

Children's rights in Kazakhstan

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UPR Info Pre-sessions

Recommendations – Issue1(Human Rights Institutions)

- *Bring the institute of the Children’s Ombudsman in full compliance with the Paris Principles, including by further strengthening its independence and by providing it with adequate financial and personnel resources.*
- *Adopt “the Concept of the state policy of the Republic of Kazakhstan in the interests of children until 2030”.*

Situation in Kazakhstan– Issue 2 (Child labour)

- Rec. Increase the number and frequency of labour inspections, particularly in the primary sector, with adequately trained inspectors and without prior notifications, in line with Kazakhstan's international obligations (Spain).
- Strengthen further legislative and institutional mechanisms to combat all forms of exploitation and violation of women's and children's rights (Philippines, Tajikistan).
- Stage of Development:
 - Kazakhstan has ratified the ILO Conventions No. 138 on the Minimum Age for Admission to Employment (December 2000) and No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (December 2002) ;
 - the Government has developed a list of types of work that children are not allowed to perform;
 - facts of use of the child labour in agricultural sector and domestic work.
- New needs
 - systematic independent monitoring;
 - technical assistance from the International Programme on the Elimination of Child Labour of the International Labour Office.

Recommendations – Issue 2 (Child labour)

- *Develop mechanisms of monitoring of child labour.*
- *Redouble efforts to address child labour, particularly in the cotton sector.*

Situation in Kazakhstan– Issue 3 (Non-discrimination)

- **Rec.** Ensure equal access to education for all children, including migrant and refugee children, by abolishing legal and administrative preconditions such as the propiska (Hungary).
- Stage of developments:
 - 5000 individuals with undetermined nationality (2016-2018 – UNHCR);
 - out of this figure some 300 children lacked birth registration and birth certificates.
 - gaps in national legislation;
- New needs

Take measures in the area of legislative reform and in the area of reforming the practice, approaches, and procedures.

Recommendations – Issue 3 (Non-discrimination)

- *Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families ICRMW .*
- *Introduce changes to the definitions of the Law “On the Rights of the Child” by replacing the definition of an “invalid child” which creates a negative stereotype with the definition of a “child (children) with disabilities”.*
- *Ensure equal access to quality healthcare and educational services and combat any forms of discrimination against children-migrants, children with special needs, children in rural areas.*

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Situation in Kazakhstan– Issue 4 (Early and forced marriages)

- Rec. Effectively address the issue of child marriage by encouraging girls to continue their education beyond the secondary level, and establish laws which eliminate early forced marriages of children (Sierra Leone)

- Stage of Development:
 - the 18 age of marriage is set by the Code of the RK “On Marriage and Family”;
 - the possibility to reduce the marriageable age;
 - forced and early forced marriage are not under the criminal liability;
 - the absence of official statistics.

- New needs
 - official statistics;
 - develop mechanisms of identification of early marriages.

Recommendations – Issue 4 (Early and forced marriages)

- *Amend the Criminal Code to introduce liability for forcing minors to marry or for marrying a minor.*
- *Introduce administrative liability for religious figures for conducting marriage ceremonies involving minors. Introduce into the Code of Administrative Offenses a provision on liability for parents who force their children to marry before they reach the age of marriage.*

Other Recommendations

- Ratify the Third Optional Protocol to the UN Convention on the Rights of the Child.
- Develop and implement a list of guaranteed services for children with autistic spectrum disorders (disability pension, home-schooling or home services, rehabilitation and social adaptation measures within special-purpose educational establishments, etc.)

Thank you

From all the members of our coalition:

- ❑ Kazakhstan's International Bureau for Human Rights and the Rule of Law
- ❑ Public foundation "Children's Fund of Kazakhstan"
- ❑ Association of Legal Entities "The Union of Crisis Centers"
- ❑ Public association "The League of Women of Creative Initiative"
- ❑ Public foundation "Aman Saulyk" A
- ❑ Public organization "For decent housing", Astana city
- ❑ Public association "Sana Sezim", Shimkent city
- ❑ "Samal Rehabilitation Centre" Public Association of Disabled Persons, Pavlodar city
- ❑ Public foundation "Rodnik"
- ❑ Public association "Women's Support Center", Petropavlovsk city
- ❑ Svetlana Bekmambetova, Independent expert

And others