector. He would appreciate further data on the number of self-employed workers and the impact of government efforts to reduce self-employment in order to increase social security coverage. It would also be useful to know more about the labour rights of persons convicted of an offence.

41. There were reports that migrant workers were at serious risk of exploitation owing to limited opportunities for employment, quota systems, dependency on employers, mistrust of the authorities, corruption, a lack of knowledge of their rights, the absence of regulated contracts, non-payment of salaries, confiscation of passports and poor housing conditions. In addition, migrants who were not legally registered could not access some services. He wished to know how the Government was addressing those issues.

42. As the labour inspection system appeared to focus on State-owned enterprises, it would be useful to know how private enterprises were inspected. He would also welcome information on how and whether labour inspectors adapted their approach to different sectors, such as agriculture, construction and domestic work. It would be useful to have an overview of the child labour situation, including the estimated numbers of children working in cotton-picking and vegetable plantations.

43. The increases in the minimum wage in 2017 and 2019 were positive, but it would be helpful to know how they had been calculated and whether any more were planned. How

were social security payments calculated in general and how far was the present minimum wage below the basic minimum income that the Government wished to achieve? He would also like to hear how efforts to reduce the gender pay gap had been affected by the exclusion of women from certain jobs.

44. Trade unions often struggled to enjoy their right to peaceful assembly, particularly if they were not affiliated with regional or sectoral federations. In view of the closure in 2017 of the Confederation of Independent Trade Unions of Kazakhstan, he wished to know how the Government dealt with independent trade unions and how much freedom workers had to organize independently. There had been reports of harassment and intimidation of unionized workers and restrictions on the right to strike, including problems with salary payments for participating workers. Most courts denied the right to strike and employers had the right to bring disciplinary action against any employees involved in a strike that was considered illegal. He wished to know how the Government was addressing those issues.

45. It would also be useful to know how the Government planned to ensure that self-employed workers, foreign nationals, refugees, asylum seekers and people employed in the informal economy had social security coverage. He would welcome further information on the introduction of the single consolidated social security payment scheme and the calculation of the new pension in relation to the minimum subsistence level. As benefits payments for childbirth and childcare, including for disabled children, were disproportionately low, and it was reported that families eligible for multiple benefits did not always receive them, he would appreciate information on the single window benefit system.

46. **Ms. Unzhakova** (Kazakhstan) said that the list of jobs prohibited to women had been prepared to ensure universal safe and pleasant working conditions, and protect women's reproductive health. Following labour inspections to establish which jobs women could safely carry out, the number of prohibited jobs had been reduced by approximately one third.

47. The single consolidated payment system would enable the Government to determine how many people were employed in each sector, including self-employed workers and those in the informal sector, and the services they were providing. The information gathered would help to determine the services needed under the universal medical insurance coverage that would become available from 1 January 2020. Moreover, the ongoing digitization process would help to broaden access to social services for both Kazakh and foreign nationals.

48. **Mr. Mukushev** (Kazakhstan) said that the figures provided on youth unemployment concerned both the formal and informal economies and had been arrived at using an established methodology. Of the 2.6 million people in the informal economy, 1.8 million had seen their work status formalized through proper labour contracts. Self-employed workers had to register as such, and those who earned under a set amount could benefit from the single consolidated payment. Efforts to reduce the scale of the informal economy were bearing fruit and would continue.

49. **Ms. Belonossova** (Kazakhstan) said that the methodology used to collect employment data, including with regard to the informal economy, was in keeping with International Labour Organization (ILO) standards, and employment figures were calculated by the Statistics Committee on a quarterly basis. Unemployment among young people aged under 29 was 3.8 per cent. The informal sector had halved in size over the previous 10 years. Nearly 50 per cent of women were employed, with their number gradually rising.

50. **Mr. Abishev** (Kazakhstan) said that the Human Rights Commission attached to the Office of the President worked closely with civil society organizations to tackle trafficking in persons and protect the rights of trafficking victims and migrant workers. Analysis providing an objective view of the situation of trafficking and counter-trafficking efforts in Kazakhstan had been prepared in Russian and English and would be transmitted to the Committee. Trafficking did not occur on a particularly large scale: most of the 450 cases recorded in 2018 had been trafficked for the purposes of labour exploitation. Victims were

identified with the assistance of non-governmental organizations, which ran crisis centres throughout the country and provided victims with social services. The centres had been allocated an appropriate budget since 2016. State labour inspectors who visited workplaces were instructed to look out for victims of trafficking. A counter-trafficking project had been presented to the General Assembly and Kazakhstan hoped to learn from the experience of other countries.

51. **Ms. Sadvokassova** (Kazakhstan) said that the minimum subsistence level was adjusted on a monthly basis and that the calculation parameters had recently been changed. The food component was now 55 per cent and was determined by taking into account over 50 products, while the remaining 45 per cent consisted of non-food items. Changes to the methodology had resulted in a 16 per cent increase of the minimum subsistence level in 2018. The current pension system consisted of various parts, including a contributory scheme introduced in January 2018 and a solidarity pension that took into account how long persons had been employed and their average income over that period. Women who had more than five children could take early retirement at the age of 53 and those with six or more children enjoyed special status entitling them to a lifelong benefit. Special measures were also in place for persons living in the vicinity of the Baikonur launch facility. The contributory scheme covered three types of pension. Families were entitled to a one-time benefit per birth, which increased with each additional child. Maternity leave pensions were available, as well as benefits for women who chose to stay home for the first year of their child's life. Women who returned to work received 40 per cent of the minimum subsistence level in additional benefits. Parents of children with disabilities were eligible for a disability benefit and for leave to care for the children until they turned 18.

52. **Mr. Mukushev** (Kazakhstan) said that there was a database that enabled the authorities to see to which benefits a person was entitled and whether he or she was receiving them. The local authorities could then contact individuals to inform them of their entitlements.

53. **Mr. Baibolov** (Kazakhstan) said that the penalty of forced labour could be imposed only by the courts following a trial. It could be carried out in enterprises belonging to the penal system or in outside bodies but, in the latter case, on the basis of a tripartite agreement between the penal system authorities, the organization and the detainee concerned. Such labour would generally be remunerated. Unpaid labour could only be used to improve living conditions for the detainees, not for profit. The maximum number of hours of community service work, performed as part of a non-custodial sentence, had been cut by more than half to 100 and could not exceed 4 hours per day.

54. **Mr. Sarbassov** (Kazakhstan) said that, in response to the large influx of migrants in recent years, many of whom had been granted work permits, the Government had taken a number of measures to protect their rights. A new strategy on migration, primarily focused on the protection of rights, had been adopted to guide policy in that domain for the next five years. Labour law covered the right of migrants to work, health services and education. Furthermore, labour inspectors visited businesses in the sectors in which migrants typically worked and were required to ensure that all migrants in a regular situation were protected; they had the obligation to take action when they observed a violation by an employer.

55. Various tasks were being assessed to determine how dangerous they were, with a view to further reducing the list of jobs prohibited for women. A committee had been set up to coordinate the efforts of the Ministry of Internal Affairs, the Ministry of Labour and Social Protection and the procuratorial service to eliminate child labour. A campaign on the issue was run every June. Significant progress had been made in that regard in the tobacco industry, where firms had committed to not using child labour. Similar commitments were being sought from the cotton industry and the agricultural sector. The labour inspectorate's budget for identifying cases of child labour had risen.

56. Trade unions had been involved in the adoption of the new law on trade unions. However, there had been difficulties with the trade union registration procedure. Kazakhstan had welcomed an ILO mission, following which a road map on trade unions had been adopted and amendments were being discussed with the chief stakeholders. Provisions of the Labour Code on the right to strike were in line with ILO standards, and

the procedure for holding a strike was uncomplicated. Nevertheless, more needed to be done, and the Government was consulting with the social partners to find solutions.

57. **Ms. Ravenberg** (Country Task Force) said that she would like to know whether the State party had criminalized all forms of violence against children, including in the home and in childcare facilities, how such a law was enforced in practice, whether the Marriage and Family Code had been amended to explicitly prohibit corporal punishment of children and whether any penalties had been imposed in cases of corporal punishment. Noting reports of ill-treatment and discrimination against persons with disabilities, she also wished to know whether the laws protecting persons with disabilities and the penalties provided for in cases of ill-treatment were enforced and what the status was of the Plan of Action for the Provision of Rights and Improvement of the Quality of Life of Disabled Persons in the Republic of Kazakhstan for 2012–2018. With regard to the ongoing lack of adequate housing, it would be useful to know whether the outcome of the legal and other measures taken to improve the design of housing programmes had been assessed and, if so, how successful they had been and whether the results had translated into policy. Had the State party considered increasing the amount of municipal housing available for orphaned children, children with disabilities, large families and single-parent families?

The meeting rose at 6 p.m.