

Universal Periodic Review
(20th session, Oct–Nov 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

Kazakhstan

I. BACKGROUND AND FRAMEWORK

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

I.1. Table:

<i>Title</i>	<i>Date of ratification, accession or succession dd/mm/yyyy</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	29/04/1994 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	28/12/2011 Ratification			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not State party to this Convention			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Constitutional Framework:

2. The **Constitution of 1995 as amended in 2007**¹ provides for the main components of the Right to Education. Article 30 provides that "1. The citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory. 2. A citizen shall have the right to receive on a competitive basis a higher education in a state higher educational establishment. 3. The citizens shall have the right to pay and receive an education in private educational establishments on the basis and terms established by law. 4. The state shall set uniform compulsory standards in education. The activity of any educational establishment must comply with these standards."

3. Article 19 adds that "1. Everyone shall have the right to determine and indicate or not to indicate his national, party and religious affiliation. 2. Everyone shall have the right to use his native language and culture, to freely choose the language of communication, education, instruction and creative activities."

4. With regard to language, **Article 7** reads "1. The state language of the Republic of Kazakhstan shall be the Kazak language. 2. In state institutions and local self-administrative bodies the Russian language shall be officially used on equal grounds along with the Kazak language. 3. The state shall promote conditions for the study and development of the languages of the people of Kazakhstan."

5. Article 14 enshrines the principle of non-discrimination by stating that "1. Everyone shall be equal before the law and court. 2. No one shall be subject to any discrimination for reasons of origin, social, property status, occupation, sex, race, nationality, language, attitude towards religion, convictions, place of residence or any other circumstances."

Legislative Framework:

6. The basic legislative framework for education in Kazakhstan is made up of:

- The *new Law on Education adopted in 1999 and amended on 27 July 2007*² introduced new conceptual approaches in the area of development of education: transition to 12-year secondary education, re-structuring of the system of vocational training, creation of three-stage model of professional training of the higher and graduate education.

¹ <http://www.akorda.kz/en/category/konstituciya>

² Mission to Kazakhstan, Report of the Special Rapporteur on the right to education, Kishore Singh, 2012, p. 5, accessible at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/134/50/PDF/G1213450.pdf?OpenElement> (Accessed 28 November 2013)

- The *Law ‘On the order of consideration of physical and legal entities’ of 2007* establishes the procedure for submission and consideration of physical and legal persons to the authorities in order to implement and protect their rights, freedoms and legitimate interests.³
- The *Law ‘On State Guarantees for Equal Rights and Opportunities of Men and Women’ of 2009* secures guarantees for gender equality for access to civil service and establishes responsibility of all public authorities and employers for ensuring equal rights and opportunities in employment.⁴
- The *Law of the Republic of Kazakhstan No. 343 ‘On social, medical and educational correction support to children with limited abilities’ of 2002* is aimed to establish a uniform state system of correctional assistance to children with limited abilities, and identifies fundamentals of their education and socialization, their preparedness for an independent life in the society.⁵

Policy Framework:

- General information:

7. “The national strategic plan for the development of education is detailed in the **State Programme of Education Development in the Republic of Kazakhstan for 2011–2020**. In a drive to modernization, the overall goal of the plan is to increase the competitiveness of education and the development of human capital by ensuring access to quality education for sustainable economic growth. Its objectives include, inter alia, the transition to a 12-year education model, the improvement of the inclusive education system in schools and the updating of educational content. It is also aimed at integration into the European Higher Education Area. The Plan contains an analysis of the country’s education policy in terms of strengths, weaknesses, opportunities and challenges. It includes detailed goals and targets relating to education at all its levels, and addresses aspects such as developing financing mechanisms, enhancing teacher motivation, curricular adaptation, and expansion of the education infrastructure. The Plan further develops previously adopted strategies, such as the State Programme of Education Development for 2005–2010, the State Programme of Technical and Vocational Education Development for 2008–2012, the Children of Kazakhstan Programme for 2007–2011 and the Balapan Preschool Education Programme for 2010–2014.

8. Access to both primary and secondary education in Kazakhstan is almost universal. In 2008, the enrolment rate for children (of the typical age per level) was 99.8 per cent at the primary level, 100 per cent at the basic level and 99.6 per cent at the secondary level. Thus, Kazakhstan has already achieved Millennium Development Goal 2, with respect to securing universal access

³ Kazakhstan Report submitted for the Fifth Consultation on the implementation of the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (2009-2012), 2013, p. 2

⁴ Millennium Development Goals Report in Kazakhstan 2010, p. 52, accessible at: http://planipolis.iiep.unesco.org/upload/Kazakhstan/Kazakhstan_MDG_2010_eng.pdf (Accessed 28 November 2013)

⁵ Kazakhstan: Education for All, EFA Mid-Decade Assessment report, 2008, p. 14, accessible at: http://planipolis.iiep.unesco.org/upload/Kazakhstan/Kazakhstan_EFA_MDA_ENG.pdf (Accessed 28 November 2013)

to primary education. Moreover, Goal 3, relating to the elimination of gender disparity in primary and secondary education, has also been achieved in Kazakhstan.

9. According to a 2010 report on the progress of Kazakhstan towards achieving the Millennium Development Goals, 90 per cent of children not attending schools come from poor and disadvantaged families. In this context, after conducting an assessment on the remaining gaps in the education system, the country decided to make further commitments under what it called a MDG+ agenda. In the field of education, the MDG+ agenda embraced an expanded version of Goal 2 to focus primarily on secondary education, enhancing quality in education, and promoting the enrolment of marginalized groups such as children with special needs and students from socially vulnerable groups. As developed below, further attention must be given to sources of inequality such as: school infrastructure, teachers' qualification and working conditions, the use of pedagogical materials and learning technologies, unified education data collection systems, and assessment of learning outcomes.

10. While noting continuously high enrolment levels, the 2010 review on the MDG+ agenda underlines that some schools still practice instruction in several shifts and that some urban schools are overcrowded. In the 2009/2010 academic year, about 66 per cent of daytime comprehensive secondary schools had classes in two or three shifts. A total of 37.1 per cent of students had classes in the afternoon. Higher birth rates are expected to increase pressure on schools even with construction of additional schools.”⁶

- **Human Rights Education**

8. The National Action Plan for Human Rights in the Republic of Kazakhstan for 2009-2012 “is a consolidated program that includes specific steps to improve law and practice, the national human rights protection system, as well as improving public awareness of the human rights and mechanisms for their protection.”⁷

9. “**The National Human Rights Plan of Action for 2009–2012** is aimed at strengthening the national system of promotion and protection of human rights and the education of the general public regarding human rights and the mechanisms for their protection. The Plan identifies a set of concrete measures to eliminate gaps in national legislation and practice and to improve the coordination of governmental and non-governmental institutions working in the field of human rights protection.”⁸

⁶ Mission to Kazakhstan, Report of the Special Rapporteur on the right to education, 2012, pp. 6-7, accessible at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-21-Add1_en.pdf (Accessed 28 November 2013)

⁷ Kazakhstan Report submitted for the Fifth Consultation on the implementation of the Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms (2009-2012), 2013, p. 2

⁸ Mission to Kazakhstan, Report of the Special Rapporteur on the right to education, 2012, p. 4, accessible at: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-21-Add1_en.pdf (Accessed 28 November 2013)

Cooperation:

11. Kazakhstan is not party to the 1960 UNESCO Convention against Discrimination in Education.

12. Kazakhstan did not report to UNESCO on the measures taken for the implementation of the 1960 UNESCO Recommendation against Discrimination in Education within the framework of the:

- Sixth Consultation of Member States (2001) (covering the period 1994-1999)
- Seventh Consultation of Member States (2007) (covering the period 2000-2005)
- Eighth Consultation of Member States (2013) (covering the period 2006-2011)

13. Kazakhstan reported to UNESCO on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the:

- Fourth Consultation of Member States (covering the period 2005-2008)
- Fifth Consultation of Member States (covering the period 2009-2012)

14. Kazakhstan did not report to UNESCO on the measures taken for the implementation of the 1976 UNESCO Recommendation on the Development of Adult Education within the framework of the First Consultation (1993), but it reported within the framework of the Second Consultation (2011).

15. Kazakhstan is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

Achievements, best practices, challenges and constraints

Constitutional and Legislative Framework:

16. Freedom of speech is guaranteed under Article 20 of the Constitution of Kazakhstan (1995).⁹

17. The Criminal Code of Kazakhstan (1997, amended in 2004), provides that defamation can be punished by monetary fine, correctional labour, restriction of freedom, or prison sentences. Specifically, under Article 343, defamation of a judge, prosecutor, investigator, interrogator, or court executioner carries the same penalties with another possibility of a jail term of up to two years.

18. Furthermore, under Articles 319-320 a public insult toward the President or a representative of the state authorities shall be punished by a monetary fine, correctional labour for

⁹ http://www.wipo.int/wipolex/en/text.jsp?file_id=256278

up to one year, or by restriction of freedom for the same period, or by detention under arrest for up to four months. The penalties are aggravated if the offence is committed with the use of the mass information media.

19. A freedom of information law does not currently exist in the country. In 2010, there was an attempt to introduce a draft freedom of information law which subsequently stalled.

Media Self-Regulation:

20. Media self-regulatory mechanisms are nonexistent in the country.

Safety of Journalists:

21. UNESCO recorded the killing of journalist Gennady Pavlyuk in Kazakhstan in 2009.¹⁰ The Director-General of UNESCO condemned the killing and called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators. Kazakhstan informed UNESCO in 2011 that the perpetrator of the killing of Pavlyuk had been convicted.¹¹

22. A number of journalists are reportedly being harassed, threatened, and violently attacked including cases such as that of journalist Lukpan Akhmedyarov who was stabbed eight times by unknown assailants and of journalist Ularbek Baytalak who was violently beaten in 2012.

Freedom of scientific research and the right to benefit from scientific progress and its applications

23. Kazakhstan transmitted its national submission to UNESCO on the application of the 1974 Recommendation on the Status of Scientific Researchers and took part in the consultations concerning the issue of a possible revision of the 1974 Recommendation discussed currently at UNESCO. As indicated in its national submission, the national legislation and the institutional principles in the areas covered by the 1974 Recommendation in Kazakhstan conform to the principles laid down in the Recommendation.

¹⁰ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/kazakhstan/>

¹¹ Decision on the Safety of Journalists and the Issue of Impunity. Adopted by the IPDC Intergovernmental Council at its 27th Session (available at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf)

III. RECOMMENDATIONS

Right to education

24. In the Report of the Working Group on the Universal Periodic Review of 23 March 2010¹², the following recommendations were made to Kazakhstan:

84. *To continue to make progress in implementing measures already under way to **ensure universal access to (...) education** (Cuba);*

87. *To continue efforts to strengthen the education system in accordance with international standards, placing due **emphasis on human rights education** (Pakistan);*

88. *To **introduce human rights education and training into school curriculums**, in accordance with article 29 of the Convention on the Rights of the Child (Egypt);*

89. *To further **enhance human rights education** (Jordan);*

91. *To increase the number of **schools providing education in minority languages**, especially in the regions with concentrated minority populations (Ukraine);*

97. *To strengthen cooperation with the international community and international organizations, including the United Nation's Children's Fund, the United Nations Educational, Scientific and Cultural Organization and OHCHR, with a view to building capacity and securing technical assistance in crucial areas such as poverty eradication, justice administration, education and gender equality (Malaysia);*

101. *To share its experiences in the field of education with other countries (Viet Nam).*

25. They all enjoyed the support of Kazakhstan.

Analysis:

26. Since the last UPR Review in 2010, important steps and progress have been accomplished by Kazakhstan in line with the recommendations that were adopted. First, Kazakhstan has achieved almost universal enrolment at both levels, as well as high literacy rates. Second, progress could be noted as regard to the promotion of human rights education. The National Action Plan for Human Rights in the Republic of Kazakhstan for 2009-2012 included specific steps to enhance human rights education.

27. However, much still remains to be done in terms of inclusion of vulnerable and marginalised groups (children living in poverty, children with disabilities, children of minorities). Kazakhstan should be strongly recommended to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, and especially for the 1960 UNESCO Convention against Discrimination in Education.

¹² <http://www.upr-epu.com/files/164/G.E.pdf> (Accessed 28 August 2013)

Specific Recommendations for the 2nd UPR cycle on the right to education:

28. Kazakhstan should be strongly encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.
29. Kazakhstan should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, especially for the Convention against Discrimination in Education.
30. Kazakhstan could be encouraged to further promote the fundamental principle of equal educational opportunities and to integrate the concept of inclusion in education.
31. Kazakhstan could be encouraged to increase its efforts to enhance the quality of education and invest more in education through national budget, with special attention paid to groups traditionally excluded from education systems.

Freedom of opinion and expression

32. Kazakhstan is encouraged to decriminalize defamation, currently in its Criminal Code, and place it within a civil code that is in accordance with international standards
33. It is also recommended that the insult provisions and their penalties, particularly correctional labour and imprisonment, be reformed to be aligned with international standards on freedom of expression.
34. Kazakhstan is encouraged to restart the process to introduce a freedom of information law that is in accordance with international standards.
35. UNESCO recommends the development of self-regulatory mechanisms in Kazakhstan.
36. UNESCO welcomes the Kazakhstan's submission of judicial follow up of attacks against journalists and urges Kazakhstan to ensure that journalists and media workers are able to practice the profession in a free and safe environment as part of their fundamental human rights and to investigate all attacks on journalists and media workers.