Dear Ladies and Gentlemen,

Let me express my gratitude to the Central Asian governments and particularly the Government of Tajikistan and the United Nations Children's Fund (UNICEF) for organizing this event and the opportunity to share experiences in the field of protection of the rights of children with disabilities.

The issue of the rights of children with disabilities is one of the priorities of the Human Rights Commissioner in Kazakhstan in terms of rights protection, monitoring and promotion of international standards.

I would like to emphasize that the Office of the Commissioner for human rights adheres to the provision of the Convention on the rights of persons with disabilities, which provides that States Parties shall, where the immediate family is unable to care for a child with disabilities, undertake every effort to provide alternative care within the wider family, and failing that, within the community in a family setting.

Therefore, one of the priorities for the development of the child protection system, in our opinion, should be further development of inclusive society while placement of children with disabilities in residential institutions should be a measure of last resort.

Complaints

The human rights commissioner annually receives complaints on violations of children's rights. Overall 106 complaints were received in 2011, 94 – in 2012, and 40 complaints received in the first half of 2013. The majority are related to education, domestic violence, social issues, and collection of child support payments (alimony).

In addition, there are many appeals concerning violation of the rights of children with disabilities, namely, the denial of assessment of child's disability or disagreement with the assigned disability group, issues regarding education, housing issues, action or inaction of doctors that resulted in disability and other problems.
Monitoring of implementation of child rights in institutions

The Ombudsman’s Office in Kazakhstan systematically carries out monitoring of implementation of the rights of children in institutions for children with disabilities: residential schools for children with hearing impairment, for children with visual impairment, psycho-neurological social care institutions, rehabilitation centers, and residential houses for children with disorders of the musculoskeletal system, specialized children’s homes and other. Let me stress that the purpose of monitoring is to support the institutions in improving the living conditions for children and promoting individual approach to every child.

The results of the monitoring of these institutions point out to the existence of a number of problems. For instance, the issue of shortage of modern textbooks and educational programs for children with disabilities is persistent, in particular this is true for the deaf children, children with visual impairment, as well as there is a need in the development of textbooks and manuals in the state language; provision of these institutions with education experts for deaf and dumb children and children with visual impairment. Another issue that requires solution is the lack of developed infrastructure, including ramps, wide elevators for enabling free movement.

Access to education is also an important issue. In 2012 out of 149,043 children with disabilities only 23% of children of school age and 24% of children of preschool age were covered by special education, 8% of children were home schooled. In this regard we believe that it is necessary to gradually move to inclusive education with provision of comfortable environment for all participants of the educational process in schools and higher educational institutions (universities) taking into account the readiness of the society and children with disabilities.

Violence against children

In 2011, under cooperation with UNICEF the Ombudsman’s office conducted a study on violence against children in state-run residential institutions. This study covered all types of residential institutions for children in Kazakhstan, including infant homes for children under three, orphanages as well as institutions for children with disabilities: children’s psycho-neurological medico-social institutions and special correctional educational institutions for children with disabilities. Taking into account the existing differences between the institutions, a multi-method research design was developed for data collection. Because the direct interviewing of children was not possible in the institutions for young children and for children with disabilities, other methods were used such as visual observation of children’s behavior and living conditions, plus interviewing the staff.
As a result, the findings revealed the existence of violence against children in almost all children’s institutions and the presence of serious flaws in the methods of work arrangement and upbringing of children. The study showed that children either are exposed to or witness various forms of violence: physical, psychological, harsh verbal abuse both from staff and children.

In addition, violence in all forms is present in the neuropsychiatric institutions among children at the level of 60%, and violence on the part of the staff at the level of 50%. Of particular concern is the result that shows that over 40% of employees in the residential institutions for children, despite a legislative ban, support the use of corporal punishment against children.

Based on these findings, we believe that it is necessary to hold awareness-rising and communication activities not only for the staff of the institutions, but within the community to change societal attitudes towards the use of violence.

Based on the results, recommendations for preventing and responding to violence were developed and presented at the high level and sent to the ministries of labor and social protection, education and health.

The following monitoring of children's institutions by the prosecutor’s office confirmed a number of problems identified by the earlier study of the Ombudsman's Office.

In 2013, the Ombudsman's Office undertook assessment of violence in schools, which showed that 20% of children with disabilities in schools were exposed to discrimination in the form of ill-treatment and mockery from their peers.

Thus, lessons learned from the conducted studies can be summarized as follows. First, violence does take place in children’s institutions. Second, in order to eradicate violence it is necessary: at the legislative level to prohibit all forms of violence against children in residential institutions; to ensure mandatory reporting of incidents of violence against children, running away, and self-harm/suicide in these institutions; to regularly conduct awareness raising campaigns on prevention of violence. Third, there is a need to adopt a comprehensive inter-sectoral national plan on prevention and response to violence against children.

The studies have confirmed that administrative measures in the form of dismissals and reprimands against employees found guilty were not the solution to the problem and that the family forms of care for children is the best way to protect their rights and interests.

Further steps

The national human rights institution takes all possible measures in the field of protection of rights and further improvement of the lives of people with disabilities. In
In this context, it should be noted that the Ombudsman approached the Government of Kazakhstan with specific proposals on the participation of people with disabilities in the social and political life of the country, ensuring their access to the public service and their maximum integration into society. We believe that these recommendations will initiate the multiplicative effect on integration of persons with disabilities into society from younger age, including children.

In addition, within the framework of an international initiative a draft Strategy of national human rights institutions in Central Asia in the field of protection and promotion of the rights of persons with disabilities is being developed. This strategy pays particular attention to the work of national human rights institutions in Central Asia in the field of protection and promotion of the rights of persons with disabilities.

To date, the Ombudsman's Office continues to collaborate with UNICEF on the development of model programs for prevention of violence against children in schools. At the request of local executive bodies, the residential institutions have also been included in the list of the pilot institutions due to the fact that prior to the transformation of residential institutions it is necessary to work on prevention of violence against children currently residing therein. A special methodology is being developed for these institutions as they represent the closed type institutions.

In July this year, the President of Kazakhstan signed the law on the establishment of a national preventive mechanism. This mechanism will allow representatives of civil society to conduct independent monitoring of custodial institutions, which also include children's institutions, with the goal to prevent torture and other cruel and degrading forms of treatment.

The Ombudsman’s Office and UNICEF, with the support of PRI, are currently improving the system of independent monitoring system of children’s institutions by nongovernmental organizations.

Monitoring of specialized children's institutions should take into account the particularities of children who stay in these institutions. In this regard, based on the consultations with NGOs it was decided to supplement the monitoring tools by sections on psychology of children with various forms of disability.

The Office is also working to increase direct access of children to the Ombudsman’s complaints mechanism.

We believe that under the second phase of the 2012-2018 Plan of activities to ensure the rights of and improve the quality of life of persons with disabilities in Kazakhstan the rights of children, including the issue of inclusion, non-discrimination and prevention of violence should become one of the key components.
Dear Forum participants!

Taking into account the continuous globalization, expansion of transnational companies, increased migration, including in the Central Asian region, human rights issues, including children’s, unfortunately occur. In this regard, we propose to strengthen the exchange of information among the national human rights institutions in Central Asian countries on monitoring children’s institutions, legislation, as well as development of joint activities in this field.

Thank you for your attention.