



**Convention on the
Rights of the Child**

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COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-third session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 8 OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON
THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN
ARMED CONFLICT**

Concluding observations: Kazakhstan

1. The Committee considered the initial report of Kazakhstan (CRC/C/OPAC/KAZ/1) at its 1159th meeting (see CRC/C/SR.1159), held on 11 September 2006, and adopted at its 1199th meeting, held on 29 September 2006, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's initial report and the timely submitted written replies to the list of issues. The Committee also appreciated the presence of a cross-sectional delegation and the informative dialogue it had with the delegation.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its previous concluding observations adopted on the State party's initial periodic report (CRC/C/15/Add.213) on 6 June 2003.

B. Positive aspects

4. The Committee notes with appreciation the State party's declaration made upon the ratification of the Optional Protocol that the minimum age for voluntary recruitment into the armed forces of Kazakhstan is 19 years.

5. The Committee also wishes to welcome the ratification of the ILO Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 26 February 2003.

C. Principal areas of concern and recommendations

1. General measures of implementation

Legislation and implementation measures

6. The Committee notes that article 162 of the Criminal Code makes the recruitment and use of mercenaries a crime and that article 7 of the Criminal Code provides for certain extraterritorial jurisdiction. However, the Committee is concerned that there is no specific provision criminalizing the recruitment of children below the age of 18, nor a specific provision providing extraterritorial jurisdiction in case of recruitment of a Kazakh child outside the country or recruitment of children by a Kazakh citizen outside Kazakhstan.

7. In order to strengthen the national and international measures for the prevention of the recruitment of children for armed forces or armed groups and their use in hostilities, the Committee recommends that the State party:

- (a) Explicitly prohibit by law the recruitment of children under the age of 15 years into armed forces/groups and their direct participation in hostilities;**
- (b) Explicitly prohibit by law the violation of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities;**
- (c) Establish extraterritorial jurisdiction for these crimes when they are committed by or against a person who is a citizen of or has other links with the State party; and**
- (d) Stipulate explicitly that military personnel should not undertake any act that violates the rights enshrined in the Optional Protocol regardless of any military order to that effect.**

8. Furthermore, given the important contribution it can provide in particular for the prevention and elimination of recruitment of children below the age of 15, the Committee recommends that the State party ratify the Statute of the International Criminal Court.

Coordination and evaluation of the implementation of the Optional Protocol

9. The Committee is concerned at the lack of coordination of the activities for the implementation of the Optional Protocol, in particular in the area of rehabilitation and reintegration of children victims of armed conflict who have sought refuge in Kazakhstan.

10. The Committee recommends that the State party mandate a specific body, e.g. the Commission on the Protection of the Rights of Children, with the coordinating role and provide information on its activities in this regards in the next report.

Dissemination and training

11. The Committee welcomes the activities meant to inform students in military schools of their rights, inter alia, via teacher training, but is concerned at the limited information on the content of these trainings and courses and at the lack of information about awareness-raising activities among professionals working with refugee, asylum-seeking and migrant children who have been victims of armed conflict.

12. **The Committee recommends that the State party develop systematic awareness-raising, education and training on the provisions of the Optional Protocol for all relevant professional groups working with asylum-seeking, refugee and migrant children from countries affected by armed conflict, for example, teachers, medical professionals, lawyers, judges and military personnel. The Committee recommends that the State party provide more specific information about the teaching in military schools on human rights, specifically the Convention on the Rights of the Child and the Optional Protocol on the involvement of children in armed conflict, in its next report.**

2. Recruitment of children

Compulsory recruitment

13. The Committee welcomes the rule that mandatory recruitment starts at the age of 18 and the information indicating that no derogation from this rule is accepted.

Role of military schools

14. In the light of the information that students of military schools do receive, in addition to the regular school curriculum, specific training on military issues, including special physical training and arms instruction, the Committee is concerned at the lack of independent mechanisms to deal with possible complaints by the students.

15. **The Committee recommends that children attending military schools have adequate access to independent complaints and investigation mechanisms.**

3. Measures adopted with regard to disarmament, demobilization and social reintegration

Measures of social reintegration

16. In the light of the fact that the State party is a country of destination for asylum-seeking, refugee and migrant children coming from countries where children have been recruited or used in hostilities, the Committee is concerned that assistance for addressing their psychological and/or physical health as well as social reintegration is inadequate.

17. **The Committee recommends that the State party pay particular attention to the asylum-seeking, refugee and migrant children living in Kazakhstan who may have been recruited or used in hostilities in their country of origin by taking inter alia the following measures:**

(a) Introduce and implement a law on refugees which is in full compliance with international standards for granting refugee status;

(b) Provide children who have fled with or without their families amid conflict in Tajikistan, the Russian Federation (Chechnya), Afghanistan and other countries and who have lived in Kazakhstan for some time (more than a year) with either refugee status or another status which will allow social reintegration in Kazakh society and provide them with equal access to education, health care and other social services;

(c) Provide affected children with multidisciplinary assistance for their physical and psychological recovery and their social reintegration. It further encourages the State party to systematically collect data on refugee, asylum-seeking and migrant children within its jurisdiction who may have been involved in hostilities in their home country. In this regard, the Committee recommends that the State party take note of the Committee's general comment No. 6 on treatment of unaccompanied and separated children outside their country of origin.

4. Follow-up and dissemination

18. The Committee recommends that the State party take all appropriate measures to ensure full implementation of the present recommendations, inter alia, by transmitting them to the members of the Council of Ministers, the Parliament, the Defence Ministry and to provincial authorities, where applicable, for appropriate consideration and further action.

19. The Committee recommends that the State party continue to develop ongoing and systematic education and training in all domestic languages on the provisions of the Optional Protocol for all relevant professional groups as mentioned above. Furthermore, it recommends that the State party make the Optional Protocol widely known to the public at large and in particular to children and their parents through, inter alia, school curricula and human rights education.

20. Additionally, in the light of article 6, paragraph 2, of the Optional Protocol, the Committee recommends that the initial report submitted by the State party and concluding observations adopted by the Committee be made widely available to the public at large in order to generate debate and awareness of the Optional Protocol, its implementation and monitoring.

5. Next report

21. In accordance with article 8, paragraph 2, the Committee requests the State party to include further information on the implementation of the Optional Protocol in the next report under the Convention on the Rights of the Child, in accordance with article 44 of the Convention.
