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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Initial reports submitted by States parties under  
articles 16 and 17 of the Covenant**

**KAZAKHSTAN\*\***

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\* Re-issued for technical reasons.

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## Introduction

1. This report was prepared by the Ministry of Labour and Social Protection of the Republic of Kazakhstan with the assistance of the other ministries and departments concerned, the National Centre for Human Rights, the Commission on Human Rights, and the National Commission on Family Affairs and Gender Policy attached to the Office of the President of the Republic. It reflects as far as possible all the measures taken to deliver the rights set out in the Covenant. An analysis was made of the country's basic legislation and regulations relating to economic, social and cultural rights.

2. The Covenant on Economic, Social and Cultural Rights of 16 December 1966, ratified by Kazakhstan, takes precedence over national legislation pursuant to article 4, paragraph 3, of the Constitution, which states: "The international treaties ratified by the Republic take precedence over its laws and shall be applied directly, except when an international treaty entails that the treaty's application requires the enactment of a law."

3. The following State and advisory/consultative bodies are competent to implement the Covenant:

- (a) The Commission on Human Rights attached to the Office of the President;
- (b) The Committee on Intellectual Property Rights of the Ministry of Justice;
- (c) The Ministry of Health;
- (d) The Ministry of Industry and Trade;
- (e) The Ministry of Culture and Information;
- (f) The Ministry of Education and Science;
- (g) The Ministry of Environmental Protection;
- (h) The Ministry of Agriculture;
- (i) The Ministry of Labour and Social Protection;
- (j) The Ministry of Tourism and Sport;
- (k) The Ministry of the Economy and Budget Planning;
- (l) The National Commission on Family Affairs and Gender Policy attached to the Office of the President;
- (m) The National Centre for Human Rights (Office of the Human Rights Ombudsman).

## **PART ONE. GENERAL INFORMATION**

### **I. GENERAL POLITICAL STRUCTURE**

4. Kazakhstan has an area of 2,724,900 square kilometres.
5. According to official figures, on 1 April 2007 the population totalled 15,437,607: 8,148,566 persons (52.8%) living in urban areas and 7,289,041 (47.2%) in rural areas. The population had increased by 40,700 since 1 January 2007.
6. Over that period all regions of the country except Kostanai, East Kazakhstan and North Kazakhstan saw their population increase. The highest population growth figure for January-March 2007 was 34,772.
7. In the period January-March 2007 the civil registry authorities recorded 77,803 births. Births in urban and rural areas showed increases over the same period of the preceding year of 11.5 and 10.1 per cent (42,034 and 35,769 births) respectively.
8. Deaths in the first quarter of 2007 totalled 43,031: 25,069 in urban and 17,962 in rural areas. Deaths of persons of working age accounted for 40.2 per cent of the total; the number of men exceeded the number of women by a factor of 2.9.
9. There were 8,030,600 persons aged 15 years or older in the economically active population, 7,418,100 of them in employment and 612,500 unemployed - an unemployment rate of 7.6 per cent. In the employed population 4.9 million persons were wage-earners (54% of all employed persons) and 2.6 million (34.6%) were own-account workers.
10. In the first quarter of 2007 there were 624,000 unemployed persons, a decrease of 28,600 over the same period of the preceding year. Females continue to make up a numerical majority of the unemployed population (368,300 or 59%). This figure is 112,600 (44%) higher than the figure for males. Where age structure is concerned, most unemployed persons were found in the 25-39 (42.6%) and 40-54 (27.6%) age groups, representing a total of 172,400 persons, while young people in the 15-24 age group accounted for 24.3 per cent (151,600). Youth unemployment totalled 11 per cent.
11. The average monthly nominal per capita wage has increased steadily over the past 10 years and stood at 47,306 tenge in the first quarter of 2007. Real earnings amounted to 120 per cent of the figure for the same period of the preceding year.
12. Gross domestic product (GDP) totalled 2,531.8 billion tenge in March 2007. In April 2007 the consumer price index stood at 107.7 per cent of the figure for April 2006, and the industrial output index stood at 107.6 per cent.
13. According to the figures of the State Statistics Agency, in March 2007 the estimated per capita nominal monetary income amounted to 22,585 tenge.

## Political and legal systems

### The Constitution

14. The Constitution currently in force is the second to be adopted during the 15-year existence of independent Kazakhstan. The first Constitution was in force from 28 January 1993 to 30 August 1995. Up to 1993 the country was governed by the Constitution of the Kazakh Soviet Socialist Republic.

15. The present Constitution was adopted by the referendum of 30 August 1995. Amendments were made to it on 7 October 1998: in particular, the extension of the terms of office of members of Parliament and the President. These amendments also abolished the upper age limit for election to the post of President and the appointment of civil servants.

16. Further changes and additions were introduced in the Constitution pursuant to the Constitution of the Republic of Kazakhstan (Amendments and Additions) Act of 21 May 2007, including:

(a) Authorization for the State financing of civil society organizations, including political parties (this was previously subject to a constitutional prohibition);

(b) Reduction of the number of crimes for which an exclusive measure of punishment - the death penalty - is provided;

(c) Transfer to the courts of the power to order pre-trial detention (previously a function of the procuratorial authorities);

(d) Reduction of the term of office of the President from seven to five years;

(e) Removal of the provision that during his term of office the President must suspend his or her membership of his political party;

(f) Increase of the number of seats in the lower (Majilis) and upper (Senate) chambers of Parliament;

(g) Increase of the number of members of the Senate appointed by the President;

(h) Introduction of a compulsory rule that members of the Majilis lose their seats if resigning or dismissed from the political party from whose list they were elected or if this party is wound up;

(i) Increase of the term of office of members of representative bodies (*maslikhats*).

17. The Constitution guarantees the fundamental human rights and freedoms (Section II). It may be amended and supplemented by Parliament on the proposal of the President. Amendments and additions may also be adopted by national referendum held by decision of the President acting on his own initiative or on the proposal of Parliament or the Government. A draft amendment or addition is not submitted to a national referendum if the President decides to refer

it to Parliament for consideration. In such cases the parliamentary decision is taken in accordance with the procedure set out in the Constitution. If the President rejects a parliamentary proposal to submit an amendment or addition to a national referendum, Parliament is entitled, by a majority of at least four fifths of the total membership of each chamber, to pass an act incorporating the amendment or addition in the Constitution. In such an event the President must either sign the act or submit it to a national referendum, which is deemed to have been held if votes are cast by more than one half of the citizens of the Republic entitled to take part in national referendums. An amendment or addition submitted to a national referendum is deemed adopted if it is supported by more than one half of the citizens participating in the vote in at least two thirds of the administrative oblasts, the cities of national significance and the capital.

### **The President**

18. Kazakhstan has a presidential form of government.
19. The President of the Republic is elected for a term of five years in accordance with the Elections Act of 28 September 1995 by the citizens of the Republic of the age of majority on the basis of universal, equal and direct suffrage in a secret ballot.
20. The same person may not be elected President more than twice in succession. However, this provision does not apply to the first President of the Republic.
21. The President determines the main directions of the domestic and foreign policy of the State; he sets the dates of parliamentary elections; he takes decisions on the conduct of national referendums; and he signs legislative acts, international treaties and instruments of ratification.
22. The President is empowered to propose legislation.
23. Following consultations with factions of the political parties represented in the Majilis the President may submit to the Majilis for approval his candidate for the post of Prime Minister of the Republic; having obtained such approval he appoints the Prime Minister, whom he may also remove from his post; on the Prime Minister's proposal he determines the structure of the Government and constitutes, dissolves and reorganizes the central executive organs of the Republic which do not form part of the Government and appoints the members of the Government; he appoints the ministers of foreign affairs, defence, internal affairs, and justice and he may remove members of the Government from office; he swears in the members of the Government; he presides over meetings of the Government on especially important issues; he may instruct the Government to table draft legislation in the Majilis; he may revoke or suspend fully or partially acts of the Government or the Prime Minister or the *akims* (governors) of the oblasts, the cities of national significance and the capital.
24. With the consent of the Senate the President appoints the chairman of the National Bank, the Prosecutor-General and the chairman of the National Security Committee; he also removes them from their posts.
25. The President appoints for a term of five years the chairman and two of the members of the Central Electoral Commission and the chairman and two of the members of the National Budget Performance Monitoring Committee.

26. After consulting the presidents of the two chambers of Parliament and the Prime Minister the President may dissolve Parliament or its lower chamber.
27. The President is the Supreme Commander-in-Chief of the armed forces of the Republic and presides over meetings of the Government on especially important issues.
28. The President appoints the Security Council and other consultative/advisory bodies, the People's Assembly of Kazakhstan and the Higher Council of the Judiciary.
29. The President takes decisions on questions of citizenship and the granting of political asylum, pardons citizens and confers State decorations, honours and higher military and other ranks, service grades, diplomatic ranks, and higher qualifications, as well as performing the other duties specified in the Constitution.
30. The President has the right to veto acts adopted by Parliament and to revoke or suspend any regulatory measures taken by the Government or the executive authorities; he may issue decrees and orders of binding force in the national territory, and in the cases specified in the 1995 Constitution he may issue laws and decrees having the force of laws.
31. The President's other powers are set out in the Presidency Act of 26 December 1995.
32. The President may be removed from office by Parliament only if he commits treason. A final decision to remove the President requires the support of a majority of at least three quarters of the total membership of each of the two chambers, following a decision by the Supreme Court that the charge of treason is justified and a decision by the Constitutional Council that the established constitutional procedures have been observed.
33. The President may be relieved of his post before the end of his term of office in the event of a persistent incapacity to perform his duties owing to ill health.

### **The Parliament**

34. The Parliament consists of two chambers: the Senate and the Majilis.
35. The Senate is elected on the basis of two members from each oblast, city of national significance and the capital. Senators are elected by the members of the representative local authorities - the *maslikhats*. Fifteen senators are appointed by the President of the Republic on the basis of the country's nationality composition and cultures and other important interests of society.
36. The Majilis has 107 members. Ninety-eight of these members are elected by universal, equal and direct suffrage in a secret ballot. The other nine members are elected by the People's Assembly. Seats in the Majilis are distributed on the basis of party lists to the political parties obtaining at least seven per cent of the votes cast in the election. Senators are elected for a term of seven years, members of the Majilis for five years.

37. The mandate of a member of Parliament is terminated in the event of retirement or death, the declaration in a final court decision that the member lacks legal capacity, is dead, or missing with whereabouts unknown, and in the other cases specified in the Constitution and other legislation.

38. The mandate of a member of Parliament is terminated if he or she takes up permanent residence outside Kazakhstan, is convicted of a criminal offence or loses Kazakh nationality.

39. This mandate is also terminated if the member leaves or is expelled from the political party from whose list he or she was elected in accordance with the Constitutional Act, or if that political party is wound up in accordance with the Constitutional Act.

40. The mandates of appointed senators may be terminated before the end of their term of office by decision of the President of the Republic.

41. The mandates of members of either chamber of Parliament are terminated in the event of the dissolution of the chamber in question.

42. Parliament enacts amends and supplements legislation and ratifies and denounces Kazakhstan's international treaties.

43. At joint sessions of its two chambers Parliament may:

(a) Adopt amendments and additions to the Constitution, on the proposal of the President;

(b) Approve the reports of the Government and the National Budget Performance Monitoring Committee. Failure by Parliament to approve the Government's budget performance reports constitutes a vote of no confidence in the Government;

(c) On the President's proposal Parliament may delegate to him, by a two-thirds majority of the total membership of the two chambers, legislative powers for a maximum period of one year;

(d) Parliament takes decisions on matters of war and peace;

(e) On the President's proposal it takes decisions on the use of the armed forces in order to fulfil international obligations with respect to the maintenance of peace and security;

(f) Parliament exercises the other powers assigned to it by the Constitution.

44. Authority to make legislative proposals is held by the President of the Republic, the members of Parliament, and the Government; such proposals are acted on exclusively by the Majilis.

45. If an act or an article of an act prompts an objection by the President, Parliament conducts a detailed examination of the issues in two readings, one in the Majilis, the other in the Senate, followed by a vote, within one month of the notification of the objection. Failure to comply with



this time limit constitutes acceptance of the President's objection. If the Majilis and the Senate, by a two-thirds majority of the total members of each chamber, confirm a decision taken earlier, the President must sign the act in question into law within one month. If either of the two chambers fails to vote down the President's objections, the act may be deemed either rejected or adopted in the wording proposed by the President. The President's objections to constitutional acts may be rejected by a vote of at least three quarters of the total membership of each chamber.

46. The Senate elects and dismisses (on the proposal of the President of the Republic) the President of the Supreme Court and its judges, approves the President's nominees for the chairmanship of the National Bank, the post of Procurator-General and the chairmanship of the National Security Committee.

47. The Senate performs the functions of Parliament with regard to the adoption of constitutional and other acts when the Majilis is not in session owing to its suspension before the end of its term.

48. The acceptance for consideration of draft constitutional and other acts submitted to Parliament and their consideration lie within the exclusive province of the Majilis, which also approves by a majority vote of its total membership the President's candidate for the post of Prime Minister.

49. On the proposal of at least one fifth of its total membership the Majilis is empowered to adopt, by a simple majority of its total membership, a vote of no confidence in the Government.

50. The President may dissolve Parliament or the Majilis following consultation of the chairmen of the two chambers and the Prime Minister.

51. The organization and activities of Parliament are set out in the Parliament (Members' Status) Constitutional Act of 16 December 1995.

### **The Government**

52. The Government is formed by the President of the Republic; it is responsible to the President and subordinate to Parliament.

53. The Prime Minister is appointed by the President with the approval of the Majilis.

54. Parliament considers the Government's Programme and approves or rejects it.

55. Following its consideration of the Government's reports each chamber of Parliament entitled, by a majority vote of its total membership and without involvement of the other chamber, to adopt a request to the President of the Republic for the removal from office of a member of the Government for failing to comply with the law. If the President rejects such a request, the members of the chamber in question have the right by a majority vote, six months after the date of the original submission, once again to put to him a request for removal of the member of the Government. The President must then dismiss that member.

56. The President is entitled on his own initiative to decide to dissolve the Government or to remove any of its members from office. The removal of the Prime minister signifies the dissolution of the Government.

57. The powers of the Government and the procedure for its organization and functions are set out in the Government Constitutional Act of 18 December 1995.

### **The Constitutional Council**

58. The Constitutional Council is formed in accordance with the 1995 Constitution. It reviews the legislation enacted by Parliament before signature by the President to ensure that it is compatible with the Constitution; it examines the country's international treaties before ratification for the same purpose; it issues official interpretations of the provisions of the Constitution; in the event of a dispute it rules on the correctness of the conduct of the election of the President and the members of Parliament and the conduct of national referendums, and it reviews the orders adopted by Parliament and its chambers to ensure their compatibility with the Constitution; it exercises the other powers specified in the Constitution.

59. The Constitutional Council performs these functions only at the request of the President of the Republic, the Prime Minister, the President of the Senate, the President of the Majilis or a majority of at least one fifth of the total membership of Parliament.

60. Acts and other legislation deemed to infringe the human rights and freedoms or the civil rights enshrined in the Constitution are revoked by the Constitutional Council and become inapplicable.

61. The Constitutional Council comprises seven members appointed for a term of six years. The Senate and the Majilis each appoint two of these members; the other two members and the Council's president are designated by the President of the Republic.

### **The courts and justice**

62. The courts consist of permanent judges, whose independence is protected by the Constitution and the law. The system consists of the Supreme Court and local courts.

63. All judges except for the members of the Supreme Court are appointed by the President. The Supreme Court is Kazakhstan's highest judicial organ.

64. The President and judges of the Supreme Court are elected by the Senate on the proposal of the President of the Republic.

65. The courts are not entitled to apply laws and other legislation which restrict the human rights and freedoms or the rights of citizens enshrined in the Constitution.

66. The status of the courts and the Higher Council of the Judiciary and the procedures for their formation and the organization of their work are set out in the Courts and Status of Judges Constitutional Act of 20 December 2000.

67. Jury trials were introduced in Kazakhstan on 1 January 2007.

### **The Office of the Procurator-General**

68. The Office of the Procurator-General is responsible for the overall supervision of the accurate and uniform application of laws, presidential decrees and other legislation; it represents the interests of the State in the courts and it conducts criminal investigations in accordance with the limits prescribed by law.

69. The Office constitutes a single centralised system staffed by junior procurators subordinate to senior procurators and to the Procurator-General, who is appointed by the President of the Republic for a term of five years. The Office is answerable solely to the President.

70. The powers, organization and activities of the Office are set out in the Office of the Procurator-General Act of 21 December 1995.

### **Local authorities**

71. State government at the local level is in the hands of local representative and executive bodies, which are responsible for the situation in their respective areas.

72. The local representative bodies (*maslikhats*) are elected by the people by universal, equal and direct suffrage for a term of five years.

73. The *maslikhats* are responsible for the following matters: approval of plans, economic and social programmes for the development of the local area, and local budgets and budget performance reports; decisions on questions of local administration and development; examination of the reports of the chief local executive bodies on matters falling within the jurisdiction of the *mashlikat*; and the exercise of other powers to protect the rights and legitimate interests of citizens.

74. The local executive bodies are part of a unitary national system of executive bodies; they are responsible for carrying out the State-wide policies of the central Executive in their respective areas.

75. Local executive bodies are responsible for the following matters: the formulation of economic and social development plans and local budgets; the management of community property; and the exercise of the other powers set out in the Constitution and legislation.

76. The *akims* (governors) of the oblasts, the cities of national significance and the capital are appointed by the President of the Republic with the approval of the *maslikhats* of the oblasts, the cities of national significance and the capital.

77. The conduct of a vote of no confidence in an *akim* may be called for on the initiative of at least one fifth of the total membership of a *maslikhat*. In such cases the *maslikhat* is entitled, by a simple majority of its total membership, to express its lack of confidence in the *akim* and to submit a request for his removal from office to the President of the Republic or to a more senior *akim*, as appropriate. The mandates of *akims* of the oblasts, the cities of national significance and the capital are terminated when a newly elected President takes up his post.

## II. HUMAN RIGHTS LEGISLATION AND INSTITUTIONS

78. In the period since independence Kazakhstan has done an enormous amount to improve its legislation and bring it into line with the provisions of the international human rights instruments which the country has ratified. It has set up such human rights bodies as the Commission on Human Rights attached to the Office of the President, the Office of the Human Rights Ombudsman, and the National Commission on Family Affairs and Gender Policy, also attached to the Office of the President.

79. The Commission on Human Rights is one of the types of national human rights body found most commonly throughout the world. It was established by presidential decree in 1997. Pursuant to the Order on the Commission on Human Rights attached to the Office of the President, which was confirmed by a presidential decree dated 19 March 2003, the Commission's principal task is to assist the Head of State in the exercise of his constitutional mandate to safeguard human rights and freedoms. The Commission prepares proposals to improve the State's human rights policies and boost the effectiveness of the human rights machinery. The principal benefit of the submission of petitions to the Commission is that this procedure enables the Commission to examine the human rights situation and identify deficiencies in the legislation and in its practical application by State agencies.

80. As a consultative/advisory policy institution, the Commission collaborates with State agencies, the courts, the Office of the Procurator-General and the police, as well as with non-governmental organizations (NGOs), which have become its natural partners in protecting the legitimate rights and interests of the people of Kazakhstan.

81. The Office of the Human Rights Ombudsman has come to occupy an important place in the system of bodies monitoring and supervising the activities of the Executive in the field of human rights.

82. The emergence of the figure of Ombudsman in Kazakhstan was a result of the development and democratization of Kazakh society and the growth of the idea of human rights in the country. The establishment of this new State institution was preceded by efforts in many areas to make its functions better known and to analyze and project its impact in improving the governance of the State.

83. The National Commission on Family Affairs and Gender Policy was established in 2006 under the Office of the President.

84. Pursuant to article 2, paragraph 1, of the Civil Code, civil legislation is based on recognition of the equality of the subjects of such legislation, the inviolability of property, the freedom to conclude contracts, the inadmissibility of any kind of arbitrary interference in private affairs, the need for direct exercise of civil rights, and guarantees of the restoration of violated rights and of their judicial protection.

85. According to article 5 of the Code of Civil Procedure, the purposes of civil legal proceedings are to defend violated or disputed rights and freedoms and the legally protected interests of citizens, the State and organizations, to reinforce legality and the implementation of public policy, and to prevent crime.

86. The following are the purposes of the Criminal Code, which was adopted on 16 July 1997: to protect human rights and freedoms and legitimate civil rights, property, the rights and legitimate interests of organizations, public order and security, the environment, the constitutional order and territorial integrity of the Republic of Kazakhstan, and the legally protected interests of society and the State against criminal attacks, to maintain the peace and security of mankind and to prevent crime.

87. Pursuant to article 8, paragraph 2, of the Code of Criminal Procedure, the arrangements for the conduct of criminal proceedings established by law must ensure protection against unwarranted indictment or conviction and the unlawful restriction of human rights and freedoms and the rights of citizens, the full and immediate rehabilitation of an innocent person who has been unlawfully indicted or convicted, the reinforcement of legality and the implementation of public policy, the prevention of crime, and the promotion of respect for the law.

88. The purposes of Kazakhstan's penal correction legislation are to restore social justice, reform criminals, and prevent re-offending by criminals and the commission of crimes by other persons. Accordingly, this legislation seeks to regulate the procedures and the conditions under which sentences are served and to specify the means of reforming criminals, protecting their rights, freedoms and legitimate interests, and rendering them assistance in re-adapting to life in society.

### **III. HUMAN RIGHTS INFORMATION AND THE PUBLICIZING OF HUMAN RIGHTS**

89. The National Plan of Action for Human Rights Education in Kazakhstan 2006-2007 was approved by a presidential decision of 30 June 2006.

90. Kazakhstan endorses the goals of the World Programme for Human Rights Education recommended by the United Nations General Assembly and notes that human rights education makes an enormous contribution to the human rights cause.

91. Resolution 2004/71 of the Commission on Human Rights, adopted with respect to the first stage (2005-2007) of the World Programme, devotes special attention to systems of primary and secondary education. Kazakhstan accordingly made commitments to conduct research into human rights education in its secondary schools and to formulate the National Plan.

92. It must be pointed out that the World Programme was not the first to be undertaken over the lengthy process of human rights education. Specific international action frameworks, such as the United Nations Decade for Human Rights Education (1995-2004), were adopted as a means of promoting initiatives in this field; they have facilitated the formulation and implementation of comprehensive, effective and durable strategies to advance human rights education at the national level.

93. In the course of the formulation of the National Plan the Ministry of Education and Science conducted a national study of human rights education in general secondary schools with the aid of experts and sociological organizations.

94. At the same time, indicators were established to monitor knowledge of human rights. They include: schoolchildren's awareness of the fundamental human rights; the number of hours allocated to the teaching of human rights; the provision of human rights textbooks and other learning aids, etc.

95. All this work provided a general picture of human rights education in secondary schools.

96. The number of hours devoted to the teaching of human rights in the various grades ranges between four and five a month, in addition to which there are optional classes and out-of-school activities.

97. The results of a questionnaire showed that most pupils (96%) are very interested in studying their rights in greater detail in school. The proportion of children knowing where to turn if their rights are infringed increases from the junior to the senior grades (from 43% to 58%).

98. Parents and the family play a big part in providing children with knowledge and practical assistance with regard to human rights issues: more half of the pupils receive information about human rights from their parents, and they also turn to their parents when their rights are infringed.

99. The widespread discussion of the findings of this study and the resulting recommendations and proposals are helping to improve human rights education and increase the emphasis on the importance of human rights education in the teaching of civics and other law-related subjects. A series of events was held in conjunction with the Human Rights Ombudsman and NGOs and with the support of the Kazakhstan Centre of the Organization for Security and Cooperation in Europe (OSCE) in order to promote widespread discussion of the national study project.

100. Attention must be drawn to the positive trends in human rights education in Kazakhstan. Human rights are becoming rooted in and realized throughout the education system at all its levels.

101. The National Plan includes goals, priorities and measures to promote its implementation which were determined in the light of the findings of the national study. It sets out the eight priorities related to the components of human rights education in secondary schools proposed in the World Programme for Human Rights Education.

102. The goals of the National Plan were set for the short term (2006-2007) in view of the need to complete the first stage (2005-2007) of the World Programme. The intention is to make an assessment of the achievements so far and formulate a plan for carrying out the next stage of the World Programme in the light of the results of the implementation of the National Plan.

103. The following are the basic goals of the National Plan: to improve instruction in a culture of human rights; to implant a general understanding of the core principles and methods of human rights education; to ensure that special attention is paid to human rights education at the national and international levels; to increase collaboration and cooperation among all the interested parties in order to develop and improve human rights education; and to improve the existing human rights curricula taught in schools.

104. The effects of the implementation of the measures of the National Plan will be seen in the development of a culture of human rights in schoolchildren able to make active and informed use of their rights and in an improvement in their knowledge of the law and a decline in juvenile crime, as well as manifesting themselves in other positive ways. But it must be remembered that the improvement of the education system where human rights are concerned and the work of instilling in pupils a spirit of respect for human rights are an endeavour beset with great difficulties which will be overcome only by prolonged and purposeful effort.

105. Attainment of the goals which have been set will require close cooperation among all the parties concerned in this process: State agencies, international organizations, the non-governmental sector, and teachers and pupils themselves.

106. Accordingly, the National Plan constitutes a series of concrete and scheduled priority measures improve human rights education in the country's secondary schools.

107. A number of measures to foster the development of a human rights culture among schoolchildren are being carried out under the National Plan:

(a) Since the 2006-2007 academic year schools have included rights-related subjects in the lists of subjects of national Olympiads and competitions in scientific projects;

(b) From 30 November to 20 December 2006 secondary general and primary and secondary vocational schools participated in a national project entitled "Legal knowledge for schoolchildren", as well as organizing other special events to mark Human Rights Day and commemorate the Universal Declaration of Human Rights;

(c) The website of the Ministry of Education and Science has a "Human rights education" page;

(d) Special features on problems of human rights education have been produced and published in magazines and newspapers: "Kazakhstan adult education", "Kazakhstan tarikhy", "History of Kazakhstan: teaching in schools and institutes of higher education", "Kazakhstan teacher", "Kazakhstan mugalimi", "Kazakhstan mektebi", "Metropolitan education", etc.

108. As prescribed by the mandatory State education standards, pupils in general education schools take a course of civic/legal subjects: in the junior classes - "Mother tongue" and "Knowledge of the world"; in the senior classes - "History" (51 hours a year), "History of Kazakhstan" (51 hours), "Basic civics" (68 hours), and "Basic jurisprudence" (68 hours). In addition, there are special courses devised by the International Foundation for Electoral Systems, taught in the "Introduction to citizenship" programme.

109. Since the 2005-2006 academic year all schools have been working on the regional project "Researching humanitarian law" (RHL), one of the basic aims of which is to disseminate knowledge about international humanitarian law. This programme is designed to curtail and prevent violations of humanitarian law and fundamental human rights by developing pupils' world outlook and teaching them to research various aspects of a specific problem and engage in constructive discussion of it. This course develops pupils' interest in and understanding of

contemporary social and political events: they learn to evaluate ongoing events and humanitarian actions from the standpoint of international law and familiarize themselves with the work of voluntary associations whose vocation is to support vulnerable population groups.

110. A pilot RHL project is being carried out in 30 general education schools in Almaty, South Kazakhstan, Zhambyl and Kyzyl-orda oblasts.

111. The coordination and methodological aspects of the RHL project are in the hands of the education system's National Institute for Improvement of the Qualifications of Science Teachers and its regional institutes. An RHL textbook is included in the Ministry's Instruction of 15 February 2007 confirming the list of educational publications approved for use in schools in 2007-2008.

112. The effects of the implementation of the measures of the National Plan will be seen in the development of a culture of human rights in schoolchildren able to make active and informed use of their rights and in an improvement in their knowledge of the law and a decline in juvenile crime, as well as manifesting themselves in other positive ways. But it must be remembered that the improvement of the education system where human rights are concerned and the work of instilling in pupils a spirit of respect for human rights are an endeavour beset with great difficulties which will be overcome only by prolonged and purposeful effort.

## **PART TWO. INFORMATION CONCERNING BASIC PROVISIONS**

### **Article 1: Right to self-determination**

“1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.”

113. According to article 2 of the Constitution, Kazakhstan is a unitary State with a presidential form of government. Its sovereignty extends over its entire territory. The State must ensure the integrity, inviolability and inalienability of its territory.

114. Article 3 of the Constitution provides that the people is the sole source of State power. The people exercises power directly by means of national referendums and free elections but also delegates the exercise of its power to agencies of the State. No one may arrogate power in the Republic of Kazakhstan. The arrogation of power is an offence punishable by law. The right to act on behalf of the people and the State belongs to the President and to Parliament within the



limits of their constitutional powers. The Government of the Republic and the other agencies of the State act on behalf of the State within the limits of the powers delegated to them. State power is unitary and is exercised pursuant to the Constitution and the laws and in accordance with the principle of the separation of powers between the legislative, executive and judicial branches and their interrelationship with each other and subject to a system of checks and balances.

115. According to article 6 of the Constitution, Kazakhstan recognizes and provides equal protection for State and private property. The ownership of property entails obligations, and the use of property must serve the common good. The subjects and objects of property ownership and the scope and limits of the exercise of their rights by property owners, as well as the safeguards of the protection of such rights, are determined by law. The land and its subsoil, waters, flora and fauna and other natural resources are owned by the State. Land may also be privately owned, subject to the terms and conditions and within the limits determined by law.

116. In accordance with article 8 of the Constitution Kazakhstan respects the principles and rules of international law, pursues a policy of cooperation and good-neighbourly relations among States on the basis of recognition of each other's equal status and non-interference in each other's affairs, the peaceful settlement of international disputes, and renunciation of first use of armed force.

#### **Article 2: Obligations of States parties**

“1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.”

117. The following legislation relating to the exercise of economic, social and cultural rights is currently in force in Kazakhstan: the Civil Code (general and special parts); the Labour Code; the Aliens (Legal Status) Act; the Private Enterprise Act; the Banks and Banking Act; the Minerals and Mining Act; the Natural Monopolies Act; the Trade Regulation Act; the Anti-dumping Act; the Culture Act; the Physical Culture and Sports Act; the Pensions Act; the Disabled Persons (Social Protection) Act; the Children with Disabilities (Social, Medical and Educational Support) Act; the Disability, Death of Breadwinner and Old-Age (State Social Benefits) Act; the Families with Children (State Benefits) Act; the Compulsory Social Insurance Act; the Targeted State Assistance Act; the Great Patriotic War Participants, Disabled Participants and Assimilated Persons (Benefits and Social Protection) Act; the State Special

Benefits Act (for persons formerly employed in underground and surface mines or in especially harmful or heavy occupations); the Special State Benefits Act; the Psychiatric Treatment (Civil Rights Guarantees) Act; the Social Protection (Environmental Disaster in the Aral Sea Area) Act; the Social Protection (Nuclear Tests at the Semipalatinsk Nuclear Test Site) Act; the Special Economic Zones Act; the Members of the Armed Forces and Their Families (Status and Social Protection) Act; the Copyright and Related Rights Act; the Housing Act; and the Migration Act.

118. The post of Commissioner for Human Rights (Ombudsman) was established in Kazakhstan by a presidential decree of 19 September 2002 in order to ensure respect for human rights and freedoms and the rights of citizens; the Ombudsman is empowered, within the limits of his jurisdiction, to take measures to restore such rights in the event of their violation. The Office of the Ombudsman is a national human rights institution providing additional safeguards with respect to violated rights.

119. The Office has now been in operation for five years.

120. The Ombudsman's fundamental tasks are to consider applications concerning violations of rights, verify the information contained therein, and restore the rights in question if they are found to have been violated. Pursuant to paragraph 17 of Presidential Decree No. 947 of 19 September 2002, the Ombudsman is required as part of his functions to consider applications from Kazakh nationals, foreign nationals and stateless persons concerning the acts of officials or organizations which infringe the rights or freedoms guaranteed in the Constitution, the laws or the country's international treaties. Accordingly, the persons whose acts the Ombudsman is entitled to investigate are persons acting in an official capacity, as required by article 2, paragraph 3, of the International Covenant on Civil and Political Rights. The Ombudsman verifies information concerning infringements of human rights and freedoms and the rights of citizens on the basis of the communications received or on his own initiative if he learns about the infringements from official sources or the mass media.

121. For the purposes of verifying information contained in communications the Ombudsman is entitled under the procedure established by law:

- (a) To request officials and organizations to supply information necessary for the consideration of complaints;
- (b) To obtain an immediate interview with senior or other officials of State organs and other organizations;
- (c) In the light of his consideration of complaints from Kazakh nationals, foreign nationals and stateless persons or following the receipt by other means of information concerning the violation of their rights or freedoms, to submit proposals to the chambers of Parliament for parliamentary hearings to be held on the matters in question;
- (d) To invite organizations and experts to provide on a contractual basis expert and advisory services in the preparation of opinions on the circumstances under investigation in connection with violations of human rights or the rights of citizens;

(e) To take action to protect violated human rights and freedoms and the rights of citizens;

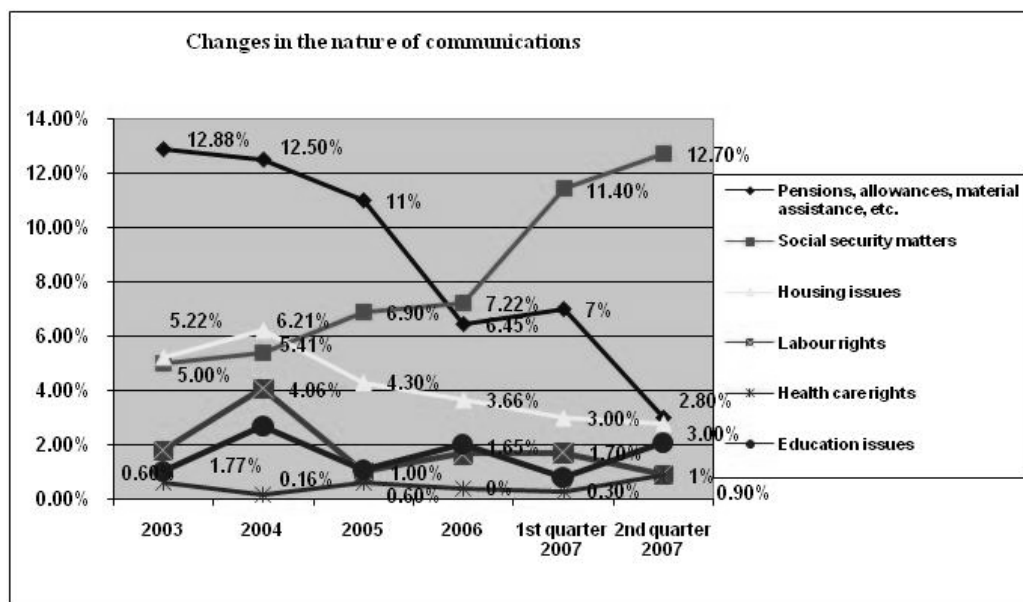
(f) On presentation of official identification papers, to enter and remain on the land and in the premises of State agencies and organizations, including military units and formations, and to visit places of deprivation of liberty and meet with and talk to persons detained therein;

(g) To submit applications to the heads of State organs or other officials for disciplinary, administrative or criminal proceedings to be instituted against an official who has infringed human rights or freedoms or the rights of citizens;

(h) To publish in the mass media official reports on the findings of his investigations.

122. Since the establishment of the Office of Ombudsman 8,758 written and oral complaints have been received, with a total of 49,133 persons applying to the Ombudsman. There has been a significant decline in the number of complaints of infringement of economic, social and cultural rights. In 2003 the number of communications concerning irregularities in the payment of pensions, allowances, material assistance, compensation and social benefits relating to the rights of disabled persons and members of the armed forces and concerning other questions of social security constituted 12.88 per cent of the total (the second-largest category of communications), but in the last two quarters of 2007 this figure was under seven per cent. There were also declines in the numbers of complaints concerning labour rights (from 5.22% to 2.8%) and health services (from 1.77% to 0.9%). However, there was an increase in complaints concerning housing rights (from 5% to 12.7%), chiefly as a result of urbanization and the transfer of the capital to Astana.

123. The changes in the nature of the communications received since the establishment of the Office are shown in the following diagram.



124. The Ombudsman found in favour of between 18 and 31 per cent of the applications accepted for consideration (2003 - 18%; 2004 - 20%; 2005 - 26%; 2006 - 31%).

125. The implementation of the Ombudsman's recommendations for the restoration of violated rights of citizens is kept under constant supervision, as are the sanctions imposed on guilty officials in this connection.

126. If the Ombudsman considers a case to be of great social significance, he is entitled to address his application directly to the President, Parliament or the Government. In the period since the establishment of his Office he has prepared 12 reports concerning rights to land ownership, the rights of victims of large-scale political repression, pensioners' rights, the housing rights of residents of the town of Baikonur, and the rights of persons employed in foreign enterprises and enterprises with foreign participation, as well as concerning draft legislation on accession to and ratification by Kazakhstan of the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and on amendments to the Marriage and the Family Act, as well as on the question of the abolition of the death penalty in Kazakhstan. In addition, the Ombudsman has made representations on violations of the human rights of elderly persons and disabled persons in No. 2 Home for the Elderly and the Disabled in the town of Taraz and on confiscation of a plot of land at No. 1 Children's Home. In the majority of cases the issues raised by the Ombudsman in his representations have been resolved positively.

127. Pursuant article 12 of the Constitution, Kazakhstan recognizes and guarantees human rights and freedoms in accordance with the Constitution. Human rights and freedoms are possessed by all persons from birth and are held to be absolute and inalienable; they determine the content and application of laws and other legislation. By the very virtue of their nationality the citizens of the Republic possess rights and obligations. The exercise of one person's human rights and freedoms and rights as a citizen must not impinge on the rights and freedoms of other persons or undermine the constitutional order or public morals.

128. Article 14 of the Constitution provides that everyone is equal before the law and the courts. No one may be subjected to any discrimination on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstance.

129. Article 12, paragraph 4, of the Constitution provides that aliens and stateless persons in Kazakhstan enjoy rights and freedoms and also bear the obligations established for Kazakh nationals, unless provided otherwise in the Constitution, the laws or international treaties. In order to give effect to this provision of the Constitution, Kazakhstan adopted on 19 June 1995 the Aliens (Legal Status) Act, which spells out the basic rights and obligations of aliens and the procedures for the entry, stay and movement of aliens within the country, and their departure. In particular, article 3 of this Act provides that aliens are equal before the law regardless of their origin, social or property status, race or nationality, sex, education, language, attitude to religion or the type and nature of their occupation.

### Article 3: Equal rights of men and women

“The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.”

130. Article 14 of the Constitution states: “No one may be subjected to any discrimination on the grounds of origin, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstance.”

131. This rule guarantees women the same opportunities as men to receive education and vocational training in the social, political, cultural and all other spheres of activity.

132. The same rule is found in the Elections Act, the Labour Code, the Marriage and the Family Act, the Health Care Act, the Education Act, the State Service Act, the Code of Criminal Procedure, the Criminal Code and the Administrative Offences Code, as well as in other legislation regulating relations in social and public life.

133. A Policy Outline on gender issues was approved by Governmental Decision No. 1190 of 27 November 2003. This Outline describes the fundamental directions of gender policy in Kazakhstan: the balanced participation of men and women in the structures of power; equal opportunities for women to achieve economic independence, develop their own businesses and secure professional advancement; the establishment of the conditions for the equal exercise of rights and performance of duties in the family; and freedom from sexual violence.

134. A Gender Equality Strategy for 2006-2016 was drafted as part of the effort to secure gender equality; it was approved by Presidential Decree No. 1677 of 29 November 2005. This Strategy constitutes a core document and tool for implementing the State’s gender policy and for monitoring by the State and civil society; it is an important factor in the development of democracy. The Government and the agencies of the State are directly subordinate and accountable to the President, and the *akims* of oblasts and the cities of Astana and Almaty have a duty to be guided by the Strategy in their work and take the necessary action for its implementation, and to ensure that State, branch/sectoral and regional programmes and plans are compatible with the Strategy.

135. Kazakhstan has a National Commission on Family and Gender Affairs, established by Presidential Decree No. 56 of 1 February 2006 as a consultative/advisory body attached to the Office of the President.

136. The following are the Commission’s basic functions:

(a) To draft recommendations on priority-setting and on the formulation and application of the body of State policies on the family and the equality of women and men, taking into account regional characteristics, in the light of the National Development Strategy up to the Year 2030, the Gender Equality Strategy for 2006-2016 and the international treaties on the family and gender equality to which Kazakhstan is a party;

- (b) To cooperate with State agencies and civil society institutions on questions of the protection of the rights of the family and implementation of the United Nations Millennium Declaration and the Gender Equality Strategy;
- (c) To examine the status of gender equality and formulate proposals and recommendations to agencies and institutions on the basic directions of gender policy in Kazakhstan;
- (d) To promote:
  - (i) The efforts to attain gender equality in the economic sphere, to develop women's entrepreneurship still further, and to improve women's competitiveness in the labour market;
  - (ii) The creation of the conditions for family members to combine work with domestic duties and the raising of children;
  - (iii) The strengthening of the institution of the family and achievement of gender equality in family relations;
  - (iv) The formulation of a set of measures to maintain and improve the health, including the reproductive health, of men, women and children and upgrade their quality of life;
  - (v) The eradication of violence in the family and the workplace and the utilization of international experience of combating violence against men, women and children;
  - (vi) The provision of gender education and implementation of measures to enhance the awareness of the general public;
  - (vii) The conduct of academic research and the compilation of a database to facilitate an analysis of the true situation of the family and gender equality in the economic, social, political and cultural life of society;
- (e) To examine the proposals of State agencies, international organizations and voluntary associations on the problems falling within the Commission's jurisdiction and to prepare appropriate recommendations to the President of the Republic;
- (f) To formulate for the President's recommendations and proposals on how to ensure that officials of State agencies comply with the requirements of the country's legislation on the family and gender equality;
- (g) To cooperate with the media to ensure that they report more fully on the situation of the family and gender equality in Kazakhstan;
- (h) To consider communications from citizens and the media concerning family matters and failure to observe gender equality;

- (i) To participate in the drafting of policy outlines and branch/sectoral programmes on family and gender-equality issues;
- (j) To participate in the formulation and consideration of draft legislation and other regulatory instruments designed to improve the situation of the family and gender equality;
- (k) To commission and conduct expert legal reports on gender issues;
- (l) To cooperate with State agencies and international organizations, to formulate proposals on the implementation of international projects, and to attend conferences, meetings and seminars on the situation of the family and gender equality.

137. With a view to introducing legal mechanisms for protecting the rights and legitimate interests of men and women, work is proceeding under the Gender Equality Strategy on parliamentary bills on equal rights and equal opportunities for men and women and on domestic violence. Kazakhstan is also a party to the core international treaties on women's rights: the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention on the Political Rights of Women and the United Nations Convention on the Nationality of Married Women.

#### **Articles 4 and 5: Restrictions on the rights recognized by the Covenant**

##### **Article 4**

“The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.”

138. Article 39 of the Constitution provides that human rights and freedoms and the rights of citizens may be restricted solely by law and solely to the extent necessary to maintain the constitutional order and public order and protect human rights and freedoms and public health and morals. All acts which may disrupt international harmony are declared unconstitutional. No kind of restriction of human rights or freedoms for political reasons is permitted. The rights and freedoms set out in articles 10, 11, 13, 14, 15, 16 (1), 17, 19, 22 and 26 (2) of the Constitution are not subject to restriction.

##### **Article 5**

“1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.”

139. In all cases the Constitution prohibits the restriction of rights or freedoms on any of the following grounds: acquisition of citizenship (art. 10); extradition of a citizen to a foreign State, protection of citizens outside Kazakhstan (art. 11); recognition of legal capacity, judicial protection of rights and freedoms, provision of expert legal assistance (art. 13); universal equality before the law and the courts; discrimination on grounds of origins, social, official or property status, sex, race, nationality, language, attitude to religion, beliefs, place of residence or any other circumstance (art. 14); right to life (art. 15); right to liberty of person (art. 16 (1)); inviolability of human dignity (art. 17); determination or indication of one's nationality or party or religious affinity; use of one's mother tongue and culture; choice of language of communication, instruction, training or creative work (art. 19); freedom of conscience (art. 22); ownership of property, including inherited property (art. 26).

140. Pursuant to article 4 of the Legal Profession Act of 5 December 1997, persons seeking legal assistance are free to choose their lawyer, except when such a lawyer is appointed free of charge or as defence counsel in criminal cases: the appointment of defence counsel is mandatory in such cases if the defendant does not choose or is unable to choose his own counsel.

141. Lawyers furnish legal assistance free of charge at their request: (1) to plaintiffs in courts of first instance in actions concerning maintenance, compensation for suffering resulting from the death of a breadwinner or from injury or other work-related damage to health; (2) in advisory capacity, to persons who served in the Great Patriotic War and persons assimilated thereto, members of the armed forces on active service, disabled persons in groups I and II, and old-age pensioners, except in cases involving business activities; (3) to citizens in the formulation of applications for the award of pensions and allowances; and (4) in an advisory capacity, to citizens on questions of rehabilitation.

142. The Criminal Code of 16 July 1997 establishes criminal liability for suffering inflicted in connection with discrimination of any kind (art. 347 (1)). Criminal liability also attaches to obstruction of the lawful activities of lawyers or other persons in the defence of citizens and the provision of legal assistance to them.

#### **Article 6: Right to work**

“1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.”

143. Under article 24 of the Constitution, everyone enjoys freedom of labour and free choice of type of occupation or profession. Forced labour is permitted only in execution of the sentence of a court or under conditions of a state of emergency or military mobilization.



144. Everyone is entitled to enjoy working conditions which satisfy the health and safety requirements, to remuneration for work without any kind of discrimination, and to social insurance against unemployment.

145. The labour relations resulting from the exercise by citizens of their right to freedom of labour are regulated by the Labour Code. According to article 6 of the Code, everyone has the right freely to choose his or her work and freely to negotiate labour agreements, without any kind of discrimination or compulsion, as well as the right to decide how to utilize his or her aptitudes and to choose a profession or type of activity.

146. The Code provides that the normal working week shall not exceed 40 hours. Moreover, individual or collective labour agreements may specify shorter working hours with the same pay as for normal hours (art. 77).

147. Employment policy is one of the chief focuses of the country's social and economic development.

148. The State's employment policy is designed to expand decent job opportunities and the exercise of the constitutional rights of citizens, including women, young people and disabled persons, to improve social protection against unemployment, and to facilitate job selection and placement.

149. The economically active population declined constantly in Kazakhstan in 1997-1999 but since 2000 it has been steadily increasing.

150. In the context of a consistently developing economy increasing numbers of people entered the labour market in 2002-2006: employment expanded and unemployment declined.

151. The volume of economic activity rose from 68.8 per cent in 1997 to 69.7 per cent in 2006, and the economically active population expanded from 7.4 to 8 million.

152. Over the past 10 years the number of persons in employment has increased from 6.5 to 7.4 million.

153. The restructuring of the economy and the development of small and medium-sized business operations are helping to boost the numbers of persons employed in private enterprises and by private persons. In 2006 more than 5.7 million persons (77% of the total) were employed in enterprises or by physical persons under the private form of ownership. More than 50 per cent (3.8 million) of the employed population were male and 48.6 per cent (3.6 million) female.

154. Over the period 2002-2006 the number of working women rose from 3.2 to 3.6 million.

155. Employed women accounted for most of this figure, their number rising from 56.3 per cent (1,813,700) in 2002 to 63.3 per cent (2,275,600) in 2006, while the proportion of self-employed women declined from 43.7 per cent (1,408,800) to 36.7 per cent (1,318,900).

156. A similar trend was observed among young people: the proportion of employed young people increased from 46.8 per cent (431,400) to 50.7 per cent (620,400), while the figure for self-employment declined from 53.1 per cent (489,700) to 49.3 per cent (603,700).

157. Over this same period the proportion of the population in employment rose from 90.7 to 92.7 per cent, with the figure for women up from 88.8 to 90.8 per cent.

158. The number of self-employed persons in the labour market has been declining. The figure for 2006 was 2.6 million (35.5%). This was 51,800 (1.9%) fewer than in 2002. Most of these persons were own-account workers in agriculture, retail trade and transport and other services.

159. Unemployment is one of the factors affecting the shape of the labour market. The unemployment rate has been declining year by year. For example, it fell from 13 per cent in 1997 to 7.8 per cent in 2006 (a factor of 1.7). The unemployment figure stood at 625,400 in 2006, having fallen over the 10-year period by 343,400 (54.7%).

160. The sex and age structure of unemployment shows significant differentials. Women remain the most competitive participants in the jobs market and their numerical preponderance among the unemployed persists. In 2006, 42 per cent of unemployed persons were male and 58 per cent female. There were 362,900 women out of work, 100,300 (38.2%) more than the figure for men.

161. The national female unemployment rate fell from 11.2 per cent in 2002 to 9.2 per cent in 2006, and the youth rate declined from 17.3 to 12.1 per cent. Despite the measures introduced, the female unemployment rate remains 6.4 per cent higher than the male rate.

162. The problem of matching young people to the needs of the labour market persists. Despite the drop in the overall unemployment rate, the proportion of young people (aged 15-24) remains high. In 2006 there were 169,000 young people without jobs, i.e. 27 per cent of all unemployed persons. This figure was 24,000 (12.4%) lower than in 2002.

163. The qualifications status of the unemployed depends on level of education. In 2006 persons with higher education accounted for 18.6 per cent (116,300) of the total. Most of the unemployed (37.5% or 234,400 persons) have secondary general education secondary vocational education, and 25.3 per cent (158,200) have secondary vocational education. Unemployed females have better educational qualifications than unemployed males.

164. Long-term unemployment declined over the past five years, the male rate standing at 2.9 per cent and the female at 5.1 per cent (4.4% and 7.7% respectively in 2002).

165. The improvement in the labour market has been facilitated by the adoption of a number of programmes: on combating poverty and unemployment (2000-2002); on poverty reduction (2003-2005); on reinforcement of the social reforms; and on employment (2005-2007).

166. In 2002-2006 a total of 1,445,200 persons, including 732,800 females, applied to the unemployment services for help with finding a job; 245,500 of the applicants were rural dwellers.

167. Jobs were found for 860,100 persons, including 384,900 females; 118,100 of these persons were rural dwellers.

168. Higher rates of job placement were found in the oblasts of Atyrau, Aktyubinsk, Karaganda, Kostanai, North Kazakhstan and East Kazakhstan and in the city of Almaty. The lowest rates occurred in Pavlodar and Mangistai oblasts and the city of Astana.

169. A total of 652,800 unemployed persons, including 381,600 females, worked in community projects.

170. According to the Presidential Message, the country's social assistance policy must be concentrated within a framework determined not by "the needs of social strata" but by "the training of citizens fit to work to enter the labour force". The State system of social support must be constructed in such a way as to stimulate such persons to retrain and acquire new occupations.

171. Under the Employment Programme unemployed persons in the target groups take priority in admission to vocational training and to further training and retraining courses. One in three of the persons who find jobs after taking such a course are rural dwellers. Oralmans (repatriates) are included in the target population. Under article 29 (3), paragraph 1.2, of the Migrations Act of 13 December 1997, Oralmans receive help to find jobs, upgrade their qualifications and acquire new occupations.

172. In 2002-2006, 127,900 unemployed persons, including 69,200 females, completed training courses: 90,900 of them (45,000 females) were placed in jobs.

173. Some 230,000 jobs are created in Kazakhstan every year.

174. A total of 14,900 public-sector jobs were created in 2005-2006, providing employment for 15,100 unemployed persons from the target groups.

175. In 2005-2006 some 7,000 school-leavers were placed in positions under the job-experience scheme for young people, and 1,900 were placed in permanent jobs.

176. A big role is played in promoting jobs for disabled persons by the vocational rehabilitation programmes and by the efforts to improve such persons' social status and social protection and develop their work skills and abilities. The Disabled Persons (Protection) Act adopted on 13 April 2005 provides for the establishment of a special jobs quota for persons with disabilities.

177. In 2002-2006 a total of 8,000 persons with disabilities, including 3,300 females, applied to the employment services for help with finding a job. Two thousand of them (611 females) were living in rural areas. A total of 3,500 of these persons (1,300 females) were found jobs from the quota; 1,100 of this total (292 females) were living in rural areas.

178. A total of 3,900 unemployed persons with disabilities worked in community projects.

179. Over the period 2002-2006 the employment services placed 5,200 unemployed persons of pre-pensionable age, including 2,800 females; 1,100 of them (510 females) lived in rural areas.

180. In accordance with the instructions of the Head of State concerning the priority attention to be accorded to vocational training and the development of labour resources, the Labour Code contains articles on training and retraining and on improvement of workers' qualifications and their placement in jobs; these provisions set out for the first time the procedures and forms of training, the rights and duties of employers and workers, and the State guarantees with regard to placement of trainees.

181. Work is currently proceeding on a draft State programme on the development of technical and vocational education in Kazakhstan in the period 2008-2010.

182. Work is also continuing on the establishment of inter-regional vocational centres for the training and retraining of workers in technical and maintenance occupations. One such centre - for the training of skilled personnel for the oil and gas industry - was set up in 2005 in the city of Atyrau. This centre will provide training and retraining for workers from the oblasts of West Kazakhstan, Mangistau, Aktyubinsk, Kyzyl-orda and South Kazakhstan and from other places with redundant workers.

183. Similar centres will be established in the period up to 2009: for the fuel and power industry in Pavlodar, for processing industries in South Kazakhstan, and for the mechanical engineering industry in East Kazakhstan.

184. It should also be noted that on 16 January 2007 the Committee on the Elimination of Discrimination against Women considered Kazakhstan's report on the application of the Convention on the Elimination of All Forms of Discrimination against Women, which contained information under article 11 (on employment) and article 13 (on social and economic benefits).

#### **Article 7: Right to just and favourable conditions of work**

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”

185. According to article 4 of the Labour Code, the following are the principles underlying Kazakhstan's labour legislation:

- (a) Inadmissibility of restriction of human rights and the rights of citizens in the labour sphere;
- (b) The freedom to work;
- (c) Prohibition of discrimination, forced labour and the worst forms of child labour;
- (d) Guarantee of labour rights and working conditions consistent with the safety and health requirements;
- (e) Precedence of workers' lives and health over production output;
- (f) Guarantee of the right to fair remuneration for work equal to at least the minimum wage;
- (g) Guarantee of the right to rest;
- (h) Workers' equality of rights and opportunities;
- (i) Guarantee of the rights of workers and employers to form associations to protect their rights and interests;
- (j) Social partnership;
- (k) State regulation of safety and protection matters;
- (l) Guarantee of the right of workers representatives to monitor compliance with the labour legislation.

186. Pursuant to article 7 of the Code, all persons enjoy equal opportunities in the exercise of their labour rights and freedoms. No one may be subjected to any form of discrimination in the exercise of labour rights on the ground of sex, age, physical disability, race, nationality, language, ownership of property, social or official status, place of residence, attitude to religion, political opinions, birth or class, or membership of a voluntary association. The Code applies to all the citizens of Kazakhstan, aliens and stateless persons who engage in a work activity in Kazakhstan.

187. The establishment of the minimum wage guaranteed in article 28 of the Constitution is one of the most important areas of the State's regulation of remuneration for work.

188. The minimum monthly wage is a guaranteed minimum cash payment to workers employed in simple (the least complex) unskilled jobs when they fulfil their work norms (labour obligations) under normal conditions and for the normal monthly working hours established in the Code. This minimum monthly wage is set annually in the State Budget Act for the year in

question and does not include any additional payments or increments, compensatory and social payments, bonuses or other incentive payments; the amount paid is proportionate to the hours worked (art. 122 of the Code).

189. The criteria for the establishment of wage levels are the quantity, quality and complexity of the work performed.

190. The amount of workers' minimum monthly wages will differ according to their qualifications, the quantity, quality and complexity of the work performed and the working conditions. The monthly wage of a worker who works the full quota of working hours set for this period and fulfils the work norms (labour obligations) may not be lower than the amount fixed in the Minimum Monthly Wage Act (art. 121).

191. The qualification requirements and the degree of complexity of the kind of work in question are established by the employer on the basis of the unified rate/qualifications schedule (ETKS) for jobs and occupations, the qualifications schedule for managers, skilled and other personnel, and the standard qualifications descriptions for managers and skilled and other personnel of public-sector organizations.

192. The work in question is assigned to a specific category of complexity; and managerial and skilled personnel are recruited in accordance with the ETKS and the other schedules mentioned above.

193. The compilation, review, approval and confirmation of the schedules and the procedure for their application are determined by the head of the State labour agency. The standard qualifications descriptions for managers, skilled and other personnel of public-sector organizations engaging in the various kinds of economic activity are compiled and confirmed by the head of the State labour agency (art. 125).

194. Workers are paid by the hour or at piece-work rates or according to some other system of payment. Payment may be based on individual and/or collective output. Systems of additional payments, annual productivity bonuses and other kinds of material incentive may be introduced in order to increase workers' material interest in improving their productivity and the quality of their output.

195. The labour legislation provides other State guarantees of payment for work: payment for working on holidays and festivals; payment for overtime and night work; and obligation of employers to pay wages on time (arts. 128 and 129). According to article 128, work performed on holidays and festivals must be remunerated at a rate equal to at least double the worker's normal daily or hourly rate.

196. Worker/employer relations may now be regulated by branch agreements between trade union organizations and employers, which may establish additional social guarantees.

197. The implementation of the State's wages policy has created a legal basis which allows public-sector organizations, depending on their organizational/legal category, to resolve wage issues by means of a social dialogue resulting in the adoption of collective contracts and branch agreements.

198. Thus, in Kazakhstan wage levels depend on the quantity, quality and complexity of the work in question, with additional payments and increments determined by the working conditions (including working on holidays) and with incentive payments, without any kind of discrimination, including gender-based discrimination.

199. Any actual differences between the remuneration of men and women will depend on the post held and the qualifications required for the work to be performed (complexity, quality and output) and not on the sex of the person in question.

200. A calculation of the total amount of wages paid to female workers divided by their number for the whole country in 2006 showed that most females (383,370 or 32% of the total) received wages in the range of 15,001 to 25,000 tenge. The majority of them were employed in education (148,229 or 33.4% of this group) or health (95,904 or 45.2%). As a result, the wage differentials between men and women occurred in the “non-female” branches of the economy (construction, transport and communications).

201. However, the Government is pursuing a policy of increasing the wages of workers employed under the State budget (in education, health and social services), most of whom are female.

202. In addition, the concept of minimum standard wage (MSOT) and the procedure for its application have been introduced in the Labour Code.

203. The MSOT is the minimum wage of a person employed in heavy (extremely heavy) work or work in harmful (extremely harmful) or hazardous conditions, which includes a minimum amount to pay for the food, goods and services needed to restore the strength and energy of workers exposed in their jobs to harmful and/or hazardous working conditions.

204. The amount of the MSOT is determined by adding together the minimum monthly wage fixed in the State Budget Act for the current year and the branch increments fixed in the branch agreement and approved by the Government.

205. Accordingly, it is the result of the collective harmonization of the interests of the parties to the labour relationship. It is now possible for these questions to be settled at the branch level by means of branch agreements, which apply in principle to the whole branch of activity.

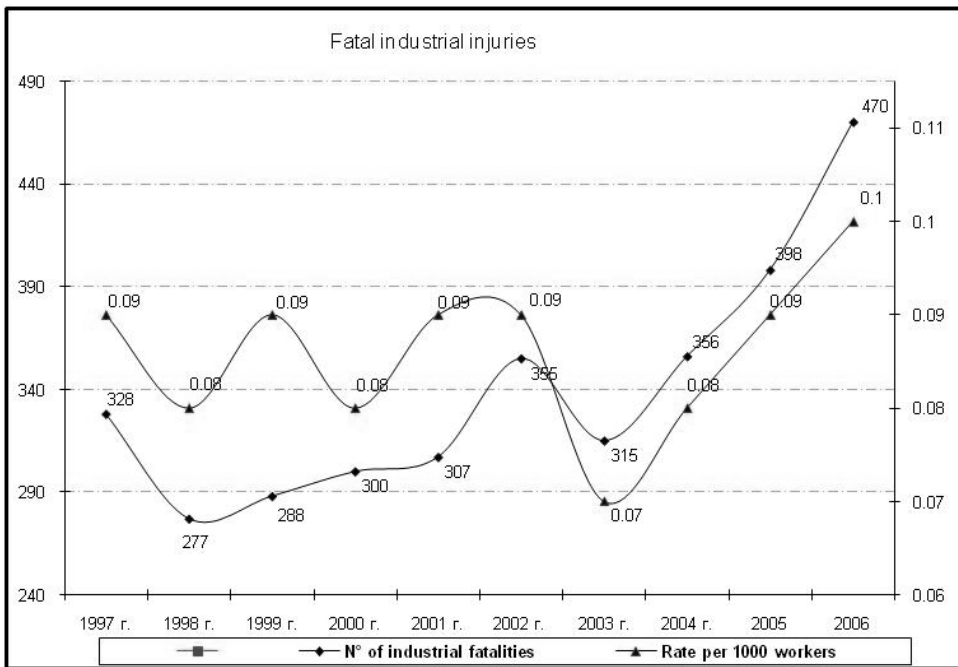
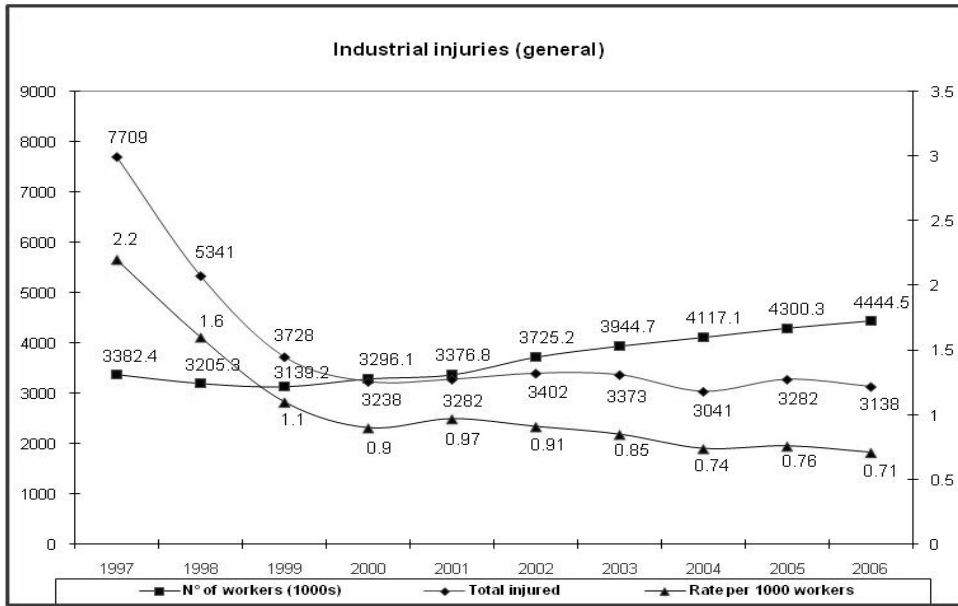
206. The workplace health and safety conditions specified in individual and collective labour contracts and in the employer’s regulations must comply with the minimum standards set out in article 34 of the Code. The health and safety requirements are binding on all employers and workers in their labour relations.

207. The following are the fundamental principles of workplace health and safety:

- (a) The precedence of workers’ lives and health over production output;
- (b) State guarantees of the protection of workers’ right to enjoy working conditions which meet the health and safety requirements.

208. Employers have a duty to ensure safe working conditions and to take steps to obviate risks arising in the workplace or in technological processes by introducing preventive measures and replacing hazardous production equipment and technological processes with less dangerous alternatives.

209. Information for the past 10 years concerning health and safety and the nature (sources) of occupational accidents, including fatal ones, will be found below in graphs 1 and 2.





210. The Labour Code provides for the following types of rest period: breaks during the working day or shift: rest and meal breaks, intra-shift and special breaks, day breaks (between shifts), days off (consecutive days every week), public holidays, and annual leave.

211. According to article 101 of the Code, a worker's paid annual leave shall total 24 days, unless a longer period is stipulated in some other regulatory instrument or in an individual or collective contract or the employer's rules.

### **Article 8: Right to form trade unions and right to strike**

“1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organize to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.”

212. Kazakhstan's legislation provides that employers and workers enjoy the right to associate to coordinate their business activities, represent and defend their general property interests, represent and defend their labour rights, improve their working conditions, attain their social, cultural, scientific, educational, charitable and administrative goals, protect the rights and legitimate interests of citizens and organizations, resolve disputes and conflicts, satisfy citizens' spiritual and other needs and protect their health, protect the environment, promote physical fitness and sports, and provide legal assistance, as well as pursuing other goals relating to improvement of the well-being of society and of the association's members.

213. The 1948 Freedom of Association and Protection of the Right to Organize Convention of the International Labour Organization (ILO) was ratified by a legislative act of 30 December 1999. This Convention establishes the right of all workers and employers to create organizations of their choice and to join such organizations without prior authorization and it specifies a number of safeguards of organizations' freedom to act without any kind of interference from the authorities of the State.
214. Pursuant to article 2 of the Constitution of Kazakhstan, all voluntary associations are equal before the law.
215. This equality before the law manifests itself in the even-handed requirements of the State with regard to the statutes of voluntary associations and the procedures for their registration and dissolution. They are all equal in their relationships, both with each other and with State agencies, and in the exercise of their rights in their social, political and economic activities.
216. Article 12 of the Voluntary Associations Act of 31 May 1996 provides that all voluntary associations must have a statute stating the nature and objective of the association's activities, the nature of its membership, the conditions and procedures for the acquisition and loss of membership, the rights and duties of members, the association's organizational structure, etc. The statute may also contain other provisions concerning the association's activities, which must be consistent with national legislation.
217. Article 5, paragraph 2, of the Constitution prohibits unlawful interference by the State in the affairs of voluntary associations or by such associations in the affairs of the State.
218. Under the Trade Unions Act of 9 April 1993, all trade unions enjoy equal legal status. Obstruction of the formation of a trade union and interference in its activities are liable to prosecution.
219. Membership of a trade union does not entail any restriction of the labour, social, economic, political or personal rights and freedoms of citizens guaranteed by law. The Act prohibits any attempt to make recruitment to a job, promotion or dismissal conditional on membership of a given trade union or joining or resigning from it (art. 7).
220. A trade union's legal capacity as a juridical person exists from the moment of its registration.
221. Article 110 of the Civil Code provides that juridical persons may voluntarily form associations (unions).
222. Associations of trade unions are represented in Kazakhstan by the Federation of Trade Unions of the Republic of Kazakhstan, the Confederation of Labour of Kazakhstan and the Confederation of Free Trade Unions of Kazakhstan, which pursue the fundamental purpose of protecting workers' interests.
223. In January 1997 the Federation of Trade Unions acquired the status, under the Civil Code, of a union of voluntary associations/juridical persons. The Federation embraces 26 national occupational trade unions and 14 oblast trade associations. These unions and associations have a total of 2,045,000 members.

224. The Confederation of Free Trade Unions comprises one occupational trade union and nine oblast trade associations.

225. The Federation of Trade Unions, the Confederation of Free Trade Unions and the Confederation of Labour have the organizational structure and sufficient powers to protect workers' rights; they maintain relations with State agencies and voluntary and other organizations, including overseas ones, to defend workers' interests; and they furnish practical assistance and advice to their member associations.

226. Article 298 of the Labour Code authorizes workers to decide to call a strike if a collective labour dispute cannot be resolved under the conciliation arrangements or if an employer rejects conciliation or fails to comply with an agreement reached in the course of the settlement of a dispute.

227. A decision to call a strike must be taken at a meeting of workers or conference of their representatives attended by at least one half of the organization's workers, and the decision is deemed adopted if it secures the votes of at least two thirds of the workers present.

228. Participation in a strike is voluntary. No one may be compelled to participate or to refuse to participate. Anyone who puts pressure on workers to participate or to refuse to participate in a strike is liable to prosecution.

229. The employer or employers' association (or his or its representatives) must be notified in writing by the competent body of the date of the start of the strike and its probable duration at least 15 calendar days before the date for which the strike is called.

230. The organization of or participation in a strike may not be regarded as an infringement of labour discipline by a worker or trigger the administrative acts provided for in the Labour Code.

231. Until the time of the strike workers retain their jobs, their entitlement to social security benefits and their length-of-service status, as well as continuing to enjoy the other rights deriving from their labour relationship.

232. Workers participating in a strike do not continue to receive their wages for the duration of the strike, except when the strike has been called as result of the non-payment or late payment of wages.

233. Article 23, paragraph 2, of the Constitution prohibits members of the armed forces or the national security agencies, the personnel of law-enforcement agencies and judges from joining political parties or trade unions and from expressing support for a political party.

234. This constitutional limitation is rendered necessary by their special legal status in the system of State agencies and by the special nature of their functions and activities.

235. The term "law-enforcement agencies" means those State agencies whose basic function is to protect the rule of law and maintain public order, defend human rights and freedoms, and fight crime.

236. The personnel of law-enforcement agencies comprises persons serving in internal affairs bodies, the penal enforcement system, the financial police, the State fire service, customs agencies and agencies of the Procurator-General who perform law-enforcement duties as stipulated by law.

#### **Article 9: Right to social security and insurance**

“The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.”

237. Following the reform of the pensions system Kazakhstan now has:

(a) *A consolidated pensions scheme*: funded by the State budget for pensioners who acquired pensioner status before 1 January 1998 and for persons who have reached the generally established age of retirement and had completed a qualifying period of service of at least six months as of 1 January 1998;

(b) *A mixed pensions scheme*: covering pensioners who have completed the period of service required for award of a pension under the consolidated scheme but have also transferred their pension rights to an accumulative fund during their period of service (from 1998);

(c) *An accumulative pensions scheme*: based on the establishment of a direct link between contributions made and the pension payments, with citizens taking personal responsibility for their material provision in their old age.

238. The Programme for Reinforcement of the Social Reforms 2005-2007, approved by Governmental Decision No. 1241 of 30 November 2004, introduced a *multi-tier pensions system*:

(a) *First (basic) tier*: the basic State pension received by all citizens of the Republic in exercise of their constitutional right to a social benefit guaranteed by the State;

(b) *Second (compulsory) tier*: receipt of a pension from the State budget under the consolidated scheme (qualifying period of service completed before 1 January 1998) and from pension funds accumulated by compulsory contributions;

(c) *Third (supplementary) tier*: receipt of a pension from voluntary and voluntary occupational contributions.

239. One of the main goals of the consolidated scheme is to secure an effective increase in pension levels.

240. Pensions payments under the consolidated scheme are increased annually in accordance with the rules of the pensions legislation and the procedure determined by the Government.

241. In recent years the increase has kept ahead of the inflation rate.

242. For example, in 2005 pension payments were indexed at 7.7 per cent and in 2006 and 2007 at eight per cent.

243. Since 1 January 2007 pensions and social allowances have been paid on a monthly basis in order to ensure that citizens' pension and social security entitlements are met (Social Security Legislation (Amendments and Additions) Act of 4 July 2006).

244. According to official figures, on 1 April 2007 more than 1,632,400 persons were in receipt of a consolidated pension. The average pension paid was 10,852 tenge, compared with a base pension of 13,852 tenge.

245. The introduction of the three-tier social security system did not affect the pensions system alone but the whole edifice of social protection against social risks.

246. The country's present social security arrangements comprise:

- (a) Basic social benefits guaranteed by the State;
- (b) Compulsory social insurance;
- (c) Funds accumulated voluntarily by citizens, which will in future be transformed into social benefits.

247. The basic social benefits paid in the event of loss of the capacity to work or loss of a breadwinner are the State disability and loss of breadwinner allowances, which are paid to the corresponding categories of citizens regardless of their length of service or level of earnings.

248. A start has been made under the Programme for Reinforcement of the Social Reforms on improvement of the system of minimum State social standards: the basic social standard is fixed at a minimum subsistence level. Accordingly, since 1 January 2006 the amounts of State social benefits have been calculated on the basis of the minimum subsistence level.

249. The subsistence level is fixed annually in the State Budget Act for the year in question. The 2007 Act fixed the level at 8,861 tenge.

250. On 1 January 2005 the Compulsory Social Insurance Act introduced a system of compulsory social insurance with the fundamental aim of establishing a supplementary form of social protection by making good part of the income lost owing to the effects of social risks: loss of capacity to work, loss of breadwinner, and loss of employment.

251. In accordance with the Message dated 28 February 2006 from the Head of State to the people of Kazakhstan, entitled "A New Kazakhstan in a New World", from 1 January 2008 the existing compulsory social insurance arrangements were supplemented by the introduction of compulsory pregnancy, childbirth and maternity insurance. In order to increase the pension entitlement of working women during pregnancy and childbirth leave and the period spent caring for infants until their first birthday, compulsory pension contributions to an accumulative fund in respect of the newly introduced social risks will be withheld from the social benefits paid.

252. A bill on further amendments and additions to social security and labour legislation was submitted to Parliament in accordance with the Message of the Head of State delivered on 28 February 2007.

253. This bill provides for the introduction from 1 January 2008 of:

(a) An increase in the limit on income taken into account in the calculation of pension levels from 15 to 25 times the monthly calculation coefficient (MRP);

(b) An increase in the amount of the basic pension to 40 per cent of the subsistence minimum;

(c) Indexing of pensions to keep them two per cent ahead of the forecast growth in the consumer price index;

(d) The introduction of a special State benefit under Schedule No. 2 in the amount of eight times the MRP for persons employed in hazardous or heavy industry;

(e) The introduction for working women of compulsory social insurance of the social risks of pregnancy and childbirth and caring for infants until their first birthday.

254. Pursuant to article 29 (2), paragraph 1, of the Migrations Act, the agency responsible for social protection matters must provide Oralman (returnees) with:

(a) Pensions in accordance with the national legislation or the international treaties ratified by Kazakhstan;

(b) Disability benefits and benefits in the event of loss of a breadwinner and in respect of old age in accordance with the national legislation;

(c) Special State benefits under the Special State Benefits Act of 5 April 1999.

255. In addition, pursuant to article 29 (3), paragraph 1, of the Migrations Act, local authorities must ensure that Oralman receive the guaranteed amount of free medical care in accordance with the national legislation and targeted social assistance under the State Targeted Assistance Act of 17 July 2001.

256. Kazakhstan's social problems are due to the fact that while previously the State had borne a considerable part of social spending (on education, health, social security, etc.) and, in general terms, the services in question were available to the whole population regardless of individual material situations, with the switch to a market system under which people have to pay for social services the problem of protecting social rights became more acute, for many of the services were beyond the means of the poorer members of the population. As is apparent from the applications made to the Human Rights Ombudsman, one serious obstacle to the resolution of complaints filed by persons with disabilities is the absence in practice of effective arrangements to protect their rights, together with the inertia and the unresponsive attitude of State organs. And the Ombudsman continues to receive reports of violation of the rights of children with disabilities.

257. In the period since the creation of his post the Human Rights Ombudsman has been visiting all regions of the country in order to monitor respect for the rights of persons with disabilities.

258. The main problem affecting the operation of the residential homes is the low volume of funding, which has a negative impact on the provision of furniture, special appliances, bedding and hygiene facilities.

259. The Ombudsman conducts inquiries by means of anonymous questionnaires during his visits to residential homes: 95 per cent of the residents state that they are aware of the existence of their rights and freedoms (five per cent have difficulty in answering). Seventy per cent of the respondents had learned about their rights from the staff of the institution, 25 per cent from the media, and the rest from other sources.

260. The significant efforts made by the Government over recent years have produced improvements in the standard of living of recipients of pensions and other social benefits. In 2006 there was a decline in the number of applications to the Ombudsman concerning pensions, allowances, material assistance, compensation, social benefits, the rights of disabled persons, members of the armed forces and other social security matters (6.45% of total applications).

261. In 2007 spending on social security and social assistance amounted to four per cent of GDP (the country's GDP totalled 12,464.1 billion tenge and spending on social security and social assistance 503.4 billion).

262. In comparison with the situation 10 years ago, social security spending increased in 2007 (according to data of the National Statistics Agency published in *Living Standards in Kazakhstan*, p. 20, in 2007 social security spending amounted to 1.6% of GDP). This testifies to a significant effort to raise the standard of living of pensioners and recipients of other social benefits.

263. The work on improvement of the existing pensions and social security legislation was to be continued in 2007-2009.

#### **Article 10: Protection of the family, children and young persons**

“The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses;
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits;

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.”

264. Article 27 of the Constitution provides that marriage and the family, mothers, fathers and children are under the protection of the State. The care and upbringing of children are a natural right and obligation of parents. On reaching the age of majority children who are fit to work have a duty to care for a parent or parents lacking the capacity to work.

265. The Marriage and the Family Act of 17 December 1998 reflects these provisions of the Constitution. Article 2 of the Act sets out the principles of marriage and family relations: the voluntary nature of the union of a man and a woman in marriage; the equality of rights of the spouses in the family; the priority to be accorded to the family upbringing of children and care for their development and welfare; and the priority to be accorded to protection of the rights and interests of the children and any family members lacking the capacity to work.

266. Only marriages contracted in a State civil registration office are recognized. There is a prohibition on any form of restriction of the rights of citizens when they marry or in family relations on the ground of social origin, race, nationality, language or religious adherence. The rights of citizens in marriage and family relations may be restricted solely by law and solely to the extent necessary to protect the health, morals, rights and legitimate interests of family members and other citizens.

267. The contracting of a marriage requires the voluntary consent of the couple in question, who must have reached the age of marriage.

268. Pursuant to article 188 of the Labour Code, in addition to rest and meal breaks within shifts and special breaks, women with children aged up to 18 months and fathers and adoptive fathers bringing up motherless children aged up to 18 months are allowed additional breaks of the following duration to feed a child or children at least every three hours per shift:

- (a) One child - each break to be of least 30 minutes;
- (b) Two or more children - each break to be of least one hour.

269. These breaks are included in the hours worked. The women (and fathers and adoptive fathers) are paid their average wage for such time.

270. Article 193 of the Code accords women pregnancy and childbirth leave for 70 calendar days before the birth of a child and 56 calendar days after the birth (70 days in the event of complications or delivery of two or more children). The amount of leave is calculated as a whole and awarded in full, regardless of the number of days actually taken before the birth, and the



women in question are paid pregnancy and childbirth allowances for the whole period from the employer's funds, regardless of their length of service in the enterprise. The amounts of pregnancy and childbirth allowances are calculated on the basis of the average wage.

271. For women and men who adopt a new-born child directly from the maternity home there is a leave entitlement (awarded to one of the parents) for the period from the date of the adoption up to 56 days from the date of the child's birth; during this period they are paid allowances from the employer's funds regardless of their length of service in the enterprise.

272. In addition to pregnancy and childbirth leave, women may take, on application, additional leave without pay to care for a child up to the age of three years. Their jobs or posts are kept for them during such additional leave.

273. Women and men who adopt a new-born child directly from the maternity home may take, on application, additional leave without pay to care for the child up to the age of three years, and their jobs or posts are kept for them during such additional leave. This leave may be taken in full or in part at any time before the child's third birthday.

274. In addition, Kazakhstan's modern system of social support for mothers and children includes:

(a) A one-off childbirth benefit by the State (in the amount of 15 times the monthly calculation coefficient (MRP), amounting in 2007 to 16,380 tenge or \$136.5);

(b) A monthly allowance for caring for a child up to the age of 12 months paid to all families regardless of income or employment status (depending on the number of children in the family the amount of the monthly allowance ranges between 3xMRP (3,276 tenge or \$27.3) and 4.5xMRP (4,914 tenge or \$41);

(c) A child allowance payable up to age 18 years to poor families in the amount of 1xMRP a month (1,092 tenge or \$9.1);

(d) A special monthly allowance paid by the State to mothers with many children (4,259 tenge or \$35.5);

(e) Targeted social assistance.

275. Pursuant to the Presidential Message of 28 February 2007, the amounts of the following benefits were to be increased from 1 January 2008:

(a) The childbirth allowance, to 30xMRP (35,040 tenge or \$292);

(b) The childcare allowance, by 2xMRP; the amount of this benefit will thus vary between 5xMRP (5,840 tenge or \$48.7) and 6.5xMRP (7,592 tenge or \$63.3).

276. As a result of the introduction on 1 January 2008 of compulsory pregnancy, childbirth and maternity insurance, persons covered by such insurance will receive a childcare allowance of 40 per cent of the average monthly wage.

277. Under article 30 of the Code individual labour contracts may be concluded with persons aged at least 16 years. Subject to the written consent of one of the parents, a guardian, trustee or adoptive parent, such contracts may be concluded with:

- (a) Children aged at least 15 who have received secondary education in a general school;
- (b) Schoolchildren aged at least 14 for the purposes of working in their free time at jobs which do not harm their health or disrupt their education;
- (c) Schoolchildren aged at least 14 for the purposes of work in the cinema or theatre, theatre or concert organizations or circuses in connection with participation in or production of performances, provided that such work does not impair their health or moral development and subject to the conditions stated in subparagraph 2.

278. In such cases the labour contracts must be signed by the minors themselves and by one of their parents or a guardian, trustee or adoptive parent.

279. Article 179 of the Code prohibits the employment of persons aged under 18 in heavy work or work in hazardous or harmful (extremely harmful) conditions or work which may impair their health or moral development (in the gambling industry and entertainment establishments open at night or in the production, transport or sale of alcoholic beverages, tobacco products or narcotic drugs or psychotropic substances or their precursors).

280. The Code provides that, in the case of workers aged under 18, labour contracts may be concluded only after a compulsory preliminary medical examination. And such workers must continue to undergo an annual medical check until they reach the age of 18.

281. Working hours are shorter for such persons:

- (a) Aged 14 to 16 - a maximum of 24 hours a week;
- (b) Aged 16 to 18 - a maximum of 36 hours a week;
- (c) Schoolchildren enrolled in educational establishments and combining study with work during the school year: aged 14 to 16 - 2.5 hours a day; aged 16 to 18 - 3.5 hours a day.

282. The ILO Worst Forms of Child Labour Convention (No. 182) was ratified by Kazakhstan by an Act dated 26 December 2002.

283. In order to fulfil Kazakhstan's commitments under this Convention the Government, in conjunction with representatives of employers, trade unions and NGOs, formulated measures to eliminate the worst forms of child labour in Kazakhstan.

284. In 2005 a start was made on the implementation of the three-year ILO programme on the elimination of child labour (IPEC). A joint plan of action under the ILO regional programme for the elimination of the worst forms of child labour and implementation of Convention No. 182 in Kazakhstan was approved on 26 December 2005.

285. The National Coordination Council to Combat the Worst Forms of Child Labour was formed under Order No. 73 of the Ministry of Labour and Social Protection, dated 31 March 2006.

286. Work is currently proceeding under a project to boost the people's awareness of the worst forms of child labour, together with research to produce reliable data on its extent and characteristics in Kazakhstan; the resulting information is being circulated to all the persons and organizations concerned.

#### **Article 11: Right to housing and an adequate standard of living**

“1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.”

287. Discussion of this article entails the use of the concept of “adequate standard of living”.

“Standard of living” is a complex socio-economic concept expressing the extent of the development of material, spiritual and social needs and the degree to which they are satisfied, as well as the existence in a society of the conditions for these processes to take place.

288. Accordingly, “standard of living” presupposes the involvement of the State to ensure access to good-quality education services, social security and pensions, and medical services, and the establishment of the conditions for the development of culture and a society's information space.

289. Spending on education has risen by a factor of more than three over the past four years: in 2004 expenditure on education under the State budget amounted to 39.4 billion tenge, while 101.9 billion was allocated for this purpose in 2006; the forecast allocation for 2007 was 127.4 billion.

290. With a view to creating a unified system for the funding of education from the budget, on 1 September 2005 the total amount of grants made from education appropriations was increased by 50 per cent.

291. With a view to supporting successful students, on 1 July 2005 the total value of scholarships for students in institutes of higher education was increased; for students in secondary vocational training the value was more than doubled.

292. A total of 17.5 billion tenge was earmarked in the 2007 State budget for the National Programme for 2005-2010 to upgrade the material and technical resource base and renovate the fixed assets of State education establishments, including the provision of language and multimedia laboratories for State secondary schools, while 29.1 billion tenge was allocated for the construction of education facilities in towns and regional centres.

293. In line with the importance which it attaches to social provision, the State intends to continue to devote serious attention to the health sector.

294. State funding of health care has risen significantly (by a factor of three over the past five years), and plans have been made for further increases.

295. The country's sustained economic growth is enabling the Government to maintain the social orientation of its policies by increasing its spending on the social protection of the population.

296. The chief feature of Kazakhstan's present social security system is the overwhelming presence of the State. The State budget provides funding for the social support of pensioners and persons with disabilities and families lacking a breadwinner, as well as other population groups. In 2000 expenditure on social security and social assistance totalled 171.1 billion tenge, while the forecast for 2007 was 503.4 billion.

297. This provision by the State has produced big increases in personal incomes, as may be seen from the growth in the social indicators: pensions, the minimum wage and the subsistence minimum.

298. Article 28 of the Constitution guarantees citizens a minimum wage and a minimum pension, social protection in old age and in the event of illness, disability, and loss of breadwinner and in the other circumstances stipulated by law.

299. One of the fundamental purposes of the social protection system is to ensure the exercise of constitutional rights and the fulfilment of the basic constitutional guarantees.

300. Since 2006 the level of the subsistence minimum has been fixed by law in the light of the basic indicator for determining the amount of the minimum monthly wage and the basic benefits (disability, loss of breadwinner, old-age).

301. The subsistence minimum is also used for assessing the standard of living and determining the direction of social policy and for the introduction of social assistance measures. For example, the poverty line (40% of the subsistence minimum) is used as the criterion for providing targeted social assistance, and the cost of the basket of foodstuffs (60% of the subsistence minimum) is used to determine the allowances for children aged under 18 years.

302. With a view to improving the methodology for calculating the subsistence minimum and bringing it closer to the international standards, the Government, acting through the competent State agencies, is cooperating closely and energetically with such international organizations as the United Nations Children's Fund (UNICEF) and the United Nations Development Programme (UNDP).

303. Over recent years, with the assistance and active participation of representatives of these international organizations the Ministry of Labour and Social Protection has devised and implemented a number of projects and events, including: "A comprehensive approach to the social sector in Kazakhstan" (2003); "Poverty reduction in Kazakhstan" (2004); seminars on "Poverty and social standards in the Republic of Kazakhstan: ways of improving the methodology for determining the subsistence minimum"; a presentation on "Programmes for the further reinforcement of the social reforms in the Republic of Kazakhstan in 2005-2007" (2004); and seminars on "Current problems of the improvement of the social security system in the Republic of Kazakhstan" and "Further reinforcement of the social reforms: improving the system of minimum social standards and the system for support of mothers and children".

304. As a result of the work on improving the subsistence minimum, since 1 January 2006 there has been in operation a new method of calculating its amount, approved by a joint order of the Ministry of Labour and Social Protection and the President of the National Statistics Office, which fixes the food and non-food components of the subsistence minimum in a ratio of 60 to 40 per cent.

305. The food basket consists of 43 denominated products providing a daily per capita intake of 2,175 calories, which is in accordance with requirements of the World Food Organization (WHO).

306. The improvement of the methodology for calculating the food basket boosted its size by a third.

307. This methodological work is currently being continued as part of the scientific research conducted in conjunction with UNDP.

308. The Disabled Persons (Social Protection) Act was adopted on 13 April 2005; it sets out the legal, economic and organizational conditions for the social protection of persons with disabilities and the provision of equal opportunities for them to engage in everyday activities and integrate themselves in society.

309. The Act provides that this protection shall be delivered by furnishing social assistance, medical, social and vocational rehabilitation, and education and through other measures designed to give persons with disabilities the same opportunities as other citizens to participate in the life of society.

310. Stimulation of housing construction is one of the key areas of governmental activity and is recognized to be one of the most important national tasks.

311. Article 25 of the Constitution establishes the inviolability of the home. Citizens may not be deprived of their homes except by court order. A person's home may be entered, inspected or searched only in the cases and in accordance with the procedures stipulated by law.

312. The conditions are being created to satisfy citizens' housing needs. The categories of home-seeking citizens specified in the Constitution are being provided with housing at affordable rents by the State housing funds, in accordance with the rules contained in the Act.

313. The Programme for the Development of Housing Construction 2005-2007 was approved by Presidential Decree No. 1388 of 11 June 2004.

314. The fundamental objective of this Programme is to tackle the problem of boosting the construction of housing, providing the broad masses of the population access to housing, establishing a fully developed and balanced housing market in terms of both supply and demand, and creating the conditions for a shift to the purchase and construction of homes by the people themselves through the development of progressive forms of lending. The task of the State is to formulate the legal basis and enact the legislation for developing market mechanisms to facilitate people's access to housing by making it less expensive, increasing the duration of the terms of mortgages, and reducing the deposits required and the interest rates. In his annual Message to the People of Kazakhstan on 1 March 2006 the Head of State singled out housing construction and development of the real estate market as one of the chief priorities for advancing Kazakhstan into the ranks of the most competitive and dynamically developing States of the world.

315. According to the figures of the National Statistics Agency, in the period January-May 2007 a total of 162.4 billion tenge (162% of the amount in the corresponding period of 2006) was invested in housing construction. A total area of three million square metres of living space was built - 1.56 times more than in the same period of the preceding year.

316. Private investors and individuals accounted for 2.8 million square metres (163% of the amount in the same five months of 2006). Individuals built 2.2 million square metres or 75 per cent of the total area brought into use.

317. Since the start of the Programme a total of 18.9 billion tenge has been allocated in earmarked transfers from the State budget for the construction of 434,000 square metres of community housing (5,284 apartments), including 39,600 square metres (532 apartments) built during the reporting period of the current year. The quotas for the construction of community housing were completed ahead of time in nine regions of the country.

318. Housing construction has been funded by the granting of loans totalling 98.46 billion tenge, including 22 billion in 2007. In 2005-2006 a total of 1,618,700 square metres (17,878 apartments) was funded in this way - 117 per cent of the forecast volume. In January-May of the current year the construction of 57,900 square metres (724 apartments) was funded by loans.

319. Since the start of the Programme there have been 84,000 applications for housing loans. More than 45,000 purchasers provided proof of their credit-worthiness, a figure 2.5 times higher than the number of apartments delivered. There is a large confirmed demand for this kind of housing in almost all regions of the country.

320. The budgets of local authorities took in 47.2 billion tenge from the sale of housing on credit terms. Up to 1 July 2006, 12.48 billion of this amount had been returned to the State budget under the loan contracts concluded in 2004.

321. In response to the call made in the Message of the Head of State dated 1 March 2006 for the introduction of incentives for the large-scale development of housing construction by individuals, efforts are continuing to streamline the procedures for the award of building plots and the funding of the physical and communal infrastructure in construction areas by means of earmarked transfers from the State budget.

322. In order to reduce the square-metre cost of housing construction, 20 billion tenge was allocated from the State budget in 2006 for the construction and renovation of physical and communal infrastructure; the allocation was 30 billion tenge for the current year.

323. According to figures from the National Agency for Land Resources Management, there have been 584,300 applications for plots for housing construction by individuals, and 174,800 plots (30%) have been awarded. Government Decision No. 726 of 1 August 2006 confirming the rules governing the award of title to building plots to individuals establishes a simplified procedure for such award.

324. It should be noted that the Programme's original target for the three-year period was to make 12 million square metres of living accommodation available. The actual result was the construction of 14.2 million square metres; in other words the three-year target was virtually attained in two years.

325. The efforts to improve the mortgage lending system for both borrowers and savers are continuing.

326. Changes have been made in the Special Programme of the joint-stock company Kazakhstan Mortgage Corporation (KMC) to reduce the commission charges on mortgage loans made under the Programme for purchase of affordable housing and to offer free consultations and preliminary checks on applicants' creditworthiness, and there has been a review of the insurance terms for borrowers and of some of the regulations on the requirement of a minimum level of threshold family income for borrowers. The measures adopted have considerably reduced the cost of the formalities for granting loans to individuals, thus increasing the people's access to mortgages for purchase of the housing built under the Programme.

327. According to KMC figures, as of 1 April 2007 over 31,000 citizens had been granted mortgages to buy housing in a total amount of some 81.6 billion tenge.

328. A working group set up by the Ministry of Finance drafted a bill introducing amendments and additions to the legislation on saving for housing construction which will help to improve the conditions for the purchase of housing through this system.

329. As of 1 May 2007 the joint-stock company Housing Construction Savings Bank of Kazakhstan had concluded more than 45,000 contracts for housing-construction savings in a total amount of over 34 billion tenge. The cities of Almaty and Astana account for most of these

contracts (15% and 11.7% respectively). More people have been turning to the Bank's services in the oblasts of South Kazakhstan (6.7%), Kostanai (6.7%), Pavlodar (6.9%), Aktyubinsk (9%) and East Kazakhstan (9.3%).

330. As of 1 June 2007 the joint-stock company Kazakhstan Mortgage Guarantee Fund had issued 10,501 guarantees for mortgage loans totalling 31.35 billion tenge, including 8,965 (22.86 billion tenge) under the Special Programme of the Kazakhstan Mortgage Corporation. The guarantees of loans under this Programme account for 85.37 per cent of the total.

331. The Housing Construction (Joint Participation) Act of 7 July 2006, which entered into force on 1 January 2007, contains safeguards of the rights and legitimate interests of the parties to contracts for joint participation in housing construction. The Government also adopted the Housing Construction (Amendments and Additions to Joint Participation Legislation) Act of 7 July 2006.

332. In implementation of these Acts, Governmental Decision No. 606 of 18 July 2007 approved the qualification requirements for the issue of permits for housing construction funded by physical or juridical persons under a joint participation arrangement; a standard contract for such arrangements was approved by Governmental Decision No. 1275 of 23 December 2006.

333. The Development of the Rental Sector (Amendments and Additions to Legislation) Act of 7 July 2006, which entered into force on 1 January 2007, sets out the conditions governing rented accommodation and the legal status of such rentals, the arrangements for the leasing of housing by local authorities, and tax incentives for the construction of rental accommodation, as well as addressing the legal situation and the details of the operation real estate investment funds.

334. The main purpose of this Act is to establish the right of local authorities to lease accommodation for citizens whom the State has an obligation to house. Local authorities will be able to rent accommodation available both in the private housing stock and in rental buildings. In order to reduce the cost of such leases, the intention is to offer specific tax incentives to builders and owners of rental buildings and make it possible for investment funds to participate in the development of the rental sector.

335. In his Message to the People of Kazakhstan entitled "A new Kazakhstan in a new world" delivered in February this year, the President noted that the implementation of the Programme was 30 per cent ahead of schedule. At the same time, the Government was set the tasks of creating an authentic, competitive and transparent real estate market to improve the people's access to housing and introducing additional incentives for large-scale housing construction; one need is to establish a legal basis for encouraging involvement by insurance companies offering mortgage loan services. There is also a need to analyze trends in international real estate markets and use the best international experience to produce effective tools for funding a larger volume of rental accommodation and to promote individual housing construction.

336. In order to tackle these tasks and in implementation of the Government's Programme for 2007-2009, the Ministry of Industry and Trade drafted a new programme for housing construction in 2008-2010, with the basic aim of implementing the socially oriented policy of building to meet the people's need for affordable housing.



337. The necessary work is also proceeding with regard to relations in the housing sector.

338. The Programme for the Development of the Public Housing Sector 2006-2008 was approved by Governmental Decision No. 553 of 15 June 2006.

339. The purpose of this Programme is to ensure the proper management and maintenance of the existing housing stock and safe and comfortable conditions for its occupation.

340. In accordance with the Government's legislative programme for 2006, approved by Governmental Decision No. 94 of 9 February 2006, the Ministry of Industry and Trade drafted a bill on amendments and additions to legislation on public housing, which was submitted to the Majilis for consideration by Governmental Decision No. 1298 of 28 December 2006.

341. Once adopted, this legislation will facilitate systematic changes in the public housing sector and help to improve the situation with respect to communal services.

342. With a view to creating the legal conditions for the development of the public housing sector, the bill addresses the following matters:

(a) State regulation of housing-sector relations;

(b) Definition of the Government's sphere of competence in determining the basic directions of State policies and programmes in the area of housing-sector relations, approval of standard rules on maintenance of the housing stock and standard contracts governing cooperation between the board of management of a condominium and market operators providing communal services, and the rules governing the provision of such services;

(c) Definition of the powers of the competent agency and local authority bodies with regard to relations in the housing sector;

(d) Improvement of the forms of management of jointly owned property and the creation of the conditions for the efficient management of the housing stock;

(e) State monitoring through local authorities of the maintenance of the housing stock by means of checks by local authority officials on the property owned in common by the members of condominiums;

(f) Determination of the rights of members of housing cooperatives.

343. The application of this legislation will help to create a system of long-term and stable housing-sector relations, improve the general state of the housing stock, and create the conditions for its efficient management and monitoring.

344. Scientific research work is being carried out under national budget programme No. 042 (Applied scientific research relating to the agro-industrial complex) on agriculture, plant cultivation, livestock raising and veterinary medicine and the processing and storage of farm products, in the following main areas:

(a) Creation of new high-yield varieties of various plants and organization of the production of their seeds and development of new high-yield breeds, strains and lines of animals and poultry crosses;

(b) Development of ready-to-eat foods, food additives and national products, and new ranges of health food with a view to changing the content of mass consumption and for medical and prophylactic uses for targeted population groups, including children, people living in environmentally unfriendly parts of the country, etc.;

(c) Improvement of the existing technology and technical equipment for processing and storage of agricultural raw materials of plant and animal origin;

(d) Development of efficient techniques for producing mixed feeds and feed additives for various kinds of farm animals, poultry and fish.

345. Under this same programme the scientific organizations of the Ministry of Agriculture carried out the following measures in 2006:

(a) Training, further training and trainee courses: 12 in Kazakhstan; 87 in other countries of the Commonwealth of Independent States; and 41 in other countries;

(b) Conferences, seminars and field trips: 27 international; 14 national; 106 oblast; and 255 district;

(c) Measures to publicize scientific achievements: 226 television appearances; 90 radio broadcasts; 1,569 scientific articles and theses; and 267 newspaper articles;

(d) Publications: 44 books and collections; and 154 recommendations and leaflets.

346. Action was taken to secure legal protection of scientific developments: 128 patent applications were made; 108 approvals and preliminary patents were received; 17 patents were awarded; and 24 copyrights were issued.

347. An inventory was made of some 47,000 specimens of various crops; about 6,000 specimens were added to the gene fund; 3,000 donors and sources of economically valuable selection characteristics were identified, and more than 27,000 were listed in databases, catalogues, etc.

348. Twenty-nine varieties and hybrids of agricultural plants were submitted for State trials.

349. Sixteen methods of processing and storage of plant raw materials and 12 methods of producing food products from animal raw materials were developed as a result of scientific research projects on the processing and storage of farm products.

350. Formulas were produced for 24 denominations of food product.

351. Initial specifications and technical instructions were drafted for three experimental models of equipment for the processing industry.

352. Four sets of technical regulations, seven technical specifications and seven formulas were drafted for the production of processed products and foodstuffs.
353. A data bank of the passport details of 159 micro-organism cultures was created. Electronic passports were produced for cultures of lactic acid bacteria and yeasts of practical value for the processing and food industries and for biotechnology.
354. Four techniques were developed for the efficient production of mixed feeds and feed additives for various kinds of animal and fish.
355. In the case of meat production, an analysis was made of herds of Kazakh Whitehead cattle within the parameter of 17 breeding lines and 12 parent groups.
356. The genealogical structure of the herds was established in six subsidiary enterprises breeding Auliekol sheep, and studies were made of the phenotype indicators and productivity of 1,330 cows of various lines.
357. Where poultry raising is concerned, a delivery was taken of genetic material of the Ross-308 cross (from Hungary) in the form of pedigree hatching eggs of the parental forms. The eggs had a fertility rate of 91.3 to 94.1 per cent, and 70.2 to 75.2 per cent of the chicks were born healthy.
358. In sheep farming, four lines of Edilbayev sheep were prepared for approval, and an analysis was made of the selection process in Astrakhan production.
359. A study was made of the international experience of promoting competitiveness in the production of foodstuffs and other farm products. This study identified the factors and conditions affecting the stability of the agricultural market, assessed the competitiveness of production based on the specific national advantages of individual branches and products of the agro-industrial complex, determined strategic policies for boosting the competitiveness of the export-oriented and import-substitute branches of the agro-industrial complex, and established the extent of their influence on the stability of the national and regional foodstuffs markets.
360. The measures described above are facilitating more efficient extraction and use of natural resources and enhancing the country's food security.
361. Over the past three years 170 varieties and hybrids of agricultural and other crops have been created and submitted for State trials.
362. High-yield types of brown and red-and-white dairy cattle were developed with an input of Swiss/American selected cattle and Holsteins of Dutch selection; an intra-breed type of thin-fleece sheep for meat production was developed with an input of German-bred merinos; and two intra-breed strains of Astrakhan sheep, four lines of high-yield milk horses of the Kushum breed and three lines of camel were developed.
363. Thirty techniques were developed for the processing and storage of farm products and production of mixed feeds; 40 denominations of food products (grain, meat, milk, fruit, etc.) were created for the processing and food industries.

364. The legal bases of the security of food production to protect human life and health, the legitimate interests of consumers and the environment in the territory of Kazakhstan are contained in the Food Products (Safety) Act of 21 July 2007, which is in keeping with the corresponding rules of international practice; the Act entered into force on 1 January 2008.

365. With a view to moving Kazakhstan closer to the international standards, from 2006 the subsistence minimum has been used as the core social indicator for revision of the amounts of social benefits. The methodology for calculating the subsistence minimum was changed for this purpose: the chief element is now the consumer budget, which reflects the minimum socially necessary level of goods and services.

366. In the medium term the priority goals in the area of culture, information, tourism and sports are to preserve the historical cultural heritage, reinforce the role of the official State language, and create a competitive tourism industry and an efficient system of physical fitness and sports.

367. In response to the Presidential Message of 28 February 2007, measures for the implementation of the cultural project "A trinity of languages" (aimed at developing the use of the official State language and Russian and English) were adopted as part of the *State programme on the use and development of languages in Kazakhstan 2001-2010*, which was approved by Presidential Decree No. 550 of 7 February 2001.

368. In addition, funding will be continued for the efforts to rehabilitate monuments of the historical cultural heritage initiated under the State's *Cultural Heritage Programme 2004-2006*, which was approved by Presidential Decree No. 1277 of 13 January 2004.

369. Where sports and tourism are concerned, most of the spending will be allocated to the preparations for the Asian Winter Games, to take place in 2011 in Almaty, and to the development of clusters of tourism facilities in the regions.

### **Article 12: Right to health**

"1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness."

370. Article 29 of the Constitution provides that the citizens of the Republic have a right to health care. They are entitled to receive free of charge the guaranteed amount of medical treatment fixed by law. Purchased medical treatment in State and private medical institutions and by persons engaging in private medical practice is provided on the terms and in accordance with the procedure prescribed by law.

371. For the purposes of providing an efficient system for the provision of medical treatment based on the principles of the joint responsibility of the State and the individual for the maintenance of good health and in the light of the priority accorded to the development of primary health care to improve the people's health, the Government has adopted the State Programme for the Reform and Development of Health Care 2005-2010, under which the intention is to fix health spending at a level of 2.4 per cent in 2007, 2.7 per cent in 2008, 2.8 per cent in 2009, and 2.9 per cent in 2010.

372. Under this State Programme there will be a transition to the international principles of the organization of health care provision and a shift of the centre of gravity to primary care; the best possible model of health care will be created in order to meet the needs of the people, the branches of the economy and the State; the provision of health care services will be expanded, and incentives will be introduced to encourage people to care for their health themselves; equal access to medical services will be guaranteed, and the principle of the joint responsibility of the State and the individual for the maintenance of good health will be applied; the availability of prevention and treatment options will be increased, with the emphasis on improving the health of mothers and children, attending to the medical aspects of the demographic situation, and cutting the rates of socially significant diseases.

373. By Governmental Decision No. 1327 of 15 December 2004 the Medical Services Monitoring Committee was set up in the Ministry of Health with a view to improving the quality of the medical services available to the people. Its basic function is to monitor the quality of the medical services furnished to the people, including children, and to make consequent recommendations for the correction of any deficiencies identified.

374. A Policy Outline on improvement of the quality of treatment was adopted as part of the effort to create an efficient system for controlling the quality of medical services; it provides for the gradual and progressive development of all the elements of such a system.

375. A system for controlling the quality of medical care in accordance with the international standards was introduced in 2006; it has three levels:

- (a) In-hospital monitoring;
- (b) Independent expert medical oversight;
- (c) Mandatory monitoring by the State.

376. Internal management and auditing in medical institutions and independent expert oversight of medical services has become the basis of the quality-control system.

377. A procedure was introduced for the accreditation of medical institutions, including the establishment of State accreditation standards and rules. Conceptually new approaches to the evaluation of the professional competence of medical personnel have been formulated in the light of the international experience of procedures for admitting doctors to medical practice. The rights and responsibilities of both medical personnel and patients will be clearly defined as part of this exercise.

378. Mobile mother and child units have been operated successfully for several years as a means of expanding the access of women and children living in remote rural areas to highly qualified medical care. These clinics operate from oblast children's hospitals or oblast perinatal centres and are staffed by qualified paediatric, obstetric and gynaecological specialists; transport, medical equipment and medicines are provided. The mobile clinics visit the remoter areas of their oblasts in accordance with set schedules.

379. In order to deal with the above-mentioned problems, the State Programme for the Reform and Development of Health Care 2005-2010, which was approved by Presidential Decree No. 1438 of 13 September 2004 provided for the necessary measures.

380. In addition to improvement of the health services for women of childbearing age, measures have been carried out since 2006 for the conduct of annual screening checks on children aged up to 18 years, followed by intensive monitoring and treatment of any sick children diagnosed. In order to improve access to medicines, since 2005 children aged up to five years have received medicines to treat the most widespread diseases free of charge on an out-patient basis. Since 2006 funds have been made available for the free provision of medicines, again on an out-patient basis, for children and adolescents registered with the dispensary in question. Measures have been implemented since 2005 under this same State Programme to furnish children's treatment/prevention institutions with medical equipment to bring them into line with the established regulations. Diagnostic equipment and equipment for the emergency treatment of children (breathing apparatus, medication-dosing devices, etc.) and the care of newborn babies (incubators) is being acquired as a matter of priority.

381. With a view to the adoption of adequate management procedures to reduce infant and perinatal mortality, a set of measures for the transition of Kazakhstan to use of the live-birth and stillbirth criteria recommended by WHO was approved by Prime Ministerial Order No. 38-r of 1 March 2006.

382. The State Programme accords special attention to the improvement of primary health care. One specific move was the adoption of Governmental Decision No. 1304 of 28 December 2005 on measures to improve the people's primary health care services. This Decision confirmed the State regulations governing the primary health care network, which provide for the standardization of the existing facilities, the establishment of primary health care centres in settlements with a population of between five and ten thousand, and for health posts staffed by paramedical personnel and midwives.

383. Provision is being made to set up out-patient units in rural districts having a resident population of between one and five thousand in order to expand the rural population's access to qualified medical treatment. Recruitment measures are being carried out to strengthen the

medical personnel of medical institutions, primarily in rural areas. Under the Education Act of 27 July 2007 young people from rural areas admitted to teacher-training or medical courses under the quota system are required to work in an educational or medical establishment in a rural area for at least three years after the completion of their higher education.

384. In conjunction with international NGOs and WHO steps are being taken to improve the medical services furnished to children.

385. Immunization is one of the priorities of the country's preventive-medicine policies. The efforts are focused on six main areas:

- (a) Management of the immunization process (enactment of laws and standards);
- (b) Mobilization of budgetary resources for purchasing vaccines;
- (c) Ensuring safe immunization practices (including a cold chain for the transport and storage of vaccines, collection and recycling of syringes, and training and certification of specialists);
- (d) Vaccine procurement;
- (e) Personnel training;
- (f) Raising public awareness of immunization.

386. Poliomyelitis has been eradicated in Kazakhstan thanks to the State's targeted immunization policies, while cases of tetanus, diphtheria and whooping cough have been reduced to single figures and cases of hepatitis B and epidemic psittacosis have fallen. A start has been made on implementation of the WHO programme to eradicate measles and rubella.

387. An uninterrupted supply of vaccines has been established in the regions. At the present time 95 per cent of children are vaccinated. Nine hundred mobile inoculation units have been set up in order to ensure that the rural population is vaccinated in good time. Since 2005 some 7,000 medical workers have been trained and certified to carry out vaccinations. The problem of a cold chain for transporting and storing vaccines has been solved. All the inoculations received by a person throughout his or her life are recorded on a vaccination card. The conduct of preventive vaccinations and the national vaccination schedule are regulated by Governmental Decision No. 448 of 23 May 2003 on measures to improve immunization against infectious diseases. This Decision stipulates that the State budget shall fund the procurement of vaccines against 13 infectious diseases (tuberculosis, hepatitis B, poliomyelitis, whooping cough, tetanus, diphtheria, measles, rubella, epidemic psittacosis, rabies, typhoid, tick-borne encephalitis, plague) and that the purchase of vaccines against four infectious diseases (hepatitis A, rabbit fever, anthrax, influenza) shall be funded from local budgets.

388. According to information from the Human Rights Ombudsman, complaints of violation of the right to health care account for 1.65 per cent of the total number of complaints submitted in writing. The most urgent matters raised relate to non-payment of compensation for harm suffered as a result of ill health and to disagreement with decisions of expert medical/social commissions, including complaints concerning the conduct of personnel of medical institutions.

389. The complaints often raise issues of the quality of the medical treatment provided. Complainant P draws attention in her communication to the conduct of medical workers in the State establishment Municipal Clinic No. 7 in Almaty, where a brother of complainant K died on 15 March 2006. She also draws attention to the conduct of personnel of the health agencies, who refused to institute criminal proceedings in the case. According to the forensic medical report, there was no direct causal link between the death of K's brother and errors in his diagnosis and treatment. However, complainant P attached to her second communication letters from the Ministry of Health and the Medical Services Monitoring Committee showing that responsibility for the death rested entirely with the medical personnel of Municipal Clinic No. 7. On receipt of this communication the Ombudsman submitted a second request to the Procurator-General of the Republic drawing attention to the contradiction between the information supplied by the Almaty prosecutor's office and the information supplied by the Ministry of Health. Further checking by the Procurator-General's Office failed to confirm the facts stated in the complaint.

390. The communication from complainant G testifies to the lack of proper monitoring of special medical establishments by the central authorities. As is clear from this communication, the personnel of the special treatment and preventive medicine institution in the city of Uralsk, where the complainant's son is undergoing compulsory treatment, are in fact neglecting his treatment. He periodically returns home, where he threatens his mother with violence and forces her to give him money, whereas the institution's rules prohibit persons undergoing compulsory treatment from leaving the confines of the hospital.

391. An analysis of the complaints concerning health care shows that the law-enforcement agencies do not take due action to verify reports of improper medical treatment and that the health authorities adopt a negligent attitude towards some patients and do not ensure the prompt and comprehensive investigation of the frequent errors of procedure, diagnosis and treatment and the violations of medical ethics and obligations which are brought to their attention.

392. In 2006 the Ministry of Environmental Protection produced a three-volume *National Atlas of the Republic of Kazakhstan*; it also publishes an annual national report on the state of the environment.

393. The most pressing environmental problems include:

- (a) The Aral and Semipalatinsk environmental disaster zone;
- (b) The Caspian and Balkhash regions;
- (c) The land occupied by military and outer-space test sites;
- (d) Desertification;
- (e) Pollution of surface water and groundwater, and transboundary water problems;
- (f) Air pollution in the big cities and industrial centres;
- (g) The unsatisfactory situation with regard to water extraction and piping at sewage works;



- (h) Long-established pollution sources;
- (i) Accumulations of industrial and household wastes.

394. The Policy Outline for the transition of Kazakhstan to sustainable development in the period 2007-2024 was approved by Presidential Decree No. 216 of 14 November 2006.

395. A set of measures for the implementation of this Decree in the period 2007-2009 was confirmed by Governmental Decision No. 111 of 14 February 2007. Eighteen measures were scheduled for 2007: 11 of them have already been introduced and seven are in the process of implementation.

396. The Ministry formulated a set of 35 intersectoral indicators, which were examined by the Sustainable Development Council. The specific indicators for the environment have already been incorporated in the Government's programme for 2007-2009.

397. The core element of these indicators consists of the 12 fixed parameters approved in the Policy Outline.

398. The Ministry has put forward proposals for improving the sustainable development legislation and it is formulating criteria for the introduction of models of sustainable production and consumption.

399. A working group was set up to establish a Water Centre, and this question was discussed at a meeting of the high-level group of the Eurasian Economic Community.

400. In conjunction with leading Kazakh and overseas experts, the Ministry formulated a methodology and criteria for the assignment of technologies to the "breakthrough" category; they have been submitted to the Government.

401. For the purposes of environmental security the Ministry applies the international principle of the "environmental regulation cycle", consisting of an unbroken continuum of impact studies, decision-making and monitoring.

402. Steps are being taken to increase the use of foreign experts (outsourcing) for environmental impact studies. The methodological requirements have been formulated for expert studies on projects and programmes to secure conformity with the principles of sustainable development.

403. Regional emissions quotas were to be introduced in 2008 under the Environment Code as part of the effort to improve the decision-making process. Integrated environmental permits are being introduced on the basis of the experience of the European Union; they include requirements relating to the economical use of resources and energy.

404. The Ministry applies an up-to-date model of State environmental monitoring based on the 23 principles proposed by the Organization for Economic Cooperation and Development for the countries of Eastern Europe, the Caucasus and Central Asia (including emphasis on a preventive approach, increased environmental monitoring of production, and the introduction of computerized systems).

405. The amounts accruing from fines is ceasing to be the central indicator of the monitoring work. Kazakhstan is beginning to introduce the practice of temporary suspension by court order of an economic activity which leads to infringement of the environmental protection legislation (this measure has been applied to 203 enterprises). This approach is consistent with the international experience. Stringent action has produced a good result: in 2006 the number of violations detected fell from 41,000 to 28,000.

406. The Inter-Departmental Commission on Stabilization of the Quality of the Environment is operating successfully; it draws its members from the ministries and departments concerned. Meetings of the Commission, attended by delegates and representatives of *akimats* and NGOs, have examined in detail such pressing problems as the environmental status of the Kazakh sector of the Caspian Sea, activities at military test-sites, the pollution of the river Ilek, environmental pollution in East Kazakhstan oblast, etc.

407. The practice of recourse to independent environmental auditing is gaining ground. For example, a large-scale environmental audit of the Burabai national park is currently being carried out; it will determine the park's recreational potential and assess the environmental risks.

408. New principles are being developed to govern the introduction of economic incentives to protect the environment. Last year saw the introduction of the first reduced rates of payment for environmental emissions for enterprises certified in accordance with ISO 14001.

409. The Ministry prepared proposals for the application of the principle of "green procurement" to encourage the production of environmentally safe goods and services under the system of State ordering.

410. It also formulated criteria for the introduction of the "green oil" principle for the certification of enterprises engaging in the extraction, processing and transport of hydrocarbon raw materials.

411. The programme "Sustainable development of the Balkhash-Alakol basin, 2007-2009" was adopted by Governmental Decision No. 163 of 2 March 2007.

412. In the context of the international efforts to combat climate change, since 2007 the Ministry has been taking action in connection with Kazakhstan's participation in the Antarctic scientific research programme, which will allow the country to use the natural resources of the Antarctic in the future.

413. The Ministry is working to introduce the 4R approach to waste management in Kazakhstan: reduction, re-use, recycling and recovery.

414. Work is proceeding on a project for the introduction in 2008-2010 of a unified waste-management system, including an array of waste-processing measures.

415. Proposals have been prepared for the introduction of a most-favourable-treatment scheme to attract to Kazakhstan the best technology for the disposal and processing of solid household wastes (to produce biofuels and electricity).

416. Experts from the World Bank collaborated in the formulation of the principles of the reform of the meteorological service and the environmental monitoring system, regarded world-wise as important elements of national security.

417. The Ministry pursues a unified information technology policy, which has led inter alia to the establishment this year of a situations centre supplied with constantly updated environmental information.

418. Electronic reporting by users of natural resources is being introduced.

419. The Ministry maintains a regularly updated register of environmental problems on the basis of the findings of scientific research and information from questionnaires completed by local representatives.

420. A system of constant reporting by the Ministry to the public has been introduced. In 2007 a start was made on the holding of regular public hearings on environmental problems in all the regions; they are attended by representatives of *akimats* and *maslikhats*, users of natural resources, and voluntary organizations. More than 10,000 persons have been involved in this exercise, which has led to the establishment of a dialogue between the people and users of natural resources, the introduction of local monitoring and the production of impact reports, and measures to encourage the work of environmental NGOs, all in keeping with the provisions of the Orchestration Convention.

421. This year the Ministry is completing its work on the certification of the central machinery in accordance with the international environmental management standards contained in ISO 14001.

422. This year has also seen the amendment of the planned environmental measures of all the major users of natural resources to bring them into line with the new environmental requirements. The funding earmarked by them for programmes of environmental measures this year totals over one billion dollars.

423. According to the Ministry's calculations, the total expenditure from all sources on environmental protection will increase from 1.2 to 2 per cent of GDP by 2012.

424. Kazakhstan currently occupies 70<sup>th</sup> place in the international environmental sustainability ratings (a year earlier it occupied 75<sup>th</sup> place). Provided that the published plans are implemented, Kazakhstan has a real possibility of finding itself among the world's top 50 countries in these ratings by 2012.

## **Articles 13 and 14: Right to education**

### **Article 13**

"1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons

to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

(a) Primary education shall be compulsory and available free to all;

(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;

(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;

(d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;

(e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph I of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.”

425. Kazakhstan’s education system has an open structure and offers everyone the opportunity of obtaining an education and supplementing it, as necessary, under the formal education arrangements. The inalienable human right and citizens’ right of the people of Kazakhstan to obtain an education is embodied in article 30 of the Constitution.

426. The first paragraph of article 30 states that citizens are guaranteed free secondary education in State schools. Paragraph 2 provides that citizens are entitled to obtain free higher education on a competitive basis in a State institution of higher education.

427. According to article 3 of the Education Act of 27 July 2007, the fundamental principles of the State’s education policy include the equal right of all citizens to obtain an education and access to all levels of education for all population groups.

428. The State Programme for the Development of Education 2005-2010 was approved by Presidential Decree No 1459 of 11 October 2004.

429. This Programme posits the following basic areas of development:

(a) A shift to a 12-grade system of general education, starting at age six, with provision of subject-oriented and vocational training for the older pupils;

(b) The creation of a new level: post-secondary vocational education;

(c) The introduction of a specific three-step model of professional training: bachelor's degree, master's degree, and doctorate on the basis of a system of academic credits;

(d) The establishment of a national system for the evaluation of the quality of education.

430. In tackling these tasks the intention is to reinforce the material and technical resource base and the legislation and regulations governing the education system, to alter the content of education by moving from a knowledge-centred to a "skills" model, and to bring the structure of the levels of education into line with the UNESCO International Standard Classification of Education.

431. Where technical and vocational education are concerned, efforts will be made to expand the network of establishments providing such education, modernize their material and technical resource base, and strengthen the social partnership with employers. In order to attract private-sector funding, this kind of education will not be connected to the acquisition of qualifications: enterprises will have the possibility of organizing their own education programmes, and an independent national centre for qualification certification will determine the occupational suitability of the persons receiving this kind of education. At the new level (post-secondary vocational training) courses will be provided for middle-ranking skilled maintenance and managerial personnel.

432. There will be decisive shift in higher and post-higher education to the three-step model of professional training based on a credits system; this will allow flexibility and mobility between courses and the international recognition of the degrees awarded, as well as rendering the education process more democratic. The training of scientific personnel will be made more efficient. Young people in the 22-28 age group will have the possibility of obtaining an academic master's degree and a doctorate and then a further qualification in a specific subject area (medicine, music, education, etc.) on completion of the corresponding course of study.

433. In addition to measures for the renewal of computers and expansion of the network of schools connected to the Internet, there are plans to enhance teachers' computer literacy, speed up the production of electronic textbooks and multimedia teaching aids and create an education website for distance learning in order to improve the efficiency of the use of information technology in education.

434. Internal and external evaluations of the quality of education have been introduced and monitoring and measuring tools have been improved in the context of the establishment of the national system mentioned in point (d) above.

435. The performance of pupils and students is assessed by the State on the conclusion of each stage of their education.

436. The implementation of the State Programme will lead to the establishment of an efficient education system and high standards of teaching and training, enabling Kazakhstan to assume a worthy position in the modern world.

437. Kazakhstan is taking steps to give effect to the provisions of article 30 of the United Nations Convention on the Rights of the Child.

438. In order to enable children to exercise their right to use their mother tongue and embrace the culture and traditions of their people, Kazakhstan has schools using Kazakh, Russian, Uzbek, Uighur, Tajik and Ukrainian as the language of instruction.

439. Sixteen mother tongues (German, Polish, Ukrainian, Korean, Tartar, Turkish, Chechen Azerbaijani, Kurdish, Uighur) are taught in schools as separate subjects.

440. More than 3,500 children study their mother tongue in the country's 79 Sunday schools (in 2005, there were 76 Sunday schools catering for about 3,000 children).

441. The Rights of the Child Act of 8 August 2002 provides that all children have the right to express their opinions, freedom of conscience, and the right to develop their own social activities.

442. Kazakhstan is taking steps to prevent discrimination against children with disabilities.

443. Innovatory approaches to integrate such children in the educational world of their non-disabled peers are gaining ground in Kazakhstan. Research is being stepped up into innovative ways to create the best possible conditions for preventing and successfully treating developmental defects in children and to provide for the upbringing and education of children with special needs and their social adaptation and integration in society.

444. The Gender Equality Strategy for 2006-2016, approved by Presidential Decree No. 1677 of 29 November 2005, envisages the realization of equal rights and opportunities for all members of society irrespective of their sex. According to official figures, the enrolment of girls in primary education is virtually universal in Kazakhstan. Moreover, Kazakhstan is a member of the group of countries which have achieved gender parity in general secondary education.

445. The Gender Equality Strategy provides that children and young people should receive instruction in non-violent behaviour by means of special programmes taught in schools.

446. With UNICEF support the Scientific and Practical Centre of the Social Psychology Service carried out a project entitled "Teaching non-violent behaviour to children and young people" and formulated a curriculum and a plan and a teaching manual for pupils in grades 5-10.

447. Article 12, paragraph 5, of the Constitution states that aliens and stateless persons enjoy in Kazakhstan the same rights and freedoms as are accorded to citizens, unless the Constitution or laws or international treaties provide otherwise.

448. Children who are not nationals of Kazakhstan but are living in its territory are entitled to choose their educational organization, language of instruction, etc.

449. Specific efforts are being made to educate Oralman children in the country's general education schools with a view to realization of their constitutional right to education and to satisfy the educational needs of repatriates (Oralmans).

450. In the 2006-2007 academic year there were 47,841 repatriate children enrolled in the country's general education schools: 16,518 in the primary, 25,101 in the basic and 6,205 in the senior grades. Most of these pupils (8,180) lived in South Kazakhstan oblast, 8,027 in Almaty, 5,498 in Karaganda, 6,622 in Akmolinsk, 4,685 in Zhambyl, and 1,301 in Pavlodar. According to information from the oblast education departments, all repatriate children of school age (47,841) are currently attending school, except for 17 children disabled from infancy.

451. In order to make good any gaps in their knowledge and introduce them to the curriculum, the country's general secondary schools arrange additional lessons and counselling sessions and run special transitional programmes for the Oralman pupils, who have arrived from far and wide: Uzbekistan, Turkmenistan, Tajikistan, Kyrgyzstan, Russia, Ukraine, Georgia, the Islamic Republic of Iran, China, Mongolia, Turkey, Pakistan, Saudi Arabia and Afghanistan.

452. Courses in the Cyrillic alphabet and the Kazakh and Russian languages are arranged for the adult repatriate population which arrived from the Islamic Republic of Iran, Pakistan and Afghanistan.

453. Specific educational/socializing work is done with Oralman children from the day of their arrival. To improve their grasp of the language, schools are introducing the special courses "Til damytu", "Til madeneti", and "Coz oneri". They organize hobby clubs and optional activities in Kazakh and Russian. There are also after-school activities in the form of social evenings, cognitive games, and talks on the history of the native land and the traditions and customs of the Kazakh people. Repatriate children are actively included in the school's social life and take part in amateur productions, competitions and specific subject olympiads, as well as joining sports squads.

454. Steps are taken to provide Oralman children with clothing, footwear and school requisites. All the children receive textbooks and some meals free of charge.

455. Assistance is constantly targeted on Oralman children as part of the charitable work of the Zabota foundation and the work of the regional funds for poor children set up in general education schools, as well as by the oblast branches of the Red Cross and Red Crescent.

456. For example, in the city of Almaty the General Education Fund purchased clothing, footwear and school requisites costing a total of 186,000 tenge for 232 Oralman schoolchildren, as well as providing free meals for 211 of them.

457. All the Oralman children in Pavlodar oblast are provided with textbooks free of charge.

458. The General Education Fund earmarked 803,844 tenge for leisure and recreational activities for them. Clothing (354,840 tenge), footwear (283,100 tenge) and school requisites (165,904 tenge) were purchased for four hundred Oralman schoolchildren. "Oralman days" are traditionally held in the oblasts.

459. Educational services to enable persons to undergo retraining or further training are available in 45 institutions of higher education. For example, the K. Satpaev National Technical University has a retraining and further training centre for engineers and teachers of technical subjects, the E. M. Buketov State University in Karaganda has a further training faculty, the A. Baitursynov State University in Kostanai has a regional intersectoral retraining and further training institute, the S. Seifullin Kazakh State Agro-technical University has a further training institute, the Kazakh Advanced Academy of Architecture and Construction has an institute of lifelong learning, the Kazakh National Agrarian University has a postgraduate and further training institute for agrarian studies, etc.

460. Supplementary education is provided in Kazakhstan by voluntary associations and NGOs, and on training, retraining and further training courses, etc.

461. This supplementary education generally takes the form of various kinds of training to enable people to maintain and upgrade their existing qualifications and to expand their understanding of the changing world of technology, knowledge and values. It is often combined with work.

462. The principle of "Education for all" finds its widest application in all the levels and types of vocational training in the informal sector: in factories and schools, on courses and under other arrangements.

463. Training for skilled technical and maintenance personnel and in middle-ranking occupations is provided in 830 establishments (vocational schools and colleges) and on over 1,500 different courses and in study centres (courses lasting from one to six months), with an overall total of some 600,000 students.

464. The 510 colleges provide training in 216 specialist subjects for a total of 450,525 students.

465. The 320 schools of initial vocational education offer courses in 138 occupations. Such courses were taken by 108,175 students in 2006.

466. Work is proceeding on the design of a new model of "State-school-employer" cooperation to facilitate the alignment of the system of vocational education with the practical needs of the expanding national economy.

467. A start has been made on the establishment of regional vocational institutions for the retraining and further training of technical and maintenance personnel for the oil industry in the city of Atyrau and the fuel and energy industry in Pavlodar oblast.

468. Arrangements are being made to introduce a system of independent evaluation of the quality of training and skills acquisition and maintenance. These evaluations will be made by a national centre for skills acquisition and maintenance.



469. Special attention is accorded to the development of technical education. The Ministry of Education and Science is planning to establish schools of higher technical education by transforming and merging and changing the profiles of a number of higher education institutions and colleges and by creating inter-regional vocational training and retraining centres for technical and maintenance personnel.

470. The schools of higher technical education will run integrated educational programmes at several levels of technical education:

- (a) Training of highly skilled workers;
- (b) Training of middle-ranking engineers;
- (c) Training of senior engineers.

471. The integrated programmes of technical and vocational, post-secondary and higher education will be of varying durations. The selection of candidates for higher technical schools will be based not only on the level of their knowledge but also on their aptitude for the occupation in question.

472. The following are the main challenges in the current development of Kazakhstan's system of higher education:

- (a) To satisfy the requirements of society, the State and individuals with regard to high-quality educational services;
- (b) To create human capital and a scientific and technological intellectual elite for the leading-edge sectors of the economy;
- (c) To create and transfer knowledge and new developments and technology and to establish an interface between Kazakh and world science;
- (d) To expand access to higher education and its attractiveness to investors;
- (e) To guarantee Kazakhstan's place in the world.

473. Kazakhstan has 175 higher education institutions: 68 State and 107 non-State.

474. These institutions have a total of 768,400 students: 375,835 taking daytime courses, 390,422 extramural courses, and 2,417 on evening courses; there are 112,606 students studying on State grants, and 652,419 paying for themselves.

475. They are staffed by a total of 42,788 teachers and instructors. Thirty-six per cent of the teaching staff have tenure.

476. There are 715,200 students in higher education for every 10,000 members of the population at large; 315,600 are full-time.

477. Kazakhstan has switched to the widely accepted three-level model of education: bachelor's degree, master's degree, and doctorate. This model provides greater flexibility in the courses taken.

478. The system of State ordering represents a considerable achievement for Kazakhstan in the funding of higher education. It embraces the important principle of providing funding not for the providers but for the recipients of education services. This has produced a considerable improvement in the efficiency of the use of State resources.

479. State funding of the delivery of skilled personnel with higher education is focused on science and technology intensive production; it accounted for 32,490 student grants in 2006. The funding was distributed on a competitive basis among 97 higher education institutions.

480. Preferential treatment is accorded to specific categories of student in order to expand access to higher education and State support for talented young people and to encourage upward social mobility: the State order for education sets a 30 per cent quota for young people in rural areas in the skills which are decisive for the socio-economic development of the area in question; for persons of Kazakh nationality the quota is two per cent; for disabled persons in groups I and II and persons disabled from childhood it is 0.5 per cent; and for orphans and children lacking parental protection it is one per cent.

481. The maintenance grant for students on bachelor's and master's courses is currently 6,434 tenge.

482. Work is proceeding on a mechanism for adjusting the value of State education grants to the status and rating of individual higher education institutions.

483. Every year 3,000 Kazakh students take courses at the world's leading higher education institutions under the Bolashak International Scholarship Programme.

484. Since 2006 the State has been awarding a one-year "Best teacher" grant to higher education teachers, on a competitive basis, to enable them to conduct academic research, including sabbaticals in overseas institutions.

485. Complaints submitted to the Human Rights Ombudsman concerning exercise of the right to education represent 0.41 per cent of all communications. They relate to access to higher education for persons with disabilities and the conduct of officials of education establishments.

486. For example, complainant I refers in her communication to the action taken by the local authorities in connection with the reorganization of special secondary school No. 6 for deaf and hearing-impaired children by merging it with the Almaty special boarding school No. 1 for deaf children to form a State institution, special school No. 1 for deaf and hearing-impaired children, offering evening courses. Complainant I maintains that for two years the right of children with hearing disabilities to obtain the secondary education guaranteed by the Constitution has been infringed. The checks on the operation of the special school carried out by the Office of the Procurator-General revealed a number of violations of the regulations.

487. As a result of the discovery of these violations, a report was drawn up under article 323, part 1, and article 235, part 1, of the Administrative Offences Code concerning administrative offences committed by the acting director of special school No. 1.

488. Article 14, paragraph 2, of the Constitution provides that nobody may be subjected to discrimination on the ground of origins, social, official or property status, sex, race, nationality, language, attitude to religion, opinions, or place of residence or in respect of any other circumstance.

#### **Article 14**

“Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.”

489. Kazakhstan already had compulsory free primary education at the time when it acceded to the Covenant. At present, 27.6 per cent of all children of pre-school age attend a pre-school institution. The coverage is 12.4 per cent in rural areas and 38.7 per cent in urban areas. A total of 78 per cent of all children in the 5-6 age group undergo pre-school training.

490. The improvement in the coverage of pre-school education is due to the establishment in 2006 of 651 pre-school institutions, including 108 kindergartens and 543 pre-school mini-centres. Today the country has 724 such mini-centres.

491. Where general education is concerned, consistent and systematic efforts are being made to ensure access to the education services, improve the quality of the teaching, and reinforce the schools' material and technical resource base, in the content of the preparations for the switch to the 12-grade system.

492. Kazakhstan currently has 8,067 general education schools, 7,934 of them State and 133 non-State.

493. The implementation of the approved set of measures for the switch to the 12-grade system will help to improve the coverage and the quality of the education services and bring them closer into line with those of the international education community.

494. A draft policy outline has been produced for the pre-specialization training of pupils in basic education and for more specialized courses in the older classes.

495. On 1 September of this year 69 schools began to operate under the experimental scheme for the approval of the content, modes and methods of the specialized courses.

496. Teachers are being trained to work in the experimental classes. The further training plan for teaching personnel for 2005-2006 envisaged upgrading the qualifications of more than 30,000 teachers through the national and oblast institutions of further training.

497. A new generation of textbooks has been produced, alternative textbooks are being introduced, and a system of expert assessment of the texts is in operation. Children from poor families are provided with a full complement of textbooks by the State.

498. Efforts are continuing to reinforce the material and technical resource base and develop the schools network. Approval has been given to an indicative list of teaching equipment and instruments (physics, chemistry and biology laboratories) essential to the education process in general education schools.

499. The number of temporary (stop-gap) schools has been reduced and the four-shift system has been discontinued. Options are being considered for the construction of modular schools, which will help to meet the pupil-driven demand. According to preliminary estimates, by having this type of school built under licence it will be possible to meet 100 per cent of the need for classroom space.

500. One of the most important challenges facing the education system is to ensure that talented children and young people are able to develop their potential to the full. There are 586 after-school organizations contributing to the education of the country's children and adolescents.

501. The purpose of the recently established Daryn national centre for practical studies is to improve the arrangements for identifying, developing and supporting gifted children. The following statistic testifies to its success: at international olympiads and scientific competitions in 2006 Kazakhstan's combined team of gifted students won 251 medals: 55 gold, 89 silver and 107 bronze.

502. In response to Presidential Decree No. 550 of 7 February 2001 on the State Programme for the Use and Development of Languages 2001-2010, the Government adopted Decision No. 108 of 14 February 2001 on a set of measures for 2007-2008 to implement this State Programme.

503. This set of measures covers matters such as improvement of the quality of the teaching of Kazakh in schools, publication of textbooks, and training of teachers of Kazakh and provision of material incentives for them.

504. In accordance with the Constitution, the Education Act and the Languages Act, the 2004 Presidential Message to the People of Kazakhstan, and the Instruction of the Ministry of Education and Science of 19 March 2004, 19 schools are conducting an experiment in the use of three languages of instruction. A total of 822 pupils are involved in the experiment: 453 in classes using Kazakh as the language of instruction and 369 in classes using Russian. In these schools subjects such as biology, physics, mathematics, geography and information technology are taught in English. In the schools using Russian as the language of instruction subjects such as the history of Kazakhstan and Kazakh literature are taught in the official State language, thus helping the pupils to improve their grasp of Kazakh.

505. The curricula and the methodological recommendations for teaching grade 7 in Kazakh, English and Russian were approved by the Instruction of the Ministry of Education and Science of 22 April 2004 on the conduct in general education schools of an experiment in instruction in three languages. They were approved for grades 8 and 9 by the Ministry's Instruction of 31 August 2005.

506. A special working group made up of heads of teaching establishments and leading educational researchers was set up to monitor the results of this experiment. The Murager special school for gifted children in Karaganda, which is taking part in the experiment, has produced terminological dictionaries for geography, biology, physics and history in Kazakh, Russian and English.

**Article 15: Right to take part in cultural life and to benefit from scientific progress and the protection of copyright**

- “1. The States Parties to the present Covenant recognize the right of everyone:
- (a) To take part in cultural life;
  - (b) To enjoy the benefits of scientific progress and its applications;
  - (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture;
3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity;
4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.”

507. According to article 3 of the Culture Act of 15 December 2006, the following are the basic principles of State policy in the sphere of culture:

- (a) State support for culture and realization and protection of the rights of the citizens of Kazakhstan to engage in cultural activities and take part in cultural life;
- (b) Freedom of citizens to engage in creative activity, both professional and non-professional (amateur) in accordance with their interests and abilities;
- (c) Equality of rights and opportunities of citizens in the creation, restoration, preservation, development, disposal and use of items of cultural worth;
- (d) Protection of the historical and cultural heritage and the continuity of its development;
- (e) Development of cultural links with fellow citizens living abroad as a means of fostering the integrity and mutual enrichment of Kazakh national culture;
- (f) Creation of legal safeguards of the preservation of the historical heritage of the Kazakh people and its ethnic diasporas and the development and reproduction of society's creative potential;

(g) Freedom to form creative unions and other voluntary associations in accordance with the procedure established by Kazakhstan's legislation;

(h) Development of an education system which fosters a knowledge of the cultural wealth of the nation and the world, instruction of children and younger students in aesthetic and patriotic values;

(i) Support for cultural organizations in the creation of a favourable environment for their operation under market conditions.

508. Kazakhstan currently has 48 theatres, 62 concert organizations, 3,539 libraries, 154 State museums, eight historical/cultural reserves, 2,259 culture clubs, 42 Luna parks and recreational parks, and four zoos. The number of theatres has increased by four. Forty-seven of the total number of theatres (97.9%) operate under State ownership and one is privately run. Theatre productions are staged by collectives working in various disciplines: opera and ballet - two; drama - four; musical comedy - four; young audience - four; and puppetry - five. Kazakhstan also has non-State theatres, but their number is unknown because they operate under varying organizational and legal arrangements. Just two examples are the voluntary foundation running the ARTiSHOK Theatre and the limited liability association B.Ibragimov Theatre of Satire and Humour.

509. Kazakhstan has 73 cinemas and 266 mobile and hospital cinema units. The number of children's film shows is steadily increasing.

510. The concert hall infrastructure has undergone considerable change in recent years, and its capacity has increased: at the beginning of 2005 it was 18,477 seats, an increase of 21.9 per cent over 2003. Kazakhstan's concert organizations also operate under either State (79%) or private (21%) ownership. The number of symphony concerts is increasing by an average of 56 per cent a year and audience figures by an average of 10 per cent.

511. Since 2001 the number of functioning museums has been increasing by 17.3 per cent a year. Most of the country's museums (89.8%) operate under the State form of ownership; the remainder are privately run. There are 67 museums (40.4% of the total) in rural areas. Over the past two years the museums' collections have been supplemented by one third with valuable exhibits.

512. The demand for library services is growing in step with the improvement of the people's standard of education, which has led to a steady increase in the number of users of libraries (by an annual average of 2.3 per cent since 2002) and in the technical resources available (46.4 per cent of libraries have personal computers). The number of libraries also increased over the past year, by 77 units. Rural areas have 2,900 (81.9%) of the total number of libraries. The library collection of the whole country has a total of 115.4 million items.

513. The number of culture clubs is increasing every year (by an average of 9.1%): it rose by 20 per cent of the 2002 level to a total of 2,259 in 2004; a significant proportion of these clubs are located in rural areas. Club activities have been steadily increasing since 2001: the number of activities run by club groups has risen by 5.3 per cent since 2003: one third of these activities are for children.

514. In 2004 Kazakhstan had 9,420 amateur performing collectives, 7,053 (74.9%) of them in rural areas. Most of these collectives are choirs and vocal groups (26.6%) and dance troupes (23.5%). A total of 125,200 persons were involved in the activities of these collectives.

515. A number of historical/cultural monuments of special significance in Kazakhstan's national history were restored under the 2004-2006 State programme "A cultured people". The oblast *akimats* are carrying out regional programmes to preserve the historical/cultural heritage. The State has established an extensive network of historical and ethnic museums and monuments marking memorable events in the country's history.

516. Concrete action has been taken in recent years to maintain the existing resource base of scientific research and restoration work and the historical/cultural memorial museums and to publicize the monuments of the national heritage and include them in the tourism infrastructure.

517. A facility has been established in the National Library of Kazakhstan to identify and acquire the nation's rare books and restore books and ancient manuscripts and to ensure the preservation of such books and manuscripts and other sources.

518. Efforts are being made to improve the legislation and regulations on culture. The present legislation includes the Culture Act, the Historical and Cultural Legacy (Preservation and Use) Act and the National Archive Collection and Archives Act. Work is currently proceeding on the drafting of legislation and regulations on the inventory and preservation of museum collections.

519. The Constitution guarantees the freedoms of expression and creative activity. It prohibits censorship. Everyone is entitled freely to receive and disseminate information by any means not prohibited by law (art. 20, paras. 1 and 2).

520. Articles 15 and 16 of the National Archives Collection and Archives Act of 22 December 1998 accords to physical and juridical persons, aliens and stateless persons the right of free use of the documents contained in the National Archive Collection kept in the State and departmental archives and their subsidiary branches which are open for examination.

521. Article 20 of the Mass Media Act of 23 July 1999 affords journalists the following rights: to seek, request, receive and disseminate information; to visit State agencies and other organizations in all forms of ownership and to be received by their officials to discuss matters relating to their official duties; to take part in any of the measures carried out by their accrediting bodies, except when a decision has been taken that the activity in question shall be closed to the media; to make recordings, including audiovisual recordings and cine-camera records, and to take photographs, except in the cases prohibited by national law; and to obtain access to documents and other materials, except for sections containing information constituting a State secret.

522. The Act prohibits propaganda and agitation aimed at the violent disruption of the constitutional order, violation of the integrity of the State or the undermining of the security of the State, or at the promotion of war or social, racial, national, religious, class or ethnic supremacy, or promoting a cult of cruelty and violence.

523. Pursuant to article 25 of the Act, liability under national law attaches to the dissemination of false information damaging to the honour or dignity of a citizen or organization (a State agency or a voluntary, creative, scientific, religious or other kind of association of citizens or juridical persons) and to influence of the courts by the media (Criminal Code: art. 129 (Defamation); art. 130 (Insulting behaviour)).

524. The owner and editor-in-chief (or editor) of a media outlet are held liable under national legislation if they disseminate reports or other items containing propaganda or agitation aimed at the violent disruption of the constitutional order, violation of the integrity of the State or the undermining of the security of the State, or at the promotion of war or social, racial, national, religious, class or ethnic supremacy, or promoting a cult of cruelty, violence or pornography, regardless of the source of the information contained therein (Criminal Code: art. 164 (Incitement of social, national, ethnic, racial or religious hatred); art. 170 (Calls for the violent overthrow or alteration of the constitutional order or the violent disruption of the unity of the territory of the Republic); art. 233.1 (Propaganda for terrorism and public calls for the commission of terrorist acts); art. 273 (Unlawful dissemination of pornographic materials or objects)).

525. An effort is being made to develop the national film industry, and major cinema projects on the history of the Kazakh people are being carried out. The national film company Kazakhfilm has installed new production facilities up to international standards in its S. Aimanov studios, and new cinematographic equipment has been acquired. A total of 420 jobs have been created, some of them in new occupations and professions.

526. The cultural infrastructure of the city of Astana is being expanded. In addition to the two existing theatres there is the K. Baiseitova National Opera and Ballet Theatre, and a Presidential Cultural Centre and a National Academic Library have been built and are now open. A State Circus has been formed, and a Palace of Peace and Harmony has been built.

527. International cultural links have been established and are now functioning successfully. Cultural cooperation agreements have been signed with 49 countries near and far and with international organizations.

528. There are, however, a number of problems in this area. The gap between the people's cultural aspirations and the possibilities of satisfying them is constantly widening as a result of the insufficient funding and weak material and technical resource base of cultural organizations. This is particularly noticeable in rural areas. Many cultural facilities were privatized or closed in the years of the rationalization of the use of resources. The book collections of some of the libraries were lost or at best transferred to schools. The newly opened rural libraries have collections of 500 to 1,000 copies.

529. For more than two decades no dedicated buildings for cultural activities have been constructed. Today in most of the regions such activities are accommodated in adapted premises: schools, facilities of rural *akimats*, etc. The premises of culture clubs have suffered a considerable amount of wear and tear. A total of 671 club buildings require capital repairs and 101 are in a dangerous condition. The corresponding figures for library buildings are 326 and 39 respectively. Some 100 museum buildings are also in need of capital repairs or reconstruction. The specific financing of the procurement of the vehicles, equipment and technical facilities needed to satisfy cultural needs in rural areas has virtually ceased.



530. A study of the experience of other countries points to the need to introduce the system of State procurement by competitive tender, establish a clear and rational structure for the support of culture, hold competitions for the award of grants, introduce a contracts system for cultural institutions, and ensure the systematic monitoring of cultural policy. Use might also be made of the international practice under which the State funds the arts through non-governmental intermediaries - the arts councils employed today by many countries to implement their cultural policy. Under such an arrangement the State does not interfere in the allocation of the resources, and the arts council is responsible for ensuring that politicians and civil servants are kept at a distance from the direct distribution of funds, in order to protect creative individuals against political pressure or censorship.

531. The State should give attention to the increasing volume of private and corporate sponsorship and patronage in Kazakhstan, which for the moment is facilitating local activities or supporting individual talented artists and performers, including young ones.

532. A number of joint projects were carried out in 2006, and meetings were held with heads of international organizations accredited in Kazakhstan.

533. The Ministry of Culture and Information, in conjunction with Ms. Yuriko Shoji, coordinator of the United Nations system in Kazakhstan and resident representative of UNDP in Kazakhstan, formulated a strategy for cooperation with UNDP.

534. A website ("National information resource centre") was set up with UNDP assistance, together with an electronic guide "Non-governmental organizations of the Republic of Kazakhstan" and a listing of the panel of voluntary experts attached to the Majilis.

535. In addition, in 2006 the representative of UNDP was included in the expert commission on open tendering for State contracts for services required for implementation of socially important NGO projects.

536. Ms. Yuriko Shoji, United Nations coordinator and resident representative of UNDP, and Ambassador Ivar Vikki, head of the OSCE centre in Almaty, gave a positive reception to the national report on the development of NGOs and expressed appreciation of Kazakhstan's valuable contribution to the development of civil society.

537. In March 2006 the Ministry of Culture and Information, in conjunction with representatives of the Eurasia Foundation, held a round table on the development of handicrafts in Kazakhstan and identified areas for cooperation to this end.

538. At a meeting in June the Deputy Minister for Culture and Information and Mr. Batsuren Eenzhin, programme officer of the United Nations Volunteers in Kazakhstan, discussed the possibilities of collaboration with the United Nations Volunteers. The Ministry prepared and sent to the United Nations Volunteers criteria for the selection of volunteers wishing to work in State agencies.

539. In April 2006, under an agreement concluded earlier on cooperation with the Peace Corps in Kazakhstan, the Ministry of Culture and Information participated in the presentation of NGO social projects.

540. At a meeting in November between the Deputy Minister for Culture and Information, E. Babakumarova, and the programme coordinator of Counterpart International, the Ministry stated its readiness to collaborate with that organization under a scheduled programme entitled “Social dialogue” aimed at fostering a social dialogue and informing people about civil society issues. Representatives of international organizations (UNDP, the Eurasia Foundation, the Peace Corps, Counterpart International) took an active part in a national conference on “State social procurement by competitive tender: from concept to delivery”, convened by the Ministry in October 2006, and shared their experience of funding NGO projects.

541. In March 2007 the Ministry held a Social ideas and projects fair under the title “An active civil society means a strong Kazakhstan”, in which the International Centre for Not-for-Profit Law, the Eurasia Foundation and other international NGOs took a vigorous part.

542. The Ministry’s position on cooperation with foreign and international NGOs remains unchanged. The chief feature of such cooperation is a constructive dialogue aimed at promoting civic initiatives, fostering the exercise of human rights and the rights of citizens, and developing the institutions of civil society in accordance with the Policy Outline on civil society in the Republic of Kazakhstan in the period 2006-2011.

543. The Ministry was planning to hold a national round table in 2007, jointly with UNDP, on the promotion of civic initiatives by the people.

544. Article 3 of the Science Act of 9 July 2001 specifies the following principles as fundamental to State policies for science:

(a) The integration of science, scientific and technological industrial developments, and education;

(b) The development of international cooperation on science and science and technology;

(c) The freedom to disseminate scientific and technological information and to publicize scientific and technological achievements.

545. The Republic of Kazakhstan, as a member of the World Intellectual Property Organization (WIPO), acknowledges and guarantees in its Constitution respect for the intellectual property rights both of Kazakh nationals and of foreigners and stateless persons. This is stated clearly in article 20 of the Constitution, which guarantees the freedoms of expression and creative activity.

546. Kazakhstan has enacted laws to regulate the protection of intellectual property rights which establish criminal, administrative and civil liability for violating these rights. In 2005 liability in respect of crimes and other offences against intellectual property rights was increased with a view to reducing the level of piracy and improve law-enforcement practices (Intellectual Property Rights (Amendments and Additions to Legislation) Act of 22 November 2005).

547. In the case of copyright, Kazakhstan has acceded to the Berlin Convention for the Protection of Literary and Artistic Works and the Convention for the Protection of Producers of

Phonograms Against Unauthorized Duplication of Their Phonograms. It also acceded to the other WIPO-administered treaties protecting copyrights and the rights of performers and of producers of phonograms on the World Wide Web.

548. In accordance with the Declaration of the Republic of Kazakhstan on International Treaties for the Protection of Industrial Property of 5 February 1993, Kazakhstan has become a fully fledged party to several of the core treaties, agreements and conventions administered by WIPO, including:

- (a) The Paris Convention for the Protection of Industrial Property of 20 March 1883;
- (b) The Madrid Agreement concerning the International Registration of Marks of 14 April 1891;
- (c) The Patent Cooperation Treaty of 19 June 1970 (Washington).

549. With a view to establishing an effective programme of action for the protection, management and acceptance of intellectual property, on 23 December 2005 the Government adopted Decision No. 1243 approving the Programme for the Development of the Patents System 2007-2011.

550. The strategy for patents includes core policies for the modernization of the national patents system to render it more efficient by ensuring prompt examination of patent applications, the reliability of the patent documents which are issued, and the reactivation of the country's patents and licensing system, including the production of a set of measures for achieving this goal.

551. The planned measures include the creation of the conditions for improving the integration of the national patents system in the international patents machinery and the provision of State support for innovations.

552. The needs of modernizing and diversifying the economy, reinforcing the innovatory processes taking place in Kazakhstan, and boosting the sales of Kazakh products prompted the adoption of the Intellectual Property Rights (Amendments and Additions to Legislation) Act of 2 March 2007. With the adoption of this Act a new type of patent-protection document was introduced - an innovatory patent: the receipt of a document issued under the verification system - a patent of the Republic of Kazakhstan - became a single-stage procedure not subject to the issuance of any kind of preliminary patent document under the reporting system; and the time limits for the receipt of the findings of the patent body were reduced. It is now possible for new industrial developments to be introduced quickly and efficiently.

553. Work was to continue in 2007 on the further improvement of legislation: specifically, action on a proposal by the countries members of the World Trade Organization that Kazakhstan's legislation should be brought into line with the provisions of the Treaty on Trade-Related Aspects of Intellectual Property (TRIPS).

554. The Republic of Kazakhstan reconfirms its commitment to comply with the provisions of the International Covenant on Economic, Social and Cultural Rights.