

**Universal Periodic Review (34th session, October-November 2019)
Contribution of UNESCO**

**Kazakhstan
(Right to Education)**

I. Background and framework

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State Party (15/04/2016)	Reservation to this Convention shall not be permitted		Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage (1972)</i>	29/04/1994 Acceptance			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage (2003)</i>	28/12/2011 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)</i>	Not ratified			Right to take part in cultural life

II. Promotion and protection of human rights on the ground

A. Education

1. The **Constitution of 1995 as amended in 2011**¹ provides for the **main components** of the right to education. **Article 30** provides that "1. The citizens shall be guaranteed free secondary education in state educational establishments. Secondary education shall be obligatory. 2. A citizen shall have the right to receive on a competitive basis a higher education in a state higher educational establishment. 3. The citizens shall have the right to pay and receive an education in private educational establishments on the basis and terms established by law. 4. The state shall set uniform compulsory standards in education. The activity of any educational establishment must comply with these standards." **Article 14** enshrines **the principle of non-discrimination**.

2. The **Law on Education adopted in 1999 and amended on 27 July 2007** and the **Law on Higher Education of 1993** provides Kazakhstan's main laws on education. They determine the State educational policy, the objectives and principles of education, the administrative structure and the system of private schools.² **Article 8** sets forth State guarantees in the sphere of education. Citizens of Kazakhstan receive free preschool, primary, basic secondary and general secondary education. One-year pre-primary education for children ages 5+/6+ became free and compulsory in 1999 through **Resolution No. 1762 on the Issues of Children's Compulsory Pre-primary Preparation**.³

B. Freedom of opinion and expression

Constitutional and Legislative Framework:

3. Freedom of speech is guaranteed under Article 20 of the Constitution of Kazakhstan (1995).⁴

4. In 2014, Kazakhstan adopted a new Criminal Code. This code, as with the previous one, contains provisions on criminal responsibility for defamation and insult. Slander contained in a public speech or in a publicly demonstrated production or mass-media shall be punishable by a fine, community service or restriction of liberty for a term of up to two years.⁵

5. In 2017 a number of amendments to media legislation were passed by the Parliament.⁶ Law No 128-VI requires journalists to obtain consent from an individual and (or) legal entity or their representatives to publicise personal, family, medical, banking, commercial and other secrets protected by law in the mass media.⁷

6. The Law on Access to Information was adopted in 2015.⁸

¹ https://www.constituteproject.org/constitution/Kazakhstan_2011.pdf?lang=en

² Mission to Kazakhstan, Report of the Special Rapporteur on the right to education, Kishore Singh, 2012, p. 5.

³ World Data on Education, IBE, 7th Edition, 2010-2011, p. 3.

⁴ http://www.wipo.int/wipolex/en/text.jsp?file_id=256278

⁵ <http://adilet.zan.kz/eng/docs/K970000167>

⁶ <http://adilet.zan.kz/rus/docs/Z1700000128>

⁷ <http://adilet.zan.kz/rus/docs/Z1700000128>

⁸ <http://adilet.zan.kz/eng/docs/Z1500000401>

Implementation of legislation:

7. The Ministry of Information and Communication of the Republic of Kazakhstan regulates broadcasting sector in the country.⁹ It operates under the law Provision on Ministry of Information and Communication of 2016 № 353.¹⁰

Safety of Journalists:

8. Since 2008 UNESCO recorded the killing of one journalist in Kazakhstan. Kazakhstan informed UNESCO in 2011 that the perpetrator had been convicted.¹¹

III. Review and specific recommendations

A. Education

9. Recommendations addressed to Kazakhstan during the previous UPR cycle included improving girls' education, addressing the issue of child marriage and increasing their access to sexual health education, ensuring equal access to education for vulnerable groups such as migrant and refugee children and children with disabilities.

Policy framework

- The national strategic plan for the development of education is detailed in the **State Programme of Education Development in the Republic of Kazakhstan for 2011–2020**.¹²

Access to education

- Access to primary and secondary education is **almost universal**. The proportion of school-age children not enrolled in secondary education is less than 1%.¹³
- While primary and secondary education are free, households spend a lot on other levels of education.¹⁴
- Pre-primary education enrollment rate has overall improved since 2012, despite a decrease in the past two years.¹⁵

⁹ <http://mic.gov.kz/en>

¹⁰ http://mic.gov.kz/sites/default/files/pages/polozhenie_mik_rus.rus_.docx

¹¹ <https://en.unesco.org/themes/safety-journalists/observatory/country/223746>

¹² State Programme of Education Development in the Republic of Kazakhstan for 2011–2020

http://planipolis.iiep.unesco.org/sites/planipolis/files/ressources/kazakhstan_state_program-of-education-development-in-the-republic-of-kazakhstan_2011-2020.pdf

¹³ Fifth periodic report submitted by Kazakhstan under article 18 of the Convention, due in 2018, Committee on the Elimination of Discrimination against Women, 11 July 2018, CEDAW/C/KAZ/5, para. 98.

¹⁴ UNESCO/ Global Education Monitoring Report (GEM) 2017/8. *Accountability in education: meeting our commitments*, p. 288.

¹⁵ Information provided by UNESCO Almaty office.

- Despite attempts to increase scholarships for vocational and higher education, the enrollment rate at tertiary education level has been stable during 2012-2018.¹⁶
- During 2018, the share of youth aged 15-28 not in education, employment or training (NEET) has been slightly increasing, mostly due to a lack of social and economic opportunities, career guidance and opportunities to develop relevant skills in line with the needs of the labour market.¹⁷
- **Areas of inequity exist**, especially between rural areas and main urban centers.¹⁸

Teachers

- Kazakhstan has stepped forward in supporting teachers. In 2018, the Government started public discussions of the new law on the status of teachers.¹⁹

Non-discrimination

- **Legislative instruments prohibiting discrimination** against children in vulnerable situations are **poorly implemented**. National legislation does not contain a definition of “discrimination” as prescribed in the Convention on the Elimination of all Forms of Discrimination.²⁰
- Stigma and discrimination against people living with HIV and key population groups is a big issue. Kazakhstan has one of the highest rates in STIs, including HIV.²¹

Inclusive education

- Efforts were made towards reinforcing inclusive education such as the ratification of the Convention on the Rights of Persons with Disabilities in 2015. The situation regarding inclusive education however remains unclear due to a lack of data.
- Measures to improve the quality of life of children with disabilities are included in the State Programme of **Education Development in the Republic of Kazakhstan for 2011–2020**, the **social development framework for the period up to 2030** and other laws and regulations.²²
- Kazakhstan expects the proportion of schools offering inclusive education to reach 70% by 2020 and 100% by 2030.²³
- Concerns were raised over persistent challenges related to the lack of pedagogical and psychological assistance provided in schools to implement inclusive education and the exclusion of large numbers of children with disabilities from mainstream education.²⁴

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ GEM 2017/8, op cit, p. 288.

¹⁹ Information provided by UNESCO Almaty office.

²⁰ Concluding observations on the fourth periodic report of Kazakhstan, Committee on the Rights of the Child, 30 October 2015, CRC/C/KAZ/CO/4, para. 20.

²¹ Information provided by UNESCO Almaty office.

²² Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, Committee on Economic, Social and Cultural Rights, 13 September 2017, E/C.12/KAZ/2, para. 116.

²³ Ibid, para. 117.

²⁴ Concluding observations on the fourth periodic report of Kazakhstan, op cit., para. 40.

Gender equality

- Girls made up **more than 50% of pupils** in general education schools.²⁵
- Kazakhstan signed the Bologna Declaration on the European Higher Education Area and reported that women account for 36% of professors, 19% of staff in senior positions in higher education, and 57.3% of university graduates.²⁶
- Kazakhstan does not have comprehensive sexuality education that mainstreams healthy lifestyles among young people. There is a high rate of unintended pregnancies, including among adolescents, and high abortion rates (1 in 6 pregnancy ends in abortion).²⁷
- In terms of **harmful practices**, ‘the legal age for marriage for men and women is 18 years, and 16 years in exceptional cases. **Forced marriage and early marriage** are considered crimes.’ Cases of early and forced marriage are occasionally found in southern regions. A **legislative mechanism** provides for penalties for people who have condoned violence and abuse against girls.²⁸

Refugees, stateless persons, migrants

- Concerns were expressed over the fact that schools do not accept the children of asylum seekers, refugees or migrant workers who do not possess valid registration or documents.²⁹ Despite positive efforts, repatriate, refugee, asylum seeking and stateless children still face barriers in the enjoyment of their right to education.³⁰

Specific recommendations:

10. Kazakhstan should be encouraged to:
 1. Continue efforts to improve access to education for all and develop appropriate measures to reduce the costs of levels of education other than primary and secondary levels.
 2. Eliminate disparities in accessing education, notably between urban and rural areas.
 3. Consider UNESCO’s Recommendation concerning the Status of Teachers in the discussions initiated regarding the development of a new law on the status of teachers.
 4. Effectively implement normative instruments that prohibit discrimination and review national legislation by developing a definition of discrimination in line with international standards.
 5. Promote data collection on inclusive education and promote inclusive education.

²⁵ Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights, op cit., para. 187.

²⁶ Fifth periodic report submitted by Kazakhstan under article 18 of the Convention, op cit., para. 21.

²⁷ Ibid.

²⁸ Fifth periodic report submitted by Kazakhstan under article 18 of the Convention, op cit., para. 82.

²⁹ Concluding observations on the fourth periodic report of Kazakhstan, op cit., para. 52.

³⁰ Ibid, para. 54.

6. Ensure girls' access to education, including by guaranteeing the elimination of forced and early marriage in areas of the country where this practice persists. Kazakhstan should also be encouraged to ensure that women equally occupy high-level positions in higher education.
7. Ensure that children of asylum seekers, refugees and migrant workers enjoy their right to education, including by reviewing requirements to present valid registration or documents to access education in cases in which it is impossible to do so and by ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.
8. Increase efforts to integrate human rights education and comprehensive sexuality education into national curricula.
9. Continue its efforts to submit regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments, notably on the Convention against discrimination in education.
10. Share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education.³¹

B. Freedom of opinion and expression

11. The Government is recommended to decriminalize defamation and place it within a civil code in accordance with international standards.
12. The Government is encouraged to assess if laws regulating information regarding the private life of citizens are in line with the provisions of necessity and proportionality under the International Covenant on Civil and Political Rights.
13. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

C. Cultural rights

14. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)³² and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)³³, Kazakhstan is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Kazakhstan is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and

³¹ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

³² Periodic Report available at: <http://whc.unesco.org/document/116967>

³³ Periodic Report available at: <https://ich.unesco.org/en/state/kazakhstan-KZ?info=periodic-reporting>

peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

15. Kazakhstan is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

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

16. **Kazakhstan** did not submit its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore **Kazakhstan** is encouraged to report to UNESCO in future on the implementation of the newly adopted Recommendation on Science and Scientific Researchers (2017), which supersedes the 1974 Recommendation, on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as the scientists' rights of autonomy, freedom of research, expression and publication.