

CRPD	Ratification Date	Care-Related Concluding Observations
	21 April 2015	
		Country Report
CRC	Ratification Date	Care-Related Concluding Observations
	12 August 1994	<p>CRC/C/KAZ/CO/4 30 October 2015</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKAZ%2fCO%2f4&Lang=en</p> <p>III. Main areas of concern and recommendations</p> <p>B. General principles (arts. 2, 3, 6 and 12) Non-discrimination</p> <p>20. While noting the numerous legislative acts that prohibit discrimination against children in vulnerable situations, the Committee is concerned that the implementation of such acts is insufficient and discrimination against children with disabilities, children in rural areas, children residing in areas of environmental disasters, non-citizen children and children from poor families persists, especially with regard to their access to education and health care. It also regrets that the State party's legislation does not contain a definition of "discrimination" as prescribed in the Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>21. The Committee recommends that the State party take all measures necessary to implement its legislative acts that prohibit discrimination and to combat any forms of discrimination against children in</p>

	<p>marginalized and disadvantaged situations, and ensure that such children have equal access to quality education and health care. It also recommends that the State party adopt a definition of “discrimination” that is in accordance with international standards.</p> <p>Best interests of the child</p> <p>22. While noting that the principle of the best interests of the child is incorporated into the State party’s legislation, including the Constitution, the Committee is concerned about the lack of proper understanding and practical application of the best interests of the child in deciding all matters concerning children, in accordance with article 3 of the Convention.</p> <p>23. In the light of its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons with authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration.</p> <p>C. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)</p> <p>Torture and other cruel or degrading treatment or punishment</p> <p>26. The Committee is concerned about the reports that incidents of torture and ill- treatment of children in police custody and care institutions still occur.</p> <p>27. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to launch prompt and effective investigations into all reports of torture and other cruel or degrading treatment or punishment, in particular in police custody and care institutions. The Committee recommends that the State party take all measures necessary to</p>
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	<p>prosecute and punish the perpetrators and provide victims of such violations with appropriate physical and psychological rehabilitation.</p> <p>Corporal punishment</p> <p>28. While noting some positive legislative changes, the Committee remains concerned that the State party's legislation fails to explicitly prohibit corporal punishment, however light, in the home, care institutions and day-care facilities. It is also concerned about violent disciplinary measures applied in families, schools and care institutions.</p> <p>29. In the light of its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee urges the State party to take immediate measures to explicitly prohibit corporal punishment in all its forms in the home, care institutions and day-care facilities and ensure that those who violate the law are held accountable. The Committee also recommends that the State party take measures to foster positive, non-violent and participatory forms of child-rearing and discipline among parents, teachers, staff of care institutions and day-care facilities and other professionals working with and for children.</p> <p>Abuse and neglect</p> <p>30. The Committee is seriously concerned about the reports that physical, verbal and psychological violence by staff is commonplace in care institutions and institutions for children with disabilities. ...</p> <p>31. In the light of its general comment No. 13, the Committee recommends that the State party introduce mechanisms, especially in care institutions, institutions for children with disabilities and schools, to enable children to report any form of violence by the staff in a confidential manner and that an immediate investigation is opened into all such cases reported. ...</p> <p>D. Family environment and alternative care (arts. 5, 9-11, 18 (1 and 2), 20- 21, 25 and 27 (4))</p> <p>Children deprived of a family environment</p>
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	<p>36. While noting the efforts by the State party to introduce other types of alternative care for children deprived of a family environment, the Committee remains concerned that a significant number of children without parental care, namely 29 per cent, remain in institutions. The Committee is also concerned that care institutions fail to prepare older children for a life outside institutions and very limited support is provided by the State to children who leave institutions.</p> <p>37. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:</p> <ul style="list-style-type: none">(a) Continue to support and facilitate family-based care for children wherever possible and establish an effective system of foster care for children with a view to further reducing the institutionalization of children;(b) Ensure adequate safeguards and clear criteria, based on the needs and the best interests of the child, for determining whether a child should be placed in alternative care;(c) Provide children who are about to leave institutions with sufficient support and ensure that they obtain the knowledge and skills necessary to live independently and are provided with an adequate standard of living. <p>Adoption</p> <p>38. The Committee notes that the State party has launched investigations into cases of the sale of children in connection with intercountry adoptions. However, it is seriously concerned that children who were put up for intercountry adoption are still missing from the State party's database. The Committee is also concerned that the State party's legislation provides for adoption secrecy, which prevents children from receiving information about their origins.</p> <p>39. The Committee urges the State party to strengthen its investigation into cases of the sale of children and take all measures necessary to locate the children who were placed for intercountry adoption and provide them with the protection necessary. The Committee also urges the State party to amend its legislation to comply with the Hague Convention on Protection of Children and Cooperation in respect of</p>
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		<p>Intercountry Adoption and lift the secrecy of adoption.</p> <p>G. Special protection measures (arts. 22, 30, 32-33, 35-36, 37 (b)-(d) and 38-40)</p> <p>Asylum-seeking and refugee children</p> <p>54. While welcoming the adoption of the Refugee Act in 2009, the Committee is concerned that:</p> <ul style="list-style-type: none">(a) Several by-laws and regulations by the State party contain inconsistencies with the Refugee Act of 2009 and international standards established in the 1951 Convention on the Status of Refugees;(b) The special needs and rights of children are not reflected in the State party's asylum procedures and there is no law or regulation addressing the treatment of unaccompanied and separated children;(c) The State party's legislation lacks special protection measures (the non- refoulement principle) for children who cannot return to their countries of origin owing to armed conflict or generalized violence;(d) Despite some positive efforts by the State party, repatriate, refugee, asylum- seeking and stateless children still face barriers in enjoying the full range of rights, including free health care and education. <p>55. In the light of its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party take all measures necessary to:</p> <ul style="list-style-type: none">(a) Address inconsistencies in all of its national legislation, including by-laws and regulations, in order to comply with international standards under the 1951 Convention on the Status of Refugees;(b) Ensure that refugee status determination is conducted in a child- sensitive manner with regard to both procedural and substantive aspects and that the best interests of the child are taken into
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		<p>account as a primary consideration in all its decisions;</p> <p>(c) Introduce a special protection status (the non-refoulement principle) for children who are not formally recognized as refugees, but are nonetheless unable to return to a country where there are substantial grounds to believe that there is a real risk of irreparable harm to the child;</p> <p>(d) Amend its legislation to allow all children irrespective of the status of their parents to have access to free education and medical services, among other services.</p>
		Country Report
		<p>CRC/C/KAZ/4 14 January 2014</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fKAZ%2f4&Lang=en</p>
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	24 August 2001	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	10 April 2003	
ICCPR	Ratification Date	Care-Related Concluding Observations
	24 January 2006	
ICESCR	Ratification Date	Care-Related Concluding Observations

	24 January 2006	
CEDAW	Accession Date	Care-Related Concluding Observations
	26 August 1998	
UPR	Date of Consideration	Link to Page
	12 February 2010	http://www.ohchr.org/EN/HRBodies/UPR/PAGES/KZSession7.aspx
Hague Intercountry Adoption	Accession Date	Link to Country Profile
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Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review