



General Assembly

Distr.: General
16 September 2014
English
Original: Russian

Human Rights Council

Working Group on the Universal Periodic Review

Twentieth session

27 October–7 November 2014

National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21**

Kazakhstan

* Reissued for technical reasons on 22 October 2014.

** The present report has been reproduced as received. Its content does not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations.



I. Methodology

1. The report covers the period from 2010 to 2013.
2. The report highlights the status of implementation of the recommendations on the national report of the Republic of Kazakhstan in the context of the universal periodic review 2010.
3. Official documents of Government bodies, statistics, articles, reports and other inputs received from official sources, as well as the sites of government bodies and non-governmental organizations, have been used in preparing this report.
4. Training sessions and a series of consultative workshops attended by officials from the Government, the United Nations Development Programme, NGOs and foreign experts were conducted in preparing the report.
5. The present report has been prepared in the light of the fact that the Republic of Kazakhstan does not accept recommendations 97.1, 97.2, 97.3, 97.4, 97.10 and 97.12.

II. Overview of institutional arrangements and incorporation of the Paris Principles into the national legislation of the Republic of Kazakhstan

Recommendations 95.5, 95.6, 95.15–95.20, 95.23–95.25, 95.33

6. In 2012, the Human Rights Commissioner (Ombudsman) was accorded “B” status by the International Coordinating Committee of National Human Rights Institutions. The Commissioner’s activities are in full compliance with a number of the Paris Principles. In particular, the Human Rights Commissioner (Ombudsman):

- (a) Is approved by the President in consultation with the chambers of Parliament. The relevant regulations include a list of grounds for removing the Commissioner from his or her post;
- (b) Is authorized to ask officials for any information regarding human rights and freedoms, perform inspections of institutions, including closed ones and, in circumstances of particular importance to the country, make representations to the President, Parliament or Government;
- (c) May receive and consider communications sent from any of the country’s territorial entities, including those sent through its website. Consideration is currently being given to establishing regional branches of the Commissioner’s Office;
- (d) Sends recommendations to Government agencies. In addition, an annual performance report containing all the communications and recommendations made by the Commissioner is sent to the President so that their implementation may be monitored;
- (e) Works actively with civil society and international organizations on a broad range of issues;
- (f) Engages in activities that are in full public view and are widely reported in the media and on the official site (www.ombudsman.kz);
- (g) Participates in the preparation and negotiation of draft regulatory acts in the area of human rights when they are being developed by Parliament;
- (h) Handles individual complaints;

- (i) Takes the initiative in addressing human rights violations;
- (j) Is independent in carrying out activities and is neither subordinate to nor subsumed within any given legislative, judicial or executive institution;
- (k) Publishes an annual report which is available in hard copy and on the website.

7. The Human Rights Commissioner attaches great importance to interaction with NGOs. Close cooperatives ties have been established with the Kazakhstan International Bureau for Human Rights and the Rule of Law, the Coalition of Kazakh NGOs against Torture and the Public Oversight Commission's Coordinating Council.

8. In accordance with paragraph 11 of the national action plan for the implementation of the recommendations made by States Members of the United Nations during the universal periodic review on human rights, 2011–2014, which was approved by Government decision No. 116 of 13 October 2011, the Human Rights Commissioner, in collaboration with the Ministries of Foreign Affairs and Justice and the Procurator-General's Office, has made proposals to the Office of the President on the implementation of the recommendations of the Human Rights Council with a view to bringing the status of the Ombudsman into line with the Paris Principles.

9. In 2013, a trend towards expanding the powers of the Human Rights Commissioner became discernable. The Commissioner's mandate as coordinator of the national preventive mechanism for ensuring the protection of human rights and the prevention of torture in penitentiary institutions and other high security facilities was reinforced.

10. By 12 May 2014, 80 per cent of the recommendations in the national human rights plan had been put into practice. The remaining recommendations are in the process of implementation.

11. The Government has set up a Coordinating Council for Cooperation with NGOs. There are councils for cooperation with NGOs within the ministries for the protection of social rights and in the offices of mayors and governors at all levels. In all, the consultative and advisory bodies number about 300.

III. International cooperation

Recommendations 95.8, 95.97, 95.98, 95.99, 97.6

12. Kazakhstan engages in cooperation on a regular basis with national human rights societies and organizations in Slovenia, Norway, Ukraine, Qatar, Finland, Switzerland, Germany, Kyrgyzstan, Russia, Tajikistan, the United States of America and many other countries.

13. Cooperative work is being done with United Nations agencies and other international organizations active in the field of human rights, in particular with the Office of the United Nations High Commissioner for Human Rights and its regional office in Central Asia, the United Nations Office in Astana, the United Nations Children's Fund (UNICEF) and other agencies, the Organization for Security and Cooperation in Europe (OSCE) Centre in Astana, the Office for Democratic Institutions and Human Rights and other OSCE agencies, the Asia-Pacific Forum of national human rights institutions, the Organization of Islamic Cooperation, Human Rights Watch, Amnesty International, Freedom House, the Norwegian Helsinki Committee and the Oslo Center for Peace and Human Rights.

14. So far, eight Special Rapporteurs of the United Nations have visited Kazakhstan: Mr. Leandro Despouy, Special Rapporteur on the independence of judges and lawyers (2004); Mr. Martin Scheinin, Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2006); Mr. Manfred Nowak, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2009); Ms. Gay McDougall, Special Rapporteur on minority issues (2009); Ms. Raquel Rolnik, Special Rapporteur on adequate housing (2010); Mr. Kishore Singh, Special Rapporteur on the right to education (2011); Ms. Gulnara Shahinian, Special Rapporteur on contemporary forms of slavery (2012 and 2014); and Mr. Heiner Bielefeldt, Special Rapporteur on freedom of religion or belief (2014).

15. Visits are planned in 2014 for two human rights mandate holders: the Special Rapporteur on the rights to freedom of peaceful assembly and of association and by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes.

IV. Normative and institutional framework for the protection and promotion of human rights

Right to life

Recommendations 95.41, 97.15, 97.16, 97.17, 97.18

16. Kazakhstan is observing a moratorium on the death penalty.

17. Kazakhstan has not yet acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, the legal policy framework for 2010–2020 aims at the gradual reduction of the grounds for the imposition of the death penalty.

Protection against torture

Recommendations 95.42–95.45, 95.48, 95.64, 95.66, 95.67, 95.68, 95.102

18. Work is continually under way to preclude offences connected with torture. From 2010 to 2013, the courts considered 38 criminal cases on torture, concerning 67 persons.

19. In order to ensure the effectiveness of criminal cases against violations of the constitutional rights of citizens, a project is being implemented by the Procurator-General's Office entitled "Prosecutor on duty with the police – guarantor of the rights of citizens".

20. Within the prosecution service, there are special prosecutors whose mandates are established by various orders issued by the Procurator-General's Office (Order No. 7, dated 1 February 2010, approving the instructions on torture and other cruel and unlawful forms of treatment for parties to criminal proceedings held in specialized institutions: follow-up of complaints and prevention of such actions). In accordance with the instructions of the Procurator-General dated 8 February 2013, criminal cases concerning torture are investigated exclusively by special prosecutors.

21. In accordance with Government decision No. 430, of 7 April 2012, if bodily injury is detected or a complaint made by a person who has been convicted or taken into custody, the staff of the prison organizes the conduct of an independent examination by specialists from the region's forensic medical institute.

22. From 2010 to 2012, the regional public prosecutor's offices, together with NGOs, took steps to prevent crimes involving the use of torture by the staff of government agencies and institutions in which persons who have been convicted or taken into custody or convicted are detained. NGOs helped to conduct compulsory instruction for all law enforcement officers on the international human rights instruments, and training sessions, seminars and round tables were also held on this topic.

23. In 2011, domestic security officers, accompanied by representatives of the Human Rights Charter Foundation, conducted 280 inspections of units run by the domestic security agencies, including 134 inspections of special facilities, for the purpose of preventing offences involving torture.

24. From 2010 to 2012, the Academy of the Committee on Correctional Institutions, in Kostanay, carried out refresher courses for more than 1,580 officials of the criminal prosecution system.

25. The Human Rights Commissioner exchanged experiences with the Ombudsman of Slovenia, who is also the coordinator of the national preventive mechanism in that country.

26. In 2011, the Criminal Code was amended to transpose torture from the category of crimes against justice into that of crimes against constitutional rights and freedoms, and the crime's material elements and categories of potentially affected persons were expanded. Some significant innovations aimed at preventing and eliminating torture were introduced. Article 192 of the Code of Criminal Procedure was amended to provide for alternative investigative jurisdictions, in other words, in the event that torture is committed by staff of the domestic security agencies, the case is investigated by the financial police, and vice versa. Article 532, paragraph 1, of the Code of Criminal Procedure was amended to exclude the extradition of a person to a foreign State if there are grounds for believing that he or she may be subjected to torture in the requesting State.

27. A law on amendments to certain legislative acts on the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment was adopted in 2013. The law introduced preventive mechanisms in criminal proceedings; the penalties enforcement regime; the health care system; the system for the integration and education of minors; and the temporary detention system.

28. Amendments were made to the Code of Administrative Offences to establish responsibility for obstructing the lawful activities carried out by the staff of the preventive mechanism.

29. In the new version of the Criminal Code, provision is made for stricter criminalization of acts of torture causing grievous injury or resulting in the accidental death of the victim such that the prison term is increased to up to 12 years.

30. The Criminal Code furthermore classifies this offence as one of the acts not covered by the statute of limitations, and the possibility of an amnesty is likewise excluded.

Protection against violence and other cruel or degrading treatment

Recommendations 95.10, 95.14, 95.37, 95.46, 95.63

31. A number of preventive and preclusive measures have been adopted in order to provide constant protection against violence for certain population groups.

32. One of the practical means found to prevent and preclude domestic violence and to implement gender policy is the creation of subdivisions for the protection of women against violence within the domestic security agencies. Currently, 133 police officers are working in such subdivisions.

33. From 2012 to 2013, 93,000 restraining orders were issued in order to constructively influence the legal awareness and conduct of the perpetrators of domestic violence. More than 2,137 persons received administrative penalties.

34. A national telephone hotline for children and adolescents (dial 150) is now fully operational. From 2009 to 2013, the hotline received more than 600,000 calls, including more than 18,000 on violations of human rights.

35. In 2010, a supplementary penalty in the form of deprivation of the right to hold certain posts or engage in certain activities was incorporated in the Criminal Code for teachers or other persons who have educational responsibilities under the law and who commit violent crimes against minors.

36. In 2011, Criminal Code was amended to stiffen the penalty for causing injury to a person known to be a minor.

37. In 2012, amendments were made to the Labour Code to prohibit organizations and agencies that carry out activities involving minors in the field of education, recreation and rehabilitation, physical culture and sports, medical support, social services, culture and the arts from entering into a labour contract with persons who have been convicted of committing crimes against minors (murder, intentional infliction of bodily harm, violation of sexual integrity).

38. In 2014, a law was adopted to amend certain legislative acts on domestic violence, envisaging a set of supplementary legal actions in cases of domestic violence and in order to assist the victims. The duration of restraining orders was increased from 10 to 30 days, and a regulation was adopted prohibiting a person who has perpetrated domestic violence from residing in the same shelter as the victim, even if the person is unlikely to find lodging elsewhere.

The right to liberty and security of person and the prison situation

Recommendations 95.32, 95.43, 95.47, 95.48, 95.59, 95.60, 95.64–95.66, 95.68

39. Over the past 20 years, the prison population in Kazakhstan has dropped by 40 per cent. In 2011, under an amnesty on the twentieth anniversary of Kazakhstan's accession to independence, 2,628 persons were released from prison and the sentences of 859 detainees were significantly reduced.

40. Each year, hundreds of persons illegally detained by the criminal prosecution are released by the relevant monitoring agency. In 2010, 1,043 persons were released, in 2011 – 1,063, in 2012 – 857, and in 2013 – 803.

41. In 2013, the Procurator-General's Office issued a regulatory instruction on the wider use of provisional release on bail. While in 2012, bail was offered to 20 individuals, in 2013, this figure stood at 333 – an increase of 1,565 per cent.

42. Since 2011, the latest medical equipment and supplies have been procured under the "Salamatty Qazaqstan" health care programme in order to improve the physical infrastructure of medical units and facilities in prisons.

43. In 2012, training was provided to criminal prosecutors on international legal standards in the field of human rights, upholding human dignity in detention centres, the Optional Protocol to the Convention against Torture, national preventive mechanisms and respect for the law in correctional institutions.

44. In 2012, a decree was signed by the President of Kazakhstan on supplementary testing for the staff of the law enforcement agencies. More than 110,000 persons, of whom

more than 70,000 were employed by the police, underwent such testing. The purpose of the tests was to develop the human resources needed to build up a modern law enforcement system, responsive to the expectations of society and business.

45. In 2013, over 2.7 billion tenge (in 2012 – 213 million tenge) was allocated for the capital maintenance and renovation of prisons.

46. In 2014, a project entitled “Ten measures to reduce the prison population” was presented to the Prosecutor General’s Office.

47. The financing for the acquisition of utilities and equipment for prisons has been increasing from year to year, from 446.6 million tenge in 2013 to 246.7 million in 2012 and 515 million in 2014.

48. Tuberculosis control in correctional institutions is monitored annually for the purpose of evaluating efforts to combat tuberculosis and providing administrative support.

49. Fifteen public monitoring commissions with a membership consisting of 101 representatives of civil society organizations and NGOs involved in human rights protection are active throughout the country.

50. The Academy of Public Administration under the President of Kazakhstan works with the higher educational institutions of the Russian Federation’s Federal Penitentiary Service in training the staff of prisons and in sharing positive experiences.

51. In 2011, the nutritional requirements and living conditions of detainees and the regulations on providing medical care to those released before the end of their prison term were reviewed and improved.

52. A law on amendments to certain legislative acts on the establishment of a national mechanism to prevent torture and other cruel, inhuman or degrading treatment or punishment was adopted in July 2013. Under this law, places of detention will be visited by human rights defenders, lawyers, social workers and physicians, side by side with public monitoring commissions.

53. A new Penalties Enforcement Code, under which the penitentiary system of the Republic of Kazakhstan is to be made more humane, has been adopted. Among the main positive effects of the new Code are improvements in the enforcement of penalties, entailing significantly better protection for the personal inviolability of prisoners and for their rights and lawful interests.

54. The new Penalties Enforcement Code regulates the right of convicted persons to make oral and written proposals and complaints to the administration of the relevant correctional institution, to higher bodies responsible for administering such institutions, to courts, prosecutors and other government institutions, to civil society and to international organizations involved in the protection of human rights and freedoms.

55. Convicted persons will be entitled to receive qualified legal assistance in accordance with the legislation of Kazakhstan.

56. The Penalties Enforcement Code provides a mechanism for the protection of the rights of convicted persons through institutional, prosecutorial and public oversight.

57. A new Code of Criminal Procedure has been adopted. It provides for the introduction of the new post of judicial investigator, who will handle decisions on a number of procedural and investigative actions, as well as on preventive detention and house arrest and referral of minors to specialized institutions.

Freedom of expression and opinion

Recommendations 95.13, 95.30, 95.75, 95.77, 97.6, 97.11–97.13, 97.20–97.26

58. As of 1 April 2014, 2,202 media outlets were registered in Kazakhstan. The overwhelming majority — 87 per cent — are print media, 10 per cent are electronic media and 3 per cent are news agencies.

59. Of the print media outlets, 27 per cent are State-run and 73 per cent are non-State media; of the electronic media, 6 per cent are State-run and 94 per cent are run by NGOs. The public authorities are taking steps to guarantee the right to access the information held by them and to facilitate full disclosure.

60. One of the main strategies in terms of media freedom is the development of the Internet.

61. A presidential decree of 14 November 2011 on the information security policy of Kazakhstan through the year 2016 provides for raising the quotient of citizens with access to the Internet to 36.6 per cent.

62. The dissemination of information through the Internet is tending towards continuous growth. More than 70,000 domain names are currently registered under “.kz”; the number of domain names is growing at an annual rate of 20 to 25 per cent.

63. Arrangements for developing Internet access in rural areas are being made: a wireless network in the 450 MHz range is under construction, using code division multiple access (CDMA) technology.

64. The plans for developing the CDMA network provide for an increase in the network’s coverage from 59 per cent in 2009 to 100 per cent in 2015.

65. In early 2011, a national digital satellite network was launched.

66. An automated analysis and information system for the judiciary, through which every person can access the legal documents of every judicial institution, has been set up.

67. In accordance with paragraph 32 of the plan for implementing these policy recommendations, adopted by Government decision No. 1165 of 13 October 2011, the question of the transfer from the criminal to the civil sphere of liability for defamation is to be debated by the members of the Interdepartmental Commission on Draft Legislation. It is this Commission that will make the final decision on the matter.

68. In view of the constitutional right of citizens to defence of their honour, dignity and professional reputation, at present the idea of decriminalizing libel, defamation and insult to the honour and dignity of citizens is not being addressed; one of the main tasks of the Criminal Code is the protection of the rights, freedoms and legitimate interests of individuals and citizens.

69. The Republic of Kazakhstan, as a democratic State, has pledged to respect and ensure to all individuals within its territory and subject to its jurisdiction the right to freedom of expression. It must be noted, however, that any measures adopted by the Government to restrict such rights are necessary to ensure respect for the rights or reputations of others or for the protection of national security or public order (*ordre public*) or public health or morals. Such measures are in full conformity with article 19 of the International Covenant on Civil and Political Rights.

70. To ensure information security, as defined in the National Security Act of 6 January 2012, it is necessary to block defamatory Internet sites. For example, in January 2012, the Act on the Media was amended to stipulate that the dissemination by foreign media of content that violates the Constitution of Kazakhstan and the provisions of the Act itself is

prohibited by law, and that access to foreign web pages in the territory of the Republic of Kazakhstan may be suspended.

71. In 2011, a provision was included in the Civil Code to prevent corporations from being awarded compensation for moral harm. This means that in legal proceedings to defend their honour, dignity and professional reputation, corporations cannot claim compensation from media outlets for moral injury.

72. In 2012, the Republic of Kazakhstan adopted the Broadcasting Act. Its basic principles concern upholding constitutional guarantees of the right to freely receive information and to disseminate it in any manner not prohibited by law; freedom of expression and creativity; and ensuring the security of private data of the individual, society and the State when using television and radio broadcasting services.

73. In addition, as from January 2001, the law on amendments to certain legislative acts to promote further liberalization of the criminal legislation and to strengthen guarantees of due process has introduced the institution of issue or claim preclusion in legal proceedings.

74. Article 129 of the Criminal Code (Defamation) was amended to do away with the penalty of up to six months' detention for spreading libel through the media. However, it should be noted that under the current legislation on criminal procedure, defamation is classified as a charge brought by a private individual, in which legal proceedings must be initiated on the basis of a complaint by the victim, who must also submit relevant evidence.

Right to freedom of movement and free choice of residence; rights of migrants, refugees and repatriated Kazakhs (*the oralman*)

Recommendations 95.7, 95.34, 95.92, 97.7

75. In 2012, it was decided to establish an advisory committee on migration policies within the Customs Union and the Single Economic Space. The main tasks of the Committee are consulting with representatives of Member States of the Customs Union and the Common Economic Space, developing proposals for setting up a unified legal regime for the employment of citizens of Member States and creating the legislative framework for an integrated migration policy.

76. Under the quotas for recruitment of foreign labour in 2012, 2,792 employers hired 22,000 members of the foreign labour force, representing 5.4 per cent of the total number of persons hired (389,000).

77. The number of Kazakhs repatriated in 2010 totalled 10,232 families, or 36,754 individuals; in 2011 – 14,803 families, or 47,112 individuals; in 2012 – 15,109 families, or 39,401 individuals; and in 2013 – 15,338 families, or 33,952 individuals.

78. In 2010, they received average lump-sum repatriation allowances of 187,700 tenge per person. In 2011, the allowance was increased to 211,900 tenge, in 2012 to 221,700 tenge and in 2013 to 237,200 tenge.

79. All Kazakh repatriates are given affordable access to medical services, education and social welfare. They are among the population groups for which employment promotion measures are carried out. More than 66 per cent of all repatriates of working age are employed in various areas of production, a quarter of them in agriculture.

80. The Ministry of the Interior is an active partner of the United Nations High Commissioner for Refugees in protecting the rights of refugees, stateless persons and other types of migrants, providing tangible technical and expert support in these matters. One of the results of this cooperation was the issuance of a special report on the situation

concerning the rights of *oralman*, stateless persons and refugees in Kazakhstan by the Commission on Human Rights under the Office of the President. The report puts forward extensive recommendations to further improve the protection of refugees and to reduce and prevent statelessness.

81. In 2012, the Republic of Kazakhstan adopted the new Migration Act. This Act facilitated the adoption of new rules for registration of immigrants. Among these new rules are types of visas for family reunification.

82. Such visas will be accorded to foreign nationals who travel to Kazakhstan for family reunification purposes and will be valid for up to one year. Persons invited to apply for such visas may be nationals of the Republic of Kazakhstan, ethnic Kazakhs and former compatriots temporarily residing in the territory of Kazakhstan, immigrants permanently residing in the territory of Kazakhstan, as well as business immigrants.

83. Under this Act, regulations were adopted in 2012 to simplify entry and exit procedures for foreign nationals, and the duration for which foreign citizens on certain types of visas could remain in the country was extended. The new rules have retained the simplified visa procedure whereby citizens of 48 developed countries may receive short-term visas for the Republic of Kazakhstan without an invitation (visa support).

84. The legal status of oralmans is laid out in chapter 3 of the Population Migration Act of 22 July 2011. Under this law, oralmans and members of their families receive benefits, compensation and other forms of social assistance, as well as adaptation and integration services.

85. In 2012, a clarification to the Refugees Act was adopted whereby refugee status is granted by the appropriate authorities in accordance with the Convention relating to the Status of Refugees and the Protocol thereto.

86. As from January 2013, the Labour Code has been supplemented to state that certification of refugee status may be included in the list of documents based on which employment contracts may be concluded.

87. In 2013, an agreement on mutual recognition of medical reports on the health status of migrant workers in member States of the Eurasian Economic Community was signed.

Combating human trafficking

Recommendations 95.49–95.52, 95.63, 97.8

88. In 2012, the Government of Kazakhstan adopted a national plan to combat human trafficking. The plan provided for 40 specific actions over the two subsequent years.

89. In 2009, the Ministry of Justice developed four social projects on combating human trafficking which are currently still under way: the establishment in the territory of the Republic of a centre for the temporary accommodation and rehabilitation of victims of trafficking; support for NGOs dealing with victims of trafficking; the creation of call centre with a view to optimizing contacts with victims of crimes involving trafficking in persons; and the production and dissemination through social media of video clips on combating trafficking in human beings.

90. All the video clips were broadcast on national television and, thanks to departments of the Ministry of Justice, on local channels. Special booklets for citizens of the Republic who are travelling abroad were issued.

91. In 2012, a new project on support for the work of a dedicated website on combating trafficking in human beings was launched.

92. In 2013, 346 criminal cases were brought to court, of which 11 were on abduction of a person for the purpose of exploitation, 8 were on unlawful deprivation of liberty for the purpose of exploitation, 33 were on trafficking in human being, 17 were on inciting a minor into prostitution, 24 were on trafficking in minors, 40 were on drawing persons into prostitution and 213 were on organizing or maintaining premises for prostitution and procurement.

93. A shelter has been established which provides rehabilitation services for victims of trafficking. Support for the shelter is provided under a pilot project of the Ministry of Justice.

94. Kazakhstan supports and applies the Recommended Principles and Guidelines on Human Rights and Human Trafficking of the Office of the High Commissioner for Human Rights.

95. Twenty NGOs working on assistance to victims are active in the fight against trafficking in human beings.

96. At the moment, the fourth plan to combat and prevent crimes linked to trafficking in persons is being carried out within the framework of cooperation among the States members of the Commonwealth of Independent States.

97. The new Code of Criminal Procedure provides for the establishment of a special fund to pay compensation for damage caused by crimes. The new Criminal Code provides for compulsory confiscation of property for crimes involving trafficking in persons.

98. Under the Act of 4 July 2013 to amend certain legislative acts on combating trafficking in human beings, amendments relating to violations of the labour legislation, the involvement of minors in prostitution and trafficking in minors were made to articles 128, 132-1, 133, 138, 138-1, 270 and 271. Changes have been made to the Code of Criminal Procedure and the Code of Administrative Offences concerning the violation by law enforcement officers of their obligation to notify the appropriate authorities when persons report to them newly sustained injuries, illegal abortions, illnesses or the deliberate provision of premises for prostitution or procurement.

99. Amendments have been made to article 26 of the Labour Code to prohibit the employment in education and child development of persons convicted of the following crimes against minors: murder, intentional infliction of bodily harm, violation of sexual integrity and trafficking-related offences.

100. A law on amendments to certain legislative acts on the protection of the rights of the child was adopted on 23 November 2010. The right of the child to protection from economic exploitation is laid down in this law.

Freedom of thought, conscience and religion

Recommendations 95.70–95.74, 95.100, 97.5, 97.10, 97.19

101. The Fourth Congress of Leaders of World and Traditional Religions was held in 2012. In 2013, the Secretariat of the Congress held a meeting on preparations for the Fifth Congress, to be held in 2015 in Astana.

102. The format for work in this area is lectures, seminars and meetings. Representatives of the Agency for Religious Affairs regularly give lectures and seminars and hold round tables and meetings to explain the provisions of the legislation on religious matters. Attendance at these events is open to the staff of the National Security Committee, the Procurator-General's Office, the Ministry of Internal Affairs, the Ministry of Defence and the Economic Crimes and Corruption Committee.

103. From 2013 to 2014, visits were carried out by the Agency on Religious Affairs in the context of interfaith relations to the Vatican, Austria, Malaysia, India, Azerbaijan, Iran, the United States, Egypt, the United Arab Emirates, Russia and Kyrgyzstan. Draft memorandums on cooperation between the Agency for Religious Affairs and the competent bodies of the United Arab Emirates, Tajikistan, Kyrgyzstan and Turkey have been drawn up.

104. In order to promote interfaith dialogue and the exchange of positive experiences, a number of activities were carried out in 2013 in the following member States of the Congress of Leaders of World and Traditional Religions: the Kingdom of Saudi Arabia, Israel, Japan, the United States and the Russian Federation.

105. A visit by the Special Rapporteur on freedom of religion or belief, Professor Heiner Bielefeldt, took place from 26 March to 4 April 201; he stated that religious and ethnic pluralism is a distinctive feature of Kazakh society.

106. The State programme for further modernization of the law enforcement system, 2014–2020, is being carried out. The programme is specifically geared towards qualitative improvements in human resources through training and awareness-raising for law enforcement officers, including on upholding human rights in the religious sphere.

107. The adoption in 2011 of a new Act on Religious Activities and Religious Associations was a major step forward in matters of religion. While the legislation was being drafted, 2,539 communications were received by the Office of the Human Rights Commissioner. These communications dealt with the disagreement of their authors with the bill on religious activities and religious associations. The lower house of Parliament (Majilis) took 229 of these communications into account during its deliberations on the bill.

108. The existence of freedom of religion in the country is affirmed in article 3 of the Act on Religious Activities and Religious Associations (hereinafter the Act), which states that obstruction of lawful religious activities, violation of the civil rights of individuals on grounds of their attitude to religion, insults to the religious feelings of individuals by the followers of any given religion and desecration of venerated objects, structures and places are prohibited.

109. Article 3, paragraph 8, of the Act describes the role of the State in interfaith relations among States and introduces, as a principle of these relations, that of non-intervention of the State in the activities of religious associations.

110. The registration procedures do not involve the imposition of any insuperable obstacles upon the missionary activities of religious groups and citizens, they merely introduce a specific accounting system and systematize the approach to religion throughout the territory of Kazakhstan. The registration of religious associations is motivated by the need to protect the constitutional framework and the morals, health, rights and lawful interests of individuals and citizens and to safeguard the security of the State and society while ensuring respect for the principle of freedom of belief and religion.

111. The Code of Administrative Offences defines the degree of the threat to the public and sets out penalties for the infringement of obligations under the legislation, while not restricting the right of citizens to freedom of religion. The responsibility for violation of the obligations under the Act on Religious Activities and Religious Associations, as envisaged in the Code of Administrative Offences, flows from a fundamental provision of the Constitution, which states: “The Republic of Kazakhstan holds itself to be a State governed by the rule of law.” The cardinal principle of governance by rule of law is that the law prevails in all spheres of public life and is the prime resource for the organization and protection of the freedom of the individual. This means that all public authorities, religious associations, officials and citizens are obliged to act on the basis of, in accordance with and

in compliance with the law. Accordingly, the penalties for violations of the Act on Religious Activities and Religious Associations apply on the same basis to all persons covered by law in the sphere of religious activities.

Electoral rights

Recommendations 97.9, 97.13, 97.15

112. In 2011, all citizens of the Republic of Kazakhstan, without distinction, who were aged 18 or over on the day of presidential elections (3 April) were included in the electoral lists. The adult population numbered 9,200,298, of which 8,279,227 million, or 89.98 per cent of the total number of voters in the country, took part in the vote. During the parliamentary elections on 15 January 2012, 7,180,927 citizens of Kazakhstan, or 75.4 per cent of the country's total electorate (9,303,693), used their right to vote. Presidential and parliamentary elections were held on the basis of the principles of electoral alternatives and electoral competition.

113. In August 2013, in elections throughout all 14 provinces of the Republic of Kazakhstan involving a population of more than 7 million, 2,457 administrative heads of villages, rural settlements and district and regional capitals were elected. A total of 6,738 candidates participated in these elections, in other words more than two for each post.

114. Representatives of 23 nationalities are included among the administrative heads that were elected. The posts of administrative heads were filled by 280 women (11.4 per cent), an increase of 32 over the previous situation.

115. A constitutional law on elections in the Republic of Kazakhstan has undergone 782 amendments since its adoption on 28 September 1995. On 24 April 2013, the Head of State adopted a decree on some issues regarding elections of administrative heads of regional capitals, districts, towns and villages of the Republic of Kazakhstan not located in rural areas. The decree was aimed at moving from the existing system of appointments to elections.

Right to freedom of peaceful assembly and association

Recommendation 97.14

116. From 2010 to 30 September 2013, 1,222 manifestations of various types, attended by more than 250,000 people, took place throughout the country. Of these, a total of 660 were unauthorized activities involving more than 138,000 citizens. From 2010 to 2013, 1,211 protests were recorded throughout the country; 170 of them were authorized, 630 were unauthorized, 411 did not require the permission of a local executive body, 819 were socioeconomic in nature and 392 were political.

117. These included 182 rallies, 267 street protests, 56 strikes and 624 assemblies.

118. The legal regulations governing meetings comply with international legal standards, specifically those of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, and the practices of countries held to have a well-developed democratic system.

119. Article 334 of the Criminal Code was amended by the Act of 18 January 2011 on amendments to certain legislative acts to promote further liberalization of the criminal legislation and to strengthen safeguards of the rule of law in criminal proceedings; the amendments lightened the penalties for breaches of the laws on the procedure for

organizing and conducting peaceful assemblies, rallies, marches, protests and demonstrations.

120. A policy framework for the elaboration of a new law on peaceful gatherings and rallies is being drafted by the relevant State authorities with the participation of civil society.

Right to free, qualified legal assistance

Recommendation 95.54

121. The Government has a proactive policy on information concerning legal assistance to the population (call centres, outreach work, etc.) Residents of urban and rural areas may have consultations on legal matters free of charge by dialling “119” or 87172580058.

122. More than 2 billion tenge was allocated from the national budget for 2012–2014 for the provision by lawyers of legal assistance.

123. Around 500 million tenge was earmarked to enable the “Adilet” database to function free of charge, about 80 million tenge for the legal advocacy programme and almost 47 million tenge for the call centres.

124. In 2013, a law on State-guaranteed legal assistance was adopted; it lays out certain aspects of the provision by the State of legal assistance (legal information, legal advice and the protection and representation of the interests of individuals).

125. Under a law adopted on 3 July 2013 on amendments to certain legislative acts to improve the provision of State-guaranteed legal assistance, amendments were made to the Code of Criminal Procedure (in terms of the selection, replacement and payment of defence counsel), the Code of Civil Procedure (as regards the provision of free legal aid) and the Code of Administrative Offences. The Act on the Practice of Law of 5 December 1997 was amended in respect of the provision of free legal aid and means of recompense for this assistance.

Women’s rights

Recommendations 95.35–95.37, 95.78, 95.79

126. As of 1 October 2013, women numbered 8,845,067 (51.8 per cent) in the total population of Kazakhstan, which was 17,098,546. In the ranking of countries in terms of gender equality issued in late 2013 by a research team of the Davos Forum, Kazakhstan was ranked thirty-second out of 136 countries, ahead of all the other CIS countries.

127. As at 1 January 2013, the number of women in public service was 48,378 (55.7 per cent) (out of a total of 91,077). The proportion of women in State policy-making positions is 10 per cent; of the Government’s 19 ministerial posts, 3 (15 per cent) are held by women. They head three key ministries: the Ministry of Labour and Social Protection, the Ministry of Health and the Ministry of Economic Integration. There has been an increase in the number of women deputies in Parliament. In 2010, the proportion of seats held by women in Parliament was 13.6 per cent; in 2011, it was 13.7 per cent. At present, there are 28 women in the lower house of Parliament (Majilis), or 26.1 per cent of the total (prior to the 2012 elections there were 19 women). Among the Supreme Court justices, 36.4 per cent are women; more than half (53.6 per cent) of local court judges are women.

128. From 2005 to 2012, a steady reduction in family violence was achieved. The number of such offences over that period fell by more than half, from 1,610 to 780; murders were reduced by half, from 578 to 285.

129. Activities in which the Association of Kazakh Businesswomen was involved from 2010 to 2013 included a forum on women and religion, the Third Eurasian Economic Summit and the 2013 Global Summit of Women. In 2012, the Association of Kazakh Businesswomen became a member of the World Association of Women Entrepreneurs (FCEM).

130. On 8 December 2009, a law on State guarantees of equal rights and equal opportunities for men and women was adopted; the public authorities and civil society institutions deployed intensive efforts in implementing it from 2010 to 2013.

131. By a legislative act dated 16 November 2012, Kazakhstan ratified the International Labour Organization (ILO) Workers with Family Responsibilities Convention, 1981 (No. 156).

132. In 2014, a law on amendments to certain legislative acts on questions of social security introduced amendments as regards pension contributions, payment of maternity leave and compulsory social insurance.

Children's rights

Recommendations 95.9, 95.21, 95.26-95.28, 95.38, 95.39, 95.40, 95.81

133. The placement of orphans and children left without parental care in family-type settings is being actively pursued in Kazakhstan.

134. Kazakh citizens are being strongly encouraged to become guardians and foster parents. Children with foster parents or guardians number 23,803.

135. In 2011, the State began paying a subsidy of 10 times the monthly calculation coefficient for the maintenance of each child in order to assist their guardians and caregivers. From 2011 to 2013, the national budget provided funding of approximately 12 billion tenge for that purpose. In 2013, 1,035,751,000 tenge was allocated from local budgets for foster parenting.

136. The question of introducing the post of ombudsman for the rights of the child was addressed in 2011 by the Human Rights Commissioner, in its role as national human rights institution, in conjunction with the relevant government agencies. On this matter, the Human Rights Commissioner has received proposals from the Procurator-General's Office, the Ministry of Education and Science and the Ministry of Foreign Affairs. On the whole, all the central government authorities support the establishment of this institution.

137. In a joint effort with UNICEF, multidisciplinary teams of medical workers and psychologists from Kazakhstan and other countries were formed with a view to reducing negative attitudes to HIV-positive children and their families and eliminating social tension. In every population centre where such children are found, the teams gave talks for pupils, parents and teachers in schools and kindergartens and appeared in the media to speak about a tolerant attitude towards the affected children.

138. An interdepartmental work plan for agencies in the fields of education, labour and social protection, health, law enforcement, justice, culture and prosecution is being implemented in order to eliminate the worst forms of child labour and carrying out the ILO Worst Forms of Child Labour Convention, 1999 (No. 182).

139. Joint efforts, spot checks and household visits are being carried out to identify abandoned children and street children who are not in school and to uncover instances of child labour; these include “Children in the night” (quarterly) and “Twelve days of action against child labour”, a national information campaign (1–12 June).

140. In 2013, the national public information campaign held more than 2,000 events involving more than 1,200,000 minors and over 200,000 adults.

141. Discrimination on the basis of sex, as well as against children with disabilities and children born out of wedlock, is prohibited in Kazakhstan. The Committee for the Protection of Children’s Rights and the Commission on Human Rights of Kazakhstan have received no complaints of discrimination against children born out of wedlock.

142. Work is under way to implement the strategy for gender equality in the Republic of Kazakhstan, 2006–2016, which was approved pursuant to Presidential Decree No. 1677 of 29 November 2005 and which is aimed at ensuring equal rights and opportunities for all members of society, irrespective of gender.

143. In the 2012/13 academic year, more than 50 per cent of the total number of pupils in the country’s general education schools were girls. Girls are increasingly active in school life; many of them now lead organizations of children and young people and have been winners in sporting competitions, academic olympiads and cultural events.

144. In 2010, the Republic of Kazakhstan ratified the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

145. In 2012, it ratified the Hague Convention on the Civil Aspects of International Child Abduction.

146. In accordance with Presidential Decree No. 266 of 4 February 2012, specialized juvenile courts have been set up in all provincial capitals, including two in the provinces of Almaty and East Kazakhstan. The establishment of these courts was facilitated by the successful functioning, since 2007, of such courts in the cities of Astana and Almaty. Presidential Decree No. 785 of 4 April 2014 set up, in Karaganda province, a specialized court for trying cases involving minors, for the purpose of supplementing the expertise of the existing juvenile justice courts.

147. A law on amendments to certain legislative acts for the prevention of domestic violence was adopted in 2014. This law increases the penalties for crimes in the area of family relations, including for crimes committed against minors. It also made amendments to the legislation on the rights of the child and on education with respect to the protection of the rights of children in difficult circumstances.

148. A new Criminal Code, Code of Criminal Procedure, Criminal Penalties Enforcement Code and Code of Administrative Offences, in which criminal and administrative liability for crimes and offences committed against children are strengthened, have been adopted in Kazakhstan.

149. Parliament is now considering bills on the protection of children against information harmful to their health and development and on amendments to certain legislative acts concerning protection of children from information harmful to their health and development. These bills reinforce legal guarantees for safe use of the Internet by children, establishing conditions and procedures for the dissemination of Internet content to children and imposing on legal and natural persons the obligation to ensure the Internet safety of children.

Rights of ethnic minorities

Recommendations 95.22, 95.71, 95.74, 95.90, 95.91, 97.9

150. The Assembly of Peoples of Kazakhstan is a constitutional body, headed by the President. It is a unique institution which brings together more than 100 ethnic groups in the country. At present, the Assembly is composed of 394 members. It should be noted that the Majilis (lower house of Parliament) has 107 deputies, of which 9 are elected by the Assembly of Peoples of Kazakhstan. They represent the interests of all the ethnic groups in the country.

151. Largely as a result of the work of the Assembly, Kazakhstan has created a unique model of inter-ethnic and interfaith harmony, a special climate of trust, solidarity and reciprocity, where every citizen, regardless of ethnic or religious affiliation, possesses and may enjoy all the civil rights and freedoms guaranteed by the Constitution.

152. There are more than 300 ethnic and cultural associations in Kazakhstan.

153. Since 2011, studies specifically relating to inter-ethnic relations and racial discrimination have been introduced in the higher educational institutions.

154. Members of ethnic minorities are given the opportunity to study in their native language. One of the fundamental tenets for Kazakhstan, the right of ethnic groups to study in their native language, is being implemented in the country's educational institutions.

155. The following schools were open in the country in the 2013/14 school year:

Fifty seven in which the language of instruction was Uzbek (60 in 2012);

Fourteen in which the language of instruction was Uighur (14 in 2012);

Two in which the language of instruction was Tajik (2 in 2012).

156. There were 91 mixed language schools with classes conducted in Uzbek (79 in 2012), 48 with classes in Uighur (49 in 2012) and 9 with classes in Tajik (10 in 2012).

157. Taking into account the interests of children and the density of minority populations, additional classes for study in the languages of ethnic minorities are opened up where necessary.

158. To date, 34 publications on the culture of ethnic minorities have been registered in Kazakhstan. Of these, 12 are in Uighur, 8 in Uzbek, 3 in Ukrainian, 2 in Azeri, 2 in Turkish, 1 in Kurdish, 1 in Korean, 1 in German, 1 in Tatar, 1 in Armenian, 1 in Dungan and 1 in Belarusian.

159. A Presidential Decree on a national unity doctrine was approved on 20 April 2010. A plan of action, 2011–2014, is being carried out to give effect to the doctrine.

The judicial system

Recommendations 95.10, 95.14, 95.37, 95.46, 95.63

160. Judicial and legal reforms are gradually being introduced in Kazakhstan.

161. According to the Global Competitiveness Index for 2013, published by the World Economic Forum, Kazakhstan was ranked eighty-eighth in terms of judicial independence, whereas in 2012, it was ranked ninety-fourth. In order to improve judicial independence, which is one of the key indicators of institutional development in the Global Competitiveness Index, a plan of action to improve the judicial independence rating in the Global Competitiveness Index has been approved.

162. In addition to district courts, specialized interdistrict economic courts, specialized interdistrict administrative courts, military courts and specialized interdistrict juvenile justice courts are now in place and fully operational.

163. With a view to training juvenile justice experts, the Supreme Court, in conjunction with the Institute of Justice of the Academy of Public Administration attached to the Office of the President, has developed a special programme and thematic plan for the training of judges who specialize in hearing cases involving minors.

164. The institution of mediation was introduced in 2010. In 2013, 1,276 civil and 2,287 criminal cases were processed with the participation of mediators. The number of civil cases resolved with the participation of mediators has increased tenfold compared to the number in 2012.

165. In criminal proceedings held in 2013, 507 persons, representing 1.8 per cent of the number of cases resulting in sentencing, were acquitted. In 2012, 400 persons, or 1.7 per cent of the total, were acquitted. These figures show that the number of persons acquitted by the courts is growing from year to year. In 2011, 482 persons, or 1.7 per cent, were acquitted, while in 2010, 707, or 1.9 per cent, were acquitted.

166. With a view to modernizing civil proceedings, a new Code of Civil Procedure has been adopted, providing the parties with easy and rapid access to procedures for the consideration of civil affairs and drawing extensively on the use of modern technologies.

167. In 2011, the Supreme Court reviewed the precedents on the application by the courts of the constitutional principle of giving precedence to international treaties ratified by Kazakhstan over domestic criminal legislation; the review revealed that there were no problems with the implementation of the international treaties ratified by Kazakhstan.

168. In late 2013, the Supreme Court reviewed judicial practice in the consideration of criminal cases involving extremism and terrorism.

169. According to the procedural legislation, the right to suspend court decisions is exercised exclusively by the Procurator-General. It should be noted, however, that the Procurator-General exercises the right to suspend court decisions only when reviewing cases for supervisory purposes. The suspension by the Procurator-General of the execution of a ruling is restricted in time, to no more than three months. The proportion of rulings whose execution was suspended by the Procurator-General within the overall number of sentences handed down by the courts is insignificant. The suspension of the execution of a ruling is substantiated by complaints from one of the parties to the proceedings concerning such issues as unlawful eviction from a dwelling, an unfounded demand for payment of a substantial sum of money or evidence of attempts to evade taxes or other compulsory contributions to the Government.

170. In view of the existing constitutional norms and procedural legislation, and the activities of the prosecution cannot be seen as undue interference in the judicial system or as dictating court rulings.

171. Anti-corruption units with direct lines of reporting have been set up in the courts. Administrative and practical measures to combat corruption in the judicial system are intended to improve the logistical capacity of local courts and the material and social welfare of judges, enhance their accountability, ensure strict compliance with judicial ethics and create the conditions for the transparency of court proceedings. All the courts of Kazakhstan are technically equipped and situated in buildings that conform to modern standards of the administration of justice. The latest computer technologies and electronic records management have been introduced in the administration of the courts.

172. From 2010 to 2013, a number of laws were enacted to improve the country's judicial system.

173. The Anti-Corruption Act of 2 July 1998 was amended to provide for the social and legal protection of civil servants and the possibility of monitoring the compliance with anti-corruption legislation of persons applying to hold public offices which carry a high risk of corruption-related wrongdoing.

174. A Presidential Decree adopted on 17 August 2010 on measures to enhance the effectiveness of law enforcement and the judicial system, which is intended to streamline alternative investigative procedures, states that investigations into cases relating to corruption should be carried out by the financial police. A sectoral programme against corruption, 2011-2015, was approved by Presidential Decree No. 308 of 31 March 2011.

175. In 2013, in order to enhance the independence of the judiciary, the Supreme Court drafted and submitted to the Majilis the following bills:

(a) A draft constitutional law on amendments to the Act on the Judicial System and the Status of Judges, which aims at improving the competitive selection of candidates for judicial office; strengthening the role of the public in the selection of candidates for judicial posts; and increased resort to a qualified pool of judges for recruitment to high-level positions in the judiciary;

(b) A bill to amend the legislation on streamlining the administration of justice and reducing red tape. The bill sets out competency requirements for candidates for the civil service, including persons with advanced legal training, and addresses the expanded use of computer technology in judicial proceedings.

176. At present, the Constitutional Act on the Judicial System and the Status of Judges is being amended to include provisions entitling judges to severance pay and to the private use of their official residence in the event of the restructuring or downsizing of the courts or of a reduction in the number of judges. The regulations on health care for judges are being brought up to date. Specific proposals have been made to the commission which is formulating proposals for the further development of the pension system in order to improve pensions for judges.

177. In September 2012, a bill was introduced in Parliament on amendments to certain legislative acts on improving juvenile justice. The bill's objectives are introducing a system for monitoring the situation of adolescents and children; ensuring that any legal action involving minors is fair; exposing children to the best possible living conditions; and reintegrating minors after their sentences have been served.

Counteracting extremism and terrorism

Recommendation 95.31

178. Under the new system for counteracting extremism and terrorism, the State has been active in the following areas: prevention of terrorism; detecting and suppressing terrorist activity and uncovering and investigating terrorist crimes; and minimizing and/or eliminating the consequences of terrorist acts.

179. The prevention of terrorism and extremism involves identifying and eliminating the causes and conditions that are conducive to the emergence and spread of terrorism and extremism. In this regard, work is being done to analyse the activities in the territory of Kazakhstan of religious groups and missionaries engaged in proselytism, media content is being monitored to prevent propaganda and apologia for extremism and terrorism, educational programmes are being developed and a record of terrorist and extremist

organizations and persons prosecuted for terrorist and extremist activities is being maintained. In 2013, counter-terrorism commissions were established under the provincial and regional administrations.

180. In the second area — detecting terrorist activity — 148 persons have been convicted in Kazakhstan for terrorist crimes, and 160 for crimes involving extremism, over the past five years.

181. In 2013, over 700,000 alerts were received from the financial monitoring institutions of the Ministry of Finance. Of these alerts, 560,000 were at the threshold for reporting requirements more than 130,000 were suspicious transfers and around 360 were on terrorist financing. The specialized governmental and law enforcement agencies were sent 126 cases that fell within their competence for further action.

182. In 2012, amendments were made to the Counter-Terrorism Act to strengthen the financial monitoring institutions. Revisions that were adopted in 2013 defined the terms “terrorism” and “act of terrorism”. The very concept of counter-terrorism, made up of three components, was reviewed: it comprises prevention of terrorism; detecting and suppressing terrorist activity and uncovering and investigating terrorist crimes; and minimizing and eliminating the effects of terrorism. A list of facilities vulnerable to terrorist acts was also drawn up. Rules were adopted concerning compensation for property damage caused to natural and legal persons as a result of acts of terrorism.

183. A State programme to counter religious extremism and terrorism in Kazakhstan, 2013–2017, was approved by Presidential Decree No. 648 of 24 September 2013.

Health care

Recommendations 95.29, 95.39, 95.40, 95.84

184. In 2013, overall expenditure on the financing of free medical care (excluding capital costs) was 614 billion tenge, reflecting a 9 per cent increase over the figure for 2012 (562.8 billion). The level of expenditure per capita on the funding of free medical assistance in 2013 also rose, totalling 35,435 tenge (compared to 33,528 tenge in 2012). In per capita terms, expenditure on health in recent years has been growing substantially. In the past five years, the figure has more than doubled: from 24,251 in 2008 to 28,965 tenge in 2009, 34,248 in 2010, 38,131 in 2011, 43,795 in 2012 and 47,381 in 2013.

185. In 2010, a single national health care system, developed on instructions from the Head of State, was introduced. The system aims at ensuring equal access and quality health care on the basis of free choice of hospital.

186. Quality inpatient care has become accessible now that the patient has been given the right freely to choose a hospital and an opportunity to undergo routine treatment in any province, in Almaty or in the capital city. In 2013, around 832,000 patients, of whom 44 per cent were from rural areas, took advantage of the right of free choice. Specialized assistance was provided in the nation’s clinics to 14 per cent of the population, 33.7 per cent from rural areas.

187. In 2010, 65 new diagnostic tools were introduced, 123 in 2011. While about 750 surgeries were performed in the regions in 2011, they numbered around 1,900 in 2011. A world-class centre for cardiac surgery was built in Astana on instructions from the President. About 300 cardiac surgeries were performed, some 90 of them on children. The coverage of highly specialized medical services increased by 60 per cent when compared with the year 2011, with more than half (56 per cent) provided at the regional level. The economic impact of the introduction of only five high-level techniques in the regions

(stenting of the coronary artery, total joint replacement, etc.) amounted to 415 billion tenge. Mortality and disability were prevented in 24,000 cases.

188. In 2013, medical institutions were given the opportunity to purchase equipment worth up to 50 million tenge through leasing arrangements that were financed by the national budget.

189. In accordance with consolidated data on the implementation of the State Programme for the Development of Health Care for 2011-2015, “Salamatty Qazaqstan”, the maternal mortality rate in Kazakhstan was 12.6 per 100,000 live births in 2013 (13.5 per 100,000 in 2012). The infant mortality rate has declined by 17 per cent, to 11.2 per 1,000 live births compared to 13.48.

190. A major achievement was the inclusion of in vitro fertilization among subsidized medical services provided free of charge; from 2011 to 2015, 2,396,300,000 tenge was allocated for in vitro fertilization from the State budget. In vitro fertilizations carried out in the past year have grown by 600 per cent.

191. In 2013, the incidence of tuberculosis was 73.5 per 100,000 population, compared with 81.7 during the same period in 2012. In 2013, emphasis was placed on treatment for tuberculosis in prisons and a multisectoral plan of action was funded and implemented. The coverage by the tuberculosis control service of patients with multidrug-resistant tuberculosis treated was 85 per cent, as recommended by the World Health Organization. This remains a priority matter. A comprehensive plan to combat tuberculosis, 2014-2020, was adopted by governmental decree. The objective of the plan is to reduce morbidity from tuberculosis to 63.9 per 100,000 population, and mortality, to 5.0 per 100,000 population, and to improve the standing of Kazakhstan in the Global Competitiveness Index.

192. Health care organizations are working to create a model for a “motivated staff – satisfied patients” relationship, aimed at raising the level of the population’s satisfaction with the quality of medical services and of physicians’ interest in the results of their work.

193. In 2013, thanks to an economy drive, differentiated pay scales were introduced for 26,000 health care workers in 217 hospitals out of a total of 418 (52 per cent). About 8,000 recipients were physicians (out of a total of 15,000) and over 18,000 were nurses (a total of 39,000). Average differentiated monthly wages amounted to 12,400 tenge for physicians and 6,300 tenge for nurses.

194. In 2012, Order No. 689 of the Acting Minister for Health, of 10 November 2009, entitled “Regulations on remuneration for medical workers, depending upon the quantity and the quality of health care provided and industrial branch incentives” was amended in order to improve the motivation of medical staff.

Right to social security

Recommendations 95.2, 95.80, 95.82, 95.83, 95.86, 95.93, 97.1

195. According to data for 2013, Kazakhstan ranked forty-seventh in international ratings for national wealth.

196. In 2011, a Programme for Employment for through the year 2020 was adopted. Priority in the right to participate in the programme is accorded to the most disadvantaged population groups in Kazakhstan.

197. In 2013, to ensure that social rights are well protected, prosecutors conducted 188 audits on the application of the legislation on pensions and discovered 3,932 violations. As a result of the response by prosecutors, the pension rights of over 6,000 citizens have been preserved.

198. Pursuant to the plan of action to implement the instructions set out by the President of Kazakhstan in an article entitled “Social modernization of Kazakhstan: 20 steps towards universal employment”, the Ministry of Labour and Social Protection set up a working group to develop methodologies for calculating the number of persons self-employed by type of economic activity, correlating the number of persons self-employed within the able-bodied population, improving the methodology used for assessing the level of unemployment and carrying out a comprehensive inventory of sectoral legislation in the social and labour sphere.

199. The working group’s proposals resulted in the adoption of Order No. 3 by the President of the State Statistics Agency, dated 10 January 2013, on approval of the methodology for determining the number of self-employed, the average monthly income and the unemployed population in the Republic of Kazakhstan.

200. Of the 1,900 recipients of special State benefits in 2013, a total of 400 were residents of children’s homes, orphans and children left without parental care.

201. The programme on work experience for young people and the State road map for employment through 2020 are designed for waging a long-term fight against unemployment. The Programme for Employment through the year 2020 states that in 2016, the poverty rate will decline from 8.2 to 6.0 per cent and the unemployment rate will not exceed 5.5 per cent. The Programme will be carried out in the following areas: training and job placement for the self-employed, unemployed and disadvantaged; promoting entrepreneurship in rural areas; and increasing labour mobility.

202. Among the priorities of the Programme, its architects have identified job placement for people under 29 years of age, including those in children’s homes and orphans, and for the disadvantaged, persons with disabilities and repatriates. It should be noted that persons forming part of target population groups (including persons with disabilities) were also included in this list of those covered by the Programme.

203. For these purposes alone, 105 billion tenge were allocated in 2013, approximately 100 billion for 2014 and 98 billion are to be earmarked for 2015.

204. In course of the Programme’s implementation so far (2011–2013), as at 1 January 2014, over 267,900 persons had received State support, of whom 151,500 (57 per cent) were people under 29 years of age and 15,600 were disadvantaged persons. In 2013, 1,200 persons with disabilities were also covered by the Programme; 163 received microcredits to organize their own businesses. The average amount of the microcredits was 2.1 million tenge.

205. As part of the efforts to modernize the social assistance system, a pilot project has been introduced to provide such assistance to individuals or families, taking into account their real needs and based on reciprocal obligations of parties who have signed and are fulfilling the terms of a social contract to strengthen the family.

206. The drop in the poverty figures shows the effect of the provision of targeted social assistance. The number of recipients of targeted social assistance fell from 1.2 million persons in 2002 to 60,700 in 2013.

207. The Pensions Act was adopted in June 2013, envisaging the establishment of a single cumulative Pension Fund in order to preserve pension contributions and ensure their growth through the controlled and effective placement of pension assets; the adjustment of women’s retirement age as from 2018 in order to increase the length of their participation in the accumulative pension system; and a transition from voluntary to compulsory pension contributions for persons working under harmful and special conditions, which would create additional opportunities for developing the requisite pension entitlements to facilitate their early retirement.

208. On 10 January 2014, a law on amendments to certain legislative acts on social security issues was adopted; it has introduced subsidies, with effect from 1 January 2014, for the compulsory pension contributions made by working women on leave for childbirth and care of children up to the age of 1 year.

209. Kazakhstan intends to take a decision on ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights following a thorough legal analysis and a review of the document in terms of financial obligations.

Right to a healthy environment

Recommendations 95.94, 95.95

210. Work to protect the environment of Kazakhstan is being carried out in several areas: development of a “green economy”; reduction of anthropogenic interference with human health and the environment; conservation and restoration of natural ecosystems; and development and improvement of environmental quality management systems.

211. A road map for Kazakhstan’s transition to a “green economy” has been developed. A plan of measures for implementing the road map for the transition to a green economy of Kazakhstan, 2013–2020, has been approved.

212. An interregional “Green Bridge” partnership programme, developed at the initiative of the President, is being carried out. The programme aims to develop partnerships among countries in Europe, Asia and the Pacific and to formulate plans for the transition from traditional models of development to the “green growth” concept.

213. A World Exposition to be held in Kazakhstan, EXPO-2017, on the theme of “The energy of the future”, will be a catalyst for the diversification and modernization of the national economy and will attract green technologies and investments.

214. A law on amendments to certain legislative acts on environmental issues was signed in 2011. It was adopted in order to stiffen the administrative and criminal penalties imposed for environmental crimes by users of natural resources.

215. Presidential Decree No. 436 of 26 November 2013 set up a government commission for the preparation and conduct of the specialized international exhibition EXPO-2017. A law adopted in 2013 on amendments to certain legislative acts on the organization and conduct of the specialized exhibition EXPO-2017 in Astana will help in addressing environmental and energy issues in future.

216. A law on amendments to certain legislative acts on support for the use of renewable sources of energy was adopted in 2013.

217. With a view to the implementation of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention), the Ministry of Environment and Water Management of Kazakhstan has initiated work on a bill on amendments to certain legislative acts on environmental issues. The purpose of the bill is to supplement the provisions and regulations of the Environmental Code so as to regulate emissions of greenhouse gases and to bring environmental legislation into line with the Aarhus Convention.

Right to education

Recommendations 95.84, 95.101

218. According to data from the United Nations Educational, Scientific and Cultural Organization for 2011, Kazakhstan ranks fourth out of 129 countries on the Education for All Development Index. Over the past 15 years, expenditure allocated to education grew by a factor of 9.5. A State programme for the development of education through 2020, aimed at a major overhaul of education at all levels, from preschool to higher education, is being carried out.

219. There are 8,764 preschool institutions, 7,626 general education institutions and 849 technical schools. The educational system employs about 500,000 teachers and specialists to provide instruction to some 5 million, including refugee children, migrant children and children with special needs.

220. The introduction of a 12-year secondary education model is under way.

221. As a result of the “Balapan” programme, in 2010, 35 kindergartens were built, 1,534 mini preschool centres were founded and 137 private kindergartens were established. Children’s enrolment in preschool institutions increased from 30 to 55 per cent.

222. Today, in the new Nazarbayev University, an innovative model for higher educational institutions oriented towards market demands is being developed. Twenty “smart” schools, founded throughout the country on instructions from the President, will be training gifted children for the best universities.

223. During international meetings, conferences and other events, Kazakhstan shares its experiences in the field of education. The Government has signed agreements on cooperation in education with a number of countries.

Human rights education

Recommendations 95.87–95.89, 95.96

224. In order to provide each child with the necessary level of political and legal knowledge, a subject entitled “The individual, society and rights” is taught in grades 9 to 11 for a total of 34 hours. From grades 7 to 9, under the “Knowing oneself” programme, the subject of “The individual and society” is taught.

225. In educational institutions, there are teams of human rights advocates who work with the students to educate them on human rights.

226. The first forum for ombudsmen was held in the city of Pavlodar in 2012. There are more and more members of a public advocacy group that informs youngsters about their rights and organizes interactive games for adolescents to increase their awareness of their rights and responsibilities.

227. As part of the strategic development plan, 2011–2020, universal free access to a systematic and comprehensive database containing regulatory and legislative instruments has been available on the Internet since 2012, at www.adilet.zan.kz.

228. The Ministry of Justice has developed and is systematically implementing a comprehensive plan, 2012–2014, to raise the legal awareness of citizens. Public funding of 239,325,000 tenge was allocated, starting in 2012, for the implementation of the activities envisaged under the plan in order to enhance the legal awareness of citizens.

Protection of persons with special needs

Recommendations 95.1, 95.3–95.5, 95.11, 95.12, 95.85

229. The development of inclusive education is a constant concern of the Government of Kazakhstan. In conjunction with local executive authorities, a set of measures aimed at improving the quality of life of children with special needs is being carried out. These measures are provided for in the State programme for the development of education, 2011–2020, in the strategic plans of the Ministry of Education and Science and in the draft framework policy on social development in Kazakhstan through the year 2030. In the past three years, the matter has been discussed at meetings of an interdepartmental commission of the Government, with the participation of NGOs. The problem was also addressed at a meeting of a consultative and deliberative council of NGOs set up under the Ministry of Education and Science (April 2013). One of the seven areas in which the council of NGOs is working is in developing a system of social services for children with special needs and improving legislation on State social policy with due regard for the interests of children.

230. Under the State programme for the development of education, 2011–2020, the proportion of schools capable of providing inclusive education must reach the target of 70 per cent of the total number of general education schools by 2020.

231. The first phase (2012–2013) of the plan of action to ensure the rights and improve the quality of life of persons with disabilities in Kazakhstan for 2012–2018, approved by Government Decree No. 64 of 16 January 2012, has now come to an end.

232. Decisions on upholding the rights and improving the quality of life of persons with disabilities are being developed by the Ministry of Labour and Social Protection jointly with the non-governmental sector.

233. One of the effective mechanisms in this area was established by the Government in 2005: the Coordinating Council on Social Protection of Persons with Disabilities, in which 16 of the 30 members (53.3 per cent) are members of associations of persons with disabilities.

234. Kazakhstan signed the Convention on the Rights of Persons with Disabilities and its Optional Protocol on 11 December 2008, and it is a signatory to the Optional Protocol to the International Covenant on Economic, Social, and Cultural Rights. Under the strategic plan of the Ministry of Labour and Social Protection for 2011–2015, certain legislative acts are to be amended in view of the forthcoming ratification of the Convention on the Rights of Persons with Disabilities.

235. In order to institute inspections of the creation of accessible environments, article 25 of the Act on Social Protection of Persons with Disabilities was amended in 2013 to include representatives of civil society organizations for persons with disabilities in the inspection committees.

236. A bill on amendments to certain legislative acts on protection of the rights of persons with disabilities and the corresponding draft regulatory instruments are being discussed with a view to involving NGOs and organizations of persons with disabilities in the bill's implementation.

237. With a view to making better use of the work capacity of persons with disabilities, a bill on accessible workplaces is being drafted.

238. Currently, Kazakhstan is taking steps toward the ratification of the Convention on the Rights of Persons with Disabilities. To that end, a national plan for long-term action to ensure the rights and improve the quality of life of persons with disabilities for 2012–2018 has been adopted. Under this plan, regulations for mandatory compliance with the

principles of information accessibility for persons with disabilities are being drafted: subtitling on television networks; advertising of State services in publications (newspapers, magazines) specially designed for the visually impaired; adaptation of official government Internet sites to take account of the needs of the visually impaired; and teaching computer skills to persons with disabilities, including in the context of State social services. A draft outline for a bill on amendments to certain legislative acts on protection of the rights of persons with disabilities, reviewed and approved by the Interdepartmental Commission on Draft Legislation, has been developed.

V. Challenges for the future

239. The Republic of Kazakhstan is one of the few States that have a clear picture of how human rights may be further advanced nationwide. Over the past four years, it has adopted strategic policy papers in all areas of human rights.

240. The main strategic document is the Kazakhstan 2050 Strategy: A New Political Direction for Existing Governance, which identifies the challenges ahead in respect of gender equality, maternal and child protection, the family and marriage, migration, protection against sexual slavery, the right of citizens to judicial protection, modernizing and strengthening the judicial system and enhancing the authority of the judiciary and its credibility before society.

241. Each central authority in Kazakhstan has developed a sectoral strategy under which five-year targets have been set, including in the promotion of human rights.

242. A whole series of State programmes, framework policies and outline papers has been adopted, including a State programme to further modernize the law enforcement system, 2014–2020.
