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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-third session

SUMMARY RECORD OF THE 886th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 4 June 2003, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 6) (continued)

Initial report of Kazakhstan (continued) (CRC/C/41/Add.13; CRC/C/Q/KAZ/1; CRC/C/RESP/27)

1. At the invitation of the Chairman, Mr. Akhmetov, Ms. Artykbekova, Mr. Baikadamov, Ms. Berkimbaeva, Mr. Danenov, Ms. Iskakova, Mr. Khairullin, Ms. Kuljanova and Ms. Nourabaeva (Kazakhstan) took places at the Committee table.
2. Ms. BERKIMBAEVA (Kazakhstan) said that the media played an active role in disseminating the Convention on the Rights of the Child and strengthening the family. For example, many children's magazines were published, and women's journals addressed family issues on a regular basis.
3. A number of measures had been taken to ensure that families received proper psychological assistance. Crisis centres and helplines had been set up, and social workers and psychologists were employed at schools and maternity hospitals.
4. Mr. BAIKADAMOV (Kazakhstan) said that the Government based its refugee policy on the Convention relating to the Status of Refugees. Children of refugees passing through Kazakhstan en route to another country were registered only if a request to that effect was submitted to the relevant authorities. Children of foreign nationals residing in Kazakhstan for a short period pursuant to an agreement between Kazakhstan and another country were not classified as refugees. However, the Government would consider granting refugee status to a child from that category, upon submission of a request to that effect and with the consent of the child's parents.
5. Children of persons repatriated from Mongolia and other countries were not granted citizenship. The issue was regulated by Kazakhstan and the country concerned. The Government was taking steps to register and accommodate such children. The Migration and Demography Agency played an important role in that respect.
6. There were no child nomads in Kazakhstan. Even children of repatriated persons could not be classified as such, since they received grants and social benefits from the Government.
7. The CHAIRPERSON wished to know whether there was a law on refugees in Kazakhstan.
8. Mr. BAIKADAMOV (Kazakhstan) said that a draft law on refugees, which had recently been discussed by the relevant government bodies, non-governmental organizations (NGOs) and international organizations, including the Office of the United Nations High Commissioner for Refugees (UNHCR), would be adopted in the near future.
9. Ms. NOURABAEVA (Kazakhstan) said that the Government had chosen 10 as the age at which children were allowed to express their opinions, on the basis of advice from prominent teachers and psychologists. However, the Government did not exclude the possibility of lowering that age, in the light of further research.

10. The CHAIRPERSON said that, while he was in favour of a fixed age, the Government could consider introducing a provision allowing judges to hear the opinions of children under 10.
11. Ms. SMITH said that she failed to understand how allowing children to express their opinions in the family could be contrary to their interests.
12. Ms. NOURABAEVA (Kazakhstan) said that the ways in which children were brought up differed among families. The law was not necessarily being implemented within the family circle. However, the Government's objective was to encourage people to respect the law.
13. With regard to juvenile justice, she said that a centre for social rehabilitation and adaptation of under-age offenders had been opened in Almaty. The issue of setting up family courts would be discussed and Kazakhstan would draw on the experience of other States parties in that regard. Cases involving juvenile offenders were currently handled by experienced legal staff in cooperation with parents, teachers and psychologists.
14. There were three types of children's institutions in Kazakhstan: health-care institutions, for children under 3; educational institutions, for children from 3 to 18 years of age; and institutions within the Ministry of Labour and Social Protection, for children in need of special support. Institutions for under-age offenders and centres for the temporary isolation, adaptation and rehabilitation of street children had also been set up.
15. The use of violence, torture and corporal punishment was prohibited, and recourse to any of those practices constituted an aggravating circumstance. The Government was taking measures to address the problem of domestic violence. The Ministry of Internal Affairs had put forward a draft law on domestic violence, which was currently being considered by experts.
16. Ms. AL-THANI requested further information on measures that the Government was taking to combat violence at all levels of society.
17. Ms. NOURABAEVA (Kazakhstan) said that, although a number of bodies in Kazakhstan dealt with domestic violence, there was a need for additional legislation and mechanisms for its implementation.
18. The CHAIRPERSON said that the best way to protect family members would be to remove the perpetrator, rather than the child, from the family.
19. Mr. FILALI said that he had heard that experts on domestic violence did not have access to the relevant data on Kazakhstan's hospitals, police force and the justice system. Without such data, their work could not be effective.
20. Ms. ALUOCH said that, if the perpetrator was a breadwinner, the Government should make sure that, once removed from the family, he or she continued to support it.
21. Mr. KOTRANE said that the Government should establish effective mechanisms to ensure that cases of violence were promptly reported and dealt with. It was also important to ensure that parents were aware of their responsibilities towards their children.

22. Ms. NOURABAEVA (Kazakhstan) said that children of refugees were registered at birth, regardless of their parents' citizenship. A child's nationality was registered at the age of 16. If a child's parents were of different nationalities, the child could choose either nationality.

23. Extensive work would have to be carried out with regard to adoption. By 2010, the Government planned to prepare legislation on the adoption of children by foreign citizens.

24. The CHAIRPERSON enquired whether a foreign national who had adopted a child in Kazakhstan could take the child out of the country without a court procedure. He asked whether all children held in institutions were registered and wished to know who was responsible for monitoring children adopted by foreign nationals. Information on the adoption procedure would be welcome.

25. Ms. NOURABAEVA (Kazakhstan) said that it was impossible for a foreign national to take a child out of the country. The Ministry of Education kept a detailed databank on all children available for adoption. Citizens of Kazakhstan and foreign nationals wishing to adopt a child had to contact the guardianship authorities. Adoption by a foreign national was carried out through the embassy of Kazakhstan in the country of which the foreign national was a resident. The child was selected on the basis of criteria indicated by the foreign national, who would be allowed to come to Kazakhstan to see the child. Only after the adoption had been approved in court and all the necessary procedures had been completed, could the child be taken out of Kazakhstan. Kazakhstan's diplomatic corps was responsible for monitoring children adopted by foreign nationals.

26. Ms. BERKIMBAEVA (Kazakhstan) said that legislation had recently been changed to prevent women from being dismissed from their jobs when they had children. If they took maternity leave, their post had to be held for them.

27. Since the initial report had been prepared, Parliament had adopted legislation to increase child allowances for every child aged 3 or under. The Government was considering extending the provision of child allowances until the age of 18. While the Government had overlooked the need to assist single-parent families, it would act upon the Committee's recommendations in that regard.

28. The State did all it could to help refugee children, internationally displaced children, repatriated children and poor children. There were special classes at ordinary schools for children with disabilities. Such children were offered psychological assistance as part of a State-run programme.

29. The State assisted abandoned children and orphans with their schooling and ran pre-school establishments with dormitories for children from the poorest families. When they left school, orphans received government assistance for their further education, or in finding employment. The family-type children's villages and young people's homes were not overcrowded, and efforts were made not to separate siblings.

30. Ms. VUCKOVIC-SAHOVIC requested additional information on the State system of care for orphans and children whose parents were unable to provide for them. She wondered what the State did to help the large number of such children who were not cared for in the ideal conditions described by the delegation.
31. Ms. BERKIMBAEVA (Kazakhstan) said that the Government was encouraging parents to take responsibility for their children. It hoped that, eventually, no children would have to be placed in institutional care. However, many families were facing financial difficulties during the period of transition and it was the Government's priority to protect the children. When parents, particularly young parents, were unable to care for their children, they could entrust them for limited periods to "hope families". Children were also looked after in foster homes, usually until the age of 7, and parents were guaranteed regular access to their children. Some children were placed in foster homes during school vacations.
32. Ms. ORTIZ wondered whether the inevitable competition between the 25 adoption agencies and foundations operating in Kazakhstan had led to an excessive number of adoptions involving Kazakh children. She asked whether the Government intended to ratify the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption. She wished to know whether the planned new legislation on adoption would include measures to protect the interests of all parties concerned in adoption procedures.
33. Lastly, she wished to know whether the Government had a social housing programme, particularly in rural areas, and whether mothers were given priority.
34. Ms. NOURABAEVA (Kazakhstan) said that the foreign adoption agencies in question had registered in Kazakhstan as charities or related organizations. In 2001, the Government had tabled a bill to legalize adoption agencies and grant them State accreditation but the bill had been rejected by Parliament. Before it amended its proposals, the Government would consider the recommendations of a parliamentary committee on adoption. Members of that committee had recently visited the United States of America to investigate the situation of Kazakh children adopted by United States citizens.
35. Ms. ALUOCH asked if adoptive parents had to pay fees.
36. Mr. LIWSKI asked whether the authorities of Kazakhstan had verified the legal status of the adoption agencies in their country of origin.
37. Ms. NOURABAEVA (Kazakhstan) said that State registration and other adoption fees amounted to about \$10 for each child. The private adoption agencies set their own fees for interpreting, visa applications and other services, and the Government had no control over them.
38. There was a State housing policy for both urban and rural areas. The President of Kazakhstan had launched a three-year State programme to develop the rural economy, which included measures on housing. Municipal housing was being built and the Government intended to introduce low-interest mortgages for poor families.

39. Mr. BAIKADAMOV (Kazakhstan) said that more and more religious organizations in Kazakhstan were running homes for orphans and children deprived of a family environment. The Kazakh Commission on Human Rights had been monitoring that trend and it was generally believed that, provided that the law was respected, the Government should authorize and support such activities.

40. Parliamentary resistance to adoption by foreigners was motivated by a desire to see less outside interference in the affairs of Kazakhstan and to ensure that Kazakh children remained in the country.

41. In 2001, the Committee against Torture had recommended that Kazakhstan should amend its domestic penal law to include the crime of torture. The Criminal Code and Code of Criminal Procedure had been amended accordingly, and the concept of violence against children had also been incorporated. The Government would do all it could to eradicate all acts of violence, abuse and neglect involving children.

42. Ms. BERKIMBAEVA (Kazakhstan) said that, traditionally, orphans in Kazakhstan had been cared for by their extended families. While society at large was opposed to adoption by foreigners, it was in favour of the idea of State support for Kazakh families who cared for orphans. Many of the provisions of the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption were implemented in Kazakhstan.

43. Ms. Yanghee LEE asked why disabled children were not explicitly protected against discrimination in the Constitution. She asked whether the Government had studied or intended to study the reasons for the threefold increase in the number of children with disabilities in Kazakhstan. She wished to know why children between 16 and 18 years of age had been omitted from the figures on disabled children. She asked if the delegation had any information on allegations of violence, abuse and neglect concerning disabled children in Kazakhstan. She requested up-to-date information on legislation for the disabled. She asked how many of the large number of children who studied, grew up and overcame their disabilities in special rehabilitation institutions in Kazakhstan, lived away from home, and whether they were entitled to a family life. She wished to know what kind of training staff at those institutions received and what services were provided.

44. In view of the high rate of teenage pregnancy in Kazakhstan, she asked whether young people received sex education.

45. She asked whether the low enrolment rate at pre-school establishments in rural areas was due to the lack of facilities or to economic factors. She requested information on the increase in private education establishments in Kazakhstan and the number of children enrolled at them.

46. Mr. KRAPPMANN wished to know why the ages of children in Kazakh pre-schools and primary schools included children in their teens. The delegation should provide information on vocational training programmes for young people and indicate the youth unemployment rate.

47. Ms. VUCKOVIC-SAHOVIC enquired whether the offences listed in the written replies in annex 18 referred to status offences. The delegation should explain what age group was meant by the term “teenage” and why the number of minors in Almaty on file with the

Department of Internal Affairs was nearly twice the number of juvenile offenders. She wished to know why only nine children attended special schools and what courses of study the special schools offered.

48. Mr. AL-SHEDDI said that more information was needed on measures to provide social, medical and educational support for disabled children in Kazakhstan following the adoption of the Handicapped Children Act. He wondered whether disabled children and parents of disabled children had been given an opportunity to participate in drafting the Act.

49. He was concerned that Kazakhstan's economic difficulties were adversely affecting education. In particular, he wished to know how the Government planned to deal with the severe reduction in the number of teachers, particularly in rural areas, at a time when school enrolment was increasing. In view of the steady decline in the number of pre-schools since 1991, he wondered what had been done with the buildings and equipment no longer in use and what solutions the Government envisaged for the shortage of pre-schools.

50. Mr. KOTRANE enquired whether the minimum age of criminal responsibility in Kazakhstan, which was 14, corresponded to the age below which a child was presumed not to have the capacity to commit an offence under criminal law. He wondered whether an official other than a judge dealt with children under age 14 who had been taken into custody, and whether there were specialized juvenile courts and judges to deal with juvenile delinquents. He asked whether young people between the ages of 16 and 18 in Kazakhstan were considered children and whether juvenile offenders between those ages were placed in the same detention facilities as adult offenders. The Government should provide special protection measures for juvenile delinquents between the ages of 16 and 18.

51. Since engaging in sexual relations or other sexual acts with a person known to be under age 16 was a criminal offence in Kazakhstan, he wondered if that meant that sexual acts committed by adults with children between the ages of 16 and 18 were not punishable. Similarly, if sexual relations with, or the rape of, a child under the age of 14 by an adult was considered a criminal offence, he wished to know whether sexual relations with, or the rape of, a child between the ages of 14 and 18 were not.

52. Mr. FILALI enquired whether there were juvenile detention facilities and specialized prison staff for juvenile delinquents. The Government should relax its restrictive visiting rules for convicted minors in Kazakhstan in order to provide greater reassurance to children in prison. He requested more information on street children, who were exposed to violence not only from organized gangs but also from law enforcement officers.

53. Ms. AL-THANI said that basic health services in Kazakhstan were poor and had borne the brunt of the country's difficult economic transition. There were serious environmental issues relating to radiation exposure in the north and south, as well as generally poor living conditions in the south, including outbreaks of tuberculosis, cholera and diphtheria. Since the Government had a well-organized immunization programme, she wondered why it had not made similar improvements in other areas. She enquired whether, since 2000, the considerable decline in

doctor-to-patient and patient-to-bed ratios had stabilized and whether there had been an overall improvement in the provision of basic health services. While the under-5 and maternal mortality rates in Kazakhstan had improved, they were still high compared to other countries in the region. She was concerned that, since the incidence of the AIDS virus was highest among the baby-boom generation, Kazakhstan could expect a large number of orphans. She was also concerned that the rise of mother-to-child transmission would cause a large number of babies to become infected with the AIDS virus. She wondered whether any progress had been made since the implementation of the strategic plan in 2001.

54. While figures for exclusive breastfeeding were high, a sharp decrease occurred when babies reached the age of 6 months. That coincided with their mothers' return to work, and it appeared that few provisions were made in workplaces for nursing mothers. She asked whether Kazakhstan had adopted the International Code of Marketing of Breastmilk Substitutes. The Government should take steps to reduce the prevalence of iron-deficiency anaemia, as well as iodine and vitamin A deficiencies.

55. Mr. CITARELLA said that the Government should give priority to establishing a permanent juvenile justice system. Some headings were missing for the data provided in the last three columns of annex 19 of the written replies and it was not clear whether the percentages for teenage criminality in annex 20 referred to the under-18 population or to the total population. He wished to know why drug use among children was considered a crime in Kazakhstan. The delegation should explain why minors between the ages of 11 and 14 who had committed an offence could be sent by a court to special educational establishments. The practice of taking children - some as young as 3 years old - from their families and placing them in centres for temporary isolation, adaptation and rehabilitation was worrying, since it was an administrative procedure that was occurred without proper guarantees for the welfare of the children in question.

56. Mr. LIWSKI said that Kazakhstan's traditional reliance upon community and family to deal with disadvantaged social groups had not been incorporated into the administrative framework that the Government had inherited. Those traditions were actually more in line with the requirements of the Convention than the current system and should therefore be strengthened. He wondered how much of the general budget had been allocated to social programmes and, of that figure, what percentage called for institutionalized responses and what percentage was aimed at strengthening family and community ties. Policies to guarantee fundamental rights to the most vulnerable segments of the population should be strengthened in view of the rise in poverty, which affected 40 per cent of Kazakhstan's children.

57. Ms. CHUTIKUL wished to know why the budget for pre-school education represented only 3 per cent of the total education budget and whether day-care facilities existed for 3- to 5-year-olds. She wondered what provisions had been made to deal with the educational needs of street children and the children of refugees.

58. Ms. SMITH enquired about the length of pre-trial detention for juvenile delinquents in Kazakhstan and the types of facilities in which they were detained. She wondered whether they

received adequate legal assistance throughout the court proceedings relating to their case and whether those who were imprisoned received education and medical attention. Lastly, she wished to know what alternatives there were to prison for young offenders.

59. Ms. KHATTAB said that she shared the concerns about the temporary isolation of children as young as 3 years old and wished to know the reason for such a policy. She also wished to know why disorderly conduct was considered a punishable crime in Kazakhstan and what the Government was doing to combat the rising crime rate among youths, including their involvement in gangs.

60. She wondered how many street children were refugees and whether the Government had devised a plan to address their increasing number. She enquired whether social services were extended to street children and children deprived of a family environment. The delegation should provide figures on the extent to which street children were engaged in illegal work, such as sex services and drug trafficking, and what percentage of them were refugees. She wondered what assistance the Government had received from UNHCR and what support it had given that organization in order to assist it in carrying out its mandate. She wished to know what steps had been taken to reintegrate street children into their families.

61. The delegation should explain why families and society in general appeared to be indifferent towards children's involvement in the sex industry. She was concerned that not enough was being done to stop human trafficking, especially trafficking in girls, and wondered what services were provided to victims, particularly girl victims.

62. She enquired whether a strategy had been developed to deal with the sharp increase in the number of young people who had been brought before the Department of Internal Affairs for drug possession, as well as the growing number of young people involved in drug trafficking.

The meeting was suspended at 5.10 p.m. and resumed at 5.20 p.m.

63. Ms. BERKIMBAEVA (Kazakhstan) said that the small percentage of children attending primary school who were above the normal primary age were mostly repatriated children who had received no education before returning to Kazakhstan. In recent years, the Government of Kazakhstan had faced major problems in the field of pre-school education. Even though such education was mandatory, the number of pre-school institutions had declined. Consequently, efforts were being made to improve the situation. Funding the rural schools programme, which had been introduced to improve educational facilities in rural areas, had been one of the Government's top priorities in 2003.

64. Although though a significant number of teachers had left the teaching profession in recent years, there was no shortage of qualified teachers. In fact, the teacher-pupil ratio had remained low, at approximately 11 pupils for every teacher. Nevertheless, the Government was considering the possibility of opening a teachers college to provide additional training facilities. Although education expenditure had doubled since 1998 and currently accounted for

approximately 3.5 per cent of Kazakhstan's gross domestic product, that amount was far from sufficient. In recent years, almost a quarter of the State budget had been allocated for social assistance other than health and education.

65. Mr. KHAIRULLIN (Kazakhstan) said that efforts were being made to implement the recent legislation to provide disabled children with social, medical and pedagogical assistance. A very progressive feature of the new legislation was the emphasis placed on the prevention and diagnosis of disability. Regrettably, owing in part to low reproductive health indicators and environmentally unfavourable conditions in certain regions of Kazakhstan, the number of disabled children had increased in recent years. Approximately 10 per cent of children with disabilities were cared for in specialized institutions.

66. Sex education was offered to children as part of the basic curriculum, under the subject of healthy lifestyles. In addition, a number of programmes on reproductive health had been introduced in cooperation with various United Nations agencies and focused on providing sex education to children and adolescents.

67. Even though infant and maternal mortality rates had steadily declined over the previous decade, the figures remained relatively high. One of the main reasons for the high mortality rate was poor access to medical services. With the technical and financial support of the United Nations Children's Fund (UNICEF), the Government had taken steps to improve the situation. For example, a number of programmes had been introduced to promote breastfeeding and to improve neonatal care. Sixty per cent of babies were now being exclusively breastfed for the first six months. The success of the programmes was reflected in the improving birth indicators.

68. Although there had been a number of serious outbreaks of tuberculosis during the transition period, the situation was currently under control. A tuberculosis treatment and prevention programme, introduced in accordance with the recommendations of the World Health Organization, had produced very positive results. In addition, a register of tuberculosis patients had been established to ensure that all cases were closely monitored and that all patients received special care. The only cases of cholera in Kazakhstan had been brought in from abroad; diphtheria, poliomyelitis and measles no longer posed a serious threat. Much of the progress was the result of the Government's vaccination programme, which covered approximately 97 per cent of the population.

69. HIV/AIDS was a serious problem in Kazakhstan. Currently, 3,511 persons were infected with the HIV virus, of whom 170 were pregnant women and 60 were newborn children. With the support of UNICEF, the Government was developing a strategy to prevent mother-to-child transmission, which was a matter of particular concern.

70. A programme had been introduced to provide iron supplements to persons living in areas with a high rate of anaemia. In addition, national salt producers had been asked to iodize salt in an attempt to reduce iodine deficiencies among the population.

71. The number of paediatricians in Kazakhstan had increased in recent years. The number of hospital beds available had never affected the quality of the care provided for children. However, in order to guarantee appropriate care and to avoid overhospitalization, efforts were being made to design a national protocol in accordance with the International Classification of Diseases and Related Health Problems.

72. Ms. ISKAKOVA (Kazakhstan) said that Kazakhstan had ratified the Convention on the Elimination of All Forms of Discrimination against Women. An equal-opportunities bill was currently being considered by the Kazakh Parliament.

73. The National Commission on Family and Women's Affairs had been working closely with the International Organization for Migration (IOM) and international experts to address the problem of trafficking and commercial sexual exploitation of women, which posed a problem in Kazakhstan. Girls, however, were not involved in such exploitation. Changes were being made to a draft law on trafficking to ensure that women were provided with adequate legal protection. Kazakhstan was working closely with United Nations agencies and other organizations to raise awareness of the issue.

74. Ms. NOURABAEVA (Kazakhstan) said that, under Kazakh criminal law, all persons under the age of 18 were considered minors. The juvenile courts in Kazakhstan were still in the early stages of development. Every effort was being made to define the responsibilities of such courts in dealing with cases involving minors. A humanitarian approach had to be taken towards the punishment of juvenile delinquents. For example, most children found guilty of committing a minor offence were sent to one of three colonies for rehabilitation. In 2002, an amendment had been made to the Criminal Code in order to allow children placed in colonies to receive parcels, phone calls and visits. Minors found guilty of more serious crimes could be detained for a limited time, in a penitentiary institution near their family home. Under no circumstances were minors held in the same cells as adults. Although girls continued to be detained in women's prisons, they were always held in different quarters.

75. The statistics on drug abuse provided in the initial report were now out of date. In order to combat the problem of drug abuse and to increase international cooperation in that field, the Government had ratified three international conventions relating to the use of dangerous drugs.

76. The CHAIRPERSON asked why some offences, such as begging, were criminalized for children but not for adults.

77. Ms. NOURABAEVA (Kazakhstan) said that begging was no longer considered to be a crime in Kazakhstan. Nevertheless, if a child was found begging, the social welfare authorities would intervene.

78. Mr. BAIKADAMOV (Kazakhstan) said that a number of new articles that had been incorporated into the Code of Criminal Procedure set out penalties for juvenile offenders. Children currently faced fewer repressive measures, and efforts were being made to find alternatives to detention, such as community service. Infants who could not be separated from their convicted mothers were sometimes placed with their mothers in closed institutions. The Ministry of Justice was responsible for the welfare of such children.

79. Ms. BERKIMBAEVA (Kazakhstan) said that there were no problems with gangs of children in Kazakhstan. Abandoned children were usually placed in temporary care before being institutionalized or returned to their family. Her Government intended to establish a coordinating body to oversee the implementation of the Convention and introduce a national plan of action for children. She was sure that the new economic stability would bring about an improvement in the situation of Kazakh children.

80. The CHAIRPERSON said that he welcomed Kazakhstan's decision to establish a coordinating body to monitor the implementation of the Convention and commended the Government's determination to develop a national plan of action for children. In the light of the improvements in the social and economic situation and the commitment shown by the Government, he was confident that the situation of Kazakh children would improve.

The meeting rose at 6 p.m.