

Violence Against Children in KAZAKHSTAN

Relevant extracts from an NGO alternative report presented to the UN Committee on the Rights of the Child

CRC Session 33, 19 May - 6 June 2003

Kazakhstan NGO Working Group on Child Rights Protection – Russian
www.crin.org/docs/resources/treaties/crc.33/Kazakhstan_ngo_report.doc

[...]

In the orphanages the personnel uses such punishments as forbidding entertaining activities (TV and dances), sending the child to bed early, putting him in the corner, making him wash the restrooms (sometimes restrooms are located outside the building). Child can be humiliated in front of other children. Sometimes children are slapped; made to squat for a long time, beaten (schools N 81, 46, 18, 39 in Almaty). There were cases when child was left without lunch, dinner or supper (information from the NGO monitoring report «Equal to equal» based on research in Karaganda region). According to the results of the research conducted by the Center for Conflict Resolution in the Kokpekty orphanage in East Kazakhstan from 20 to 30 children run away almost every month.

[...]

Child labour is used in Kazakhstan. Under the law, children can work when they turn 14. However, at the Almaty market located at the Stankevich street, according to its manager, children instead of going to school are trading goods and perform manual labour. Everyday from early morning till late at night children well below 14 sell newspapers, deliver food, etc.

[...]

Commentary to the point 159 (also see Commentary to the points 232-234 and point 399)

Tortures and cruel treatment are officially prohibited in Kazakhstan. Nevertheless, in practice torture, as defined by the international law, is widely applied by towards both children and adults.

According to victims, police officers sometimes beat juveniles up in order to obtain confession trying to make the child to take a blame for a crime he did not commit. Torturers try to hit the victim in such a way that no traces will remain – head and kidney area.

Family and education law does not contain such notions as “corporal punishment”. There is no statistics. However, Kazakhstan International Bureau for Human Rights and Rule of Law has received information about the cases of physical abuse of children as a measure of punishment.

Cases of cruel on negligent treatment by the members of family of the child are numerous. Usually they become known only when serious damage is done. Only when disclosure occurs do the authorities intervene and the standard action is to deprive parents of parental rights and give custody of a child to his or her relatives or to place the child into an orphanage.

Commentary to the point 160 (see also Commentary to the points 232-234)

Violence against children continues to be a serious problem. According to the Ministry of Interior, about 2,000 cases of rape and attempted rape of girls are registered annually. Kazakhstani legislation provides for criminal responsibility for violent actions against children, including girls.

Unfortunately, the procedure of handling the rape cases itself traumatizes the victim almost the same way as the rape itself does. This is why, according to some experts, only about 10% of rape cases reach court.

[...]

According to the Commission on Juveniles, for the first 9 months of the year 2001 in Almaty authorities had applied extreme measure of revocation of parental rights in 85 cases. Number of street-children increases. Their separation from parents is the main reason for the growth of number of neglected children. More and more children have to take care of themselves and of their family. An increasing number of children do not have any housing through the fault of their parents.

There are no social services that would identify the vulnerable (violent-prone) families, provide them with social and crisis support in order to strengthen the family ties and prevent negligent treatment of the child. There are no procedures and mechanisms providing for the best interests of the child separated from his or her parents. Not all of the resources that could prevent placement of the child into the boarding institution such as an orphanage are used.

[...]

Minors that are left without proper care and are located at the territory of one of the CIS states outside of their place of residence shall be placed in the specialized reception center (in Kazakhstan such facilities are called Centers for Temporary Isolation, Adaptation and Rehabilitation of Minors). Activity of these Centers is not regulated by any legal norm, they are subordinated to the Ministry of Interior and their name points at “temporary isolation” goal of such center.

[...]

According to the official 2001 statistics quoted by UNICEF, there were 80,000 abandoned children in Kazakhstan. 64,000 of these children live in the orphanages and child’s homes. Every year thousands of children graduate orphanages and boarding schools. They are thrown into the adult life without the adequate preparation. Many of them might become unemployed, have no house, commit an offence. Vulnerability leads to crimes, prostitution, and suicide – those are common among graduates of these institutions.

The state pays 1800 tenge (\$12) for maintenance of one child in the orphanage. Graduates of orphanages, orphaned children are paid upon graduation in single installation an allowance of around 3000 tenge (\$20).

The situation is further aggravated by the fact that these children are almost isolated from the outside life and their contacts with the children from outside are limited. Usually the only way they can meet someone from outside is during the charity or sponsored activities. They have no opportunity to participate in the your organizations and associations as their access to the outside world is limited by the tough schedule imposed by the administration of the boarding institution. Citing the words of these children, “half of their life they are locked away”.

Graduates of orphanages and boarding institutions have a low training level and lack the skills necessary for successful job-hunting. It is much harder for them to get their life going, to continue their studies. The poll conducted among such graduated in Almaty in 2001-2002 demonstrated that only 35% of them managed to get into the University, only 20% found a job, 8% got married, just 30% had a place to live, 30% of girls already were single mothers.

[...]

Another serious problem is the issue of street-children. “At present time Kazakhstan has no structure that could deal with street-children and the only body that attempts to take certain steps is the police on minors that works within the Ministry of Interior structure. In the year 2000, 5,063 minors that committed an offence or were left without proper care were taken to the departments of interior. Only 612 of these minors were placed in the Center for Temporary Isolation. Nobody could tell us what happened to the rest of them”¹.

¹ From the project “Study of the status of children, that violated the law”, carried out by scientific supervisor Sarsenbaev and researchers Mureeva, Kazrasyuk, Zhetpispayev, Skakov and Daurenkhanova.

[...]

According to sociological research² “vast majority of experts believe that the level of violence against children had reached a critically high level. From 60 to 80% of children fall victims of violent actions of parents, adults, police officers and the stronger children of the same age. Violence is so wide-spread that it is totally out of control.

[...]

In the year 2001, the Kokshetau inspection on juveniles had registered 118 violent crimes against children. Comparing to the previous year a number of registered crimes in this city had increased threefold. According to the local experts, these numbers do not reflect the real situation”.

Last year in the same city 2,000 teenagers were taken to hospital diagnosed with various conditions. 600 out of this number were diagnosed with knife and cold weapons wounds. There is an increasing number of children that lead a daily life full of begging and stealing.

Majority of these children comes from the poor families, families in crisis situations or families with no father. According to a number of experts, in the families where parents drink heavily, children are often required to earn from 100 to 200 tenge a day to pay for the drinks. Of the child fails to give this amount to parents, he is either beaten or left without dinner. Children from these families frequently runaway and end-up in orphanages or children’s homes».

«According to the Taraz human rights activist, 5 students out of 20 in local schools were victims of violence. Among teenagers, every child at least once has been a victim or initiator of violence.

Recently doctors started using a term of “syndrome of cruel treatment”. What is meant by this term – is the trauma that the child received when being punished by parents. According to the pediatrician from Almaty, in the hospital where he works every year from 20 to 30 children are hospitalized with a diagnosis of cruel treatment, beaten up by their parents or stepparents, often by partners of their mothers. Out of 25,000 детей hospitalized with various injuries, 60% were injured on the street. About 700-800 children were injured as a result of car incidents.

Violent actions against children become crueler. Doctors say that more children are hospitalized with knife wounds, multiple injuries, concussions, malnutrition and with nervous breakdowns.

Absence of statistical information on the scale of violence against children is also a big problem. Out of 220 experts, that were surveyed in the different regions of Kazakhstan, only 5.4% has access to the official statistics on violence against children. The rest 94.6% have no access and only use the information based on personal observation, research and media articles»³.

«There are several types of violence against children. Domestic violence, street and child violence is the most widespread. Lately increasing number of children also become victims of arbitrary actions of police. Police officers use the most malicious methods: from blackmail and threats to planting the drugs on children, rape and murder.

Violent actions become more cruel: intimidation, insult, extortion, robbery, beatings, torture, rape and murder».⁴

«Degradation of living conditions and of quality of life lead to spread of domestic violence. Experts estimate that from 20-30% to 95% of families on Kazakhstan practice cruel treatment of children. 90 cases out of 100 never come to light.

² Violence against children in the Republic of Kazakhstan (February-March 2002). Sociological survey, conducted by the Association of Sociologists and Political Scientists (ASIP) for the regional UNICEF office in Central Asia

³ Violence against children in the Republic of Kazakhstan (February-March 2002). Sociological survey, conducted by the Association of Sociologists and Political Scientists (ASIP) for the regional UNICEF office in Central Asia

⁴ ibid.

Experts believe that children from families in crisis situations are likely to become victims of domestic violence. These children are repeatedly subjected to beatings, insults, humiliation and even torture. Often this leads to serious damage of health of the child. Doctors say that the increasing number of children is being diagnosed with the injuries resulting from domestic violence. Many of these children experience chronic pains, are depressed and need psychiatric treatment. There are cases of children mortality.

It is very rare that the child seeks medical assistance or comes on his own to the reception center. Majority of abused children runs away, lives in basements, sewer system facilities, at the railway stations. These children are much more likely to start using drugs and alcohol, to become victims of trafficking for sexual or labour purposes»⁵.

«Street present main danger to the life and health of children. Street violence typically includes intimidation, extortion, robbery, beatings, hooliganism, usage of cold steel and fire arms, rape and murder.

Street violence has no face. For the last few years, street violence became organized and controlled by groups, particularly in the southern (Taraz, Ksyt-Orda) and northern regions of the country (Kokshetau and Karaganda).

The survey revealed that the following groups of children are most likely to become victims of violence: children from poor families in crisis situations – 49.5%; families from low-income families where parents have a higher education – 28.7%; children from middle-income families – 9.9%; children of single parents – 9.9%; children from families with many children – 1%; independently of income or of social status – 1%. As a rule, these children are physically weak (50%); deprived of parental care (37.5%) and mentally retarded children (12.5%). According to experts, children of all ages from 0 to 18 years are at equally high risk to become a victim of violence.»⁶.

Results of sociological survey demonstrate that⁷: «33 children out of 100 report that they were victims of cruel treatment. According to survey's results, at least 3.3% of surveyed children are abused regularly; 16.3% - frequently; 66.6% - sometimes; 13.8% - never.

100% of homeless children are victims of violence. 70% of them are abused regularly, 30% - sometimes. 14% of children that live with their parents reported regular abuses, 70.3% - occasional cruel treatment. 26.7% of children that live with their relatives also reported regular abuse, 66.7% - occasional. 11.7% of children from the boarding-schools are regularly subjected to cruel treatment, 70.6% - sometimes. 28% of children in the children's home are regularly subjected to violence, 63.2% - sometimes. 27.8% of children in CTIARJ were regularly abused, 52.8% - sometimes.

When speaking of perpetrators of violence, children indicate:

1. Older and stronger children – 44.5%
2. Parents and relatives – 23.9%
3. Police officers – 9.6%
4. Teachers and educators – 9.6%
5. Youth gangs – 8.2%
6. Hooligans and criminals – 4.2%

It is alarming, that children speak about parents, relatives, police officers and teachers being perpetrators much more than they speak of criminals.

⁵ Violence against children in the Republic of Kazakhstan (February-March 2002). Sociological survey, conducted by the Association of Sociologists and Political Scientists (ASIP) for the regional UNICEF office in Central Asia

⁶ ibid.

⁷ ibid.

[...]

Hazing, violence and humiliation of younger children are a part of daily life in the children's institutions. Arbitrariness of the administration and the staff of such schools results in punishments without a reason, rude behavior, humiliation, beatings, forcing children to do strenuous work, sexual harassment. One of the respondents that participated in the poll told about the case when the teacher in children's home sexually abused a girl for 6 years (from when she was 8 till she reached 14 years of age). The victim also said, that after she filed a complaint with the administration of the children's home «no measures were taken to punish the teacher».

[...]

Various forms of punishment are widely used in Kazakhstani schools. They include corporal and other types of degrading punishment. Humiliation, verbal abuse of the student in front of the class is widespread.

For example, in one of the Almaty schools a teacher read a personal letter of a girl in front of the whole class. Consequently, the girl suffered nervous breakdown.

[...]

In some cases, school's administration abused its powers. For example, in Almaty during the academic year refugee children were expelled from school for the period from 1 to 2 months. Among these children there were mainly Afghan and Chechen children that do not have a permanent place of residence and have no opportunity to register officially. In Atbasar city (Akmola region) some Chechen children were refused admission due to overcrowding of classes.

[...]

Often it takes a lot of time for a court to take a decision. During this period, the refugee and his family are going through the difficult state of uncertainty and fear for the future of his family and his children.

Refugee children trading at the market (in big cities) face many problems when they come across police officers. They are forced to give bribes and their rights are frequently violated.

Recently there were two cases when the child did not fit neither refugee nor internal migrant definition. For example, a girl from Sri-Lanka for almost two years is kept at the Center for Temporary Isolation and Adaptation of Minors.

[...]

It is important to emphasize that the document does not concern the custody of juveniles that committed criminal offences and are liable to criminal responsibility. On the contrary, the Rules provide for placement in CTIARJ of children that have not yet reached the age of criminal liability.

Moreover, the same document provides for actual custody of juveniles that committed administrative offences. The maximum penalty for such offences for adults is an administrative arrest for no longer than 15 days. Even if we suppose that in practice minors that committed administrative offences are not kept in CTIARJ for a total possible term, still there is a theoretical possibility that juveniles can spend there up to two months.

[...]

Kazakhstan is among countries with the highest level of imprisonment of juvenile offenders. At present time, in the country with total population of approximately 15 million people, the number of imprisoned juveniles exceeds one thousand.

[...]

We believe, that courts when sentencing a juvenile offender sometimes fail to observe the Article 80 of the Criminal Code, disregarding personal circumstances, level of mental development and other personal characteristics of the juvenile.

The absolute majority of juvenile offenders was unemployed and had no regular source of income. This prevented courts from imposing penalties or correction works.

The criminal-executive legislation provides for a possibility to administer community service as an alternative punishment. However, it is also not used because there are no facilities where juveniles could serve this sentence. Another punishment in form of restriction of freedom is also poorly regulated. Courts not only do not want to use alternative sanctions, but they are limited by the absence of necessary condition for execution of such sanctions.

[...]

Officially torture and other cruel, inhuman or degrading treatment and punishment are prohibited. In practice torture is widely used.

Police and Ministry of Interior staff frequently violate the provisions of Criminal-Procedural Code of Kazakhstan conducting the interrogation of juveniles in absence of lawyer or legal representatives, but in presence of the inspector from the juvenile inspections. The presence of these inspectors wearing military uniform usually results in intimidation of the child.

For example, in Karaganda region a juvenile was detained and taken around in police car for several hours. Then he was taken to CTIARJ and registered as a homeless person. The juvenile inspector was presented as his only legal representative.

The practical experience of Kazakhstan International Bureau for Human Rights and Rule of Law shows that juvenile suspects are often interrogated in absence of legal representatives, without a psychologist, school representative. Sometimes interrogations are conducted at night-time. Actions of investigators are more than simply incorrect.

Gross violations of child rights in Karaganda and Aktubinsk regions made the Karaganda branch of the Kazakhstan International Bureau for Human Rights (KIBHR) to issue the official statement.

According to this statement parents of the juvenile suspect addressed the Karaganda branch of KIBHR with the following complaint: «The body of G. Belyakov was found on 4 of July of 2000 in garage complex in Temirtau. The same day at 9PM juvenile Ruslan Derevyanko was detained on suspicion. Ten days later he was charged based on Part I of the Article 96 part 1 of the Criminal Code.

The day after his detention at 2AM police searched his house but did not find any evidence (belongings of the victim, blood stains and etc.) of guilt of Ruslan. Investigators choose not to interrogate witnesses that could testify the alibi of the suspect. Ruslan Derevyanko denied his guilt and refused to sign the confession statement. However, the Temirtau prosecutor chose arrest as a measure of restriction. From the very start of the investigation police repeatedly violated Criminal-Procedural Code despite the numerous complaints filed by the lawyer, defender and the legal representative of the accused juvenile.

This is an excerpt from the complaint filed by the defender and by the legal representative of Ruslan Derevyanko: «Ruslan was taken to a cell in front of the room of the officer on duty. After about an hour G. took him to the interrogator's office. There G. and S. made handcuffed Ruslan sit down on the chair and with S. standing on Ruslan's knees, G. started lifting suspect's hands, handcuffed behind his back. Then they started beating him again. Then Ruslan was taken to the toilet, handcuffs were hitched to the hook at the ceiling and the torturers beat him with the felt boot trying to hit kidneys. He was left hanging for about an hour. Then he was taken again to the office of Ish-v. Is-v was there together with several others. He tried to persuade Ruslan to confess, saying that later they will "change" the charges to self-defense. Ruslan was taken back to his cell and they told him that he has time to think until morning. An hour later he was taken back to Ish-v's office. The owner of the office together with two men once again demanded that Ruslan would confess, and when he refused they hit him on the head with a book and punched him on the chest...»

From the complaint received at the Aktobe branch of the KIBHR: «2 of April 2001, Yelena Reikhart and her 11-year old daughter Alina were murdered in their house.

2 days later police arrested Dima - the son of the murdered woman. The investigation relied on his confession that they extorted him to write the night following his detention. The juvenile suspect was interrogated at night-time. No legal representative of the interests of the child and no psychologist were present during the interrogation. Dima did not suffer any bodily harm, because due to psychological pressure he wrote a confession statement hardly understanding what he was doing. The boy that just faced the death of his mother and sister was told that "his father was looking for him in order to kill him..."

«On 24 of February 2000, 13-year old Roman Moskvitin did not come home in time. Looking for her son, his mother telephoned all of the hospitals and police stations of the city. Late at night she learned that Roman was taken to one of the police stations. Her son told his parents that police officers put him in police car and drove around the city for a long time. Then Roman was taken to a police station where he was beaten on the head and threatened with rape. The following night Roman was sick and delirious. He was taken to the hospital and diagnosed with concussion and head injuries. He spent nine days at the hospital. When his parents tried to instigate criminal proceedings against the police, they were told that «the facts were not confirmed».

[...]

There is a number of officially registered cases when parents or legal guardians treat the child cruelly. When judicial proceedings of deprivation of parental rights are instigated these persons are deprived of parental or guardian's rights.

However, there is a hidden practice of cruel treatment. Child is beaten at home, starved, left in cold house for several days without supervision and help. Sometimes Some of the practices include forcing a child to make living through prostitution, begging. Sometimes children are exploited at the crop plantations. Children themselves sometimes are accountable for cruel treatment, insults, humiliation and abuse of other children. There are cases of cruel treatment of children that were detained by police without sufficient legal grounds.

[...]

Authorities do not exercise adequate control over small business and entrepreneurs to ensure that they do not use child labour. Children often work at the small markets, at the inexpensive food places, at the small street points of sale, etc.

In the rural areas children often work in the field, or at the pastures.

Children are frequently required to heavy loads of housework, to work in the gardens, to nurse younger children. Child labour is not subject to working-hour limits, not paid. There are cases when children are exploited to harvest crops of plants that are later used to make drugs (South Kazakhstan and Almaty regions).

There is a widespread practice of exploiting the creativity of children. They are required to perform virtually for free while the earned money are taken by the "foundation of the creative group", by the school fund and etc.

[...]

Indifference of society towards the issue of the child prostitution made it easier to use sex services of young girls both for sex traders and adult clients. The society is rather tolerant to an adult man that pays about 50 tenge (0.3 USD) for sexual services of a minor girl. His actions are viewed as a standard.

There are cases when parents force their children to earn money by prostitution. In big cities, such as Almaty, child prostitution presents a big problem. Police takes money from prostitutes and their souteneurs in exchange for non-interference with their "business".

Cases of incest and sexual abuse of boys and girls by parents or relatives also become more common. There are cases when father sexually abuses his children and mother does not do anything about it

saying that the father is the only source of income for the family. If he would leave the family or would go to jail, the family will lose its income.

Majority of children (90%) do not protest domestic violence, accepting physical abuse as a method of upbringing. Children are afraid of their parents and do not know where to seek help in case of abuse.

[...]

There was no comprehensive research to study the problem of trafficking of children from and to Kazakhstan or through the territory of the country. Kazakhstan is a country of origin for trafficking of teenage girls to the UAE. For the period from 1998 to 2002 the city departments of interior and the military prosecutor's office had twice reported of interception of attempts to traffic 15-yearold girls. Traffickers were detained on several occasions at the border control points. A group of children from Kyrgyzstan were detained on transit through Kazakhstan.

[...]

Abduction of children presents a problem. Sometimes child is abducted by one of the parents after the divorce, particularly if domestic violence was cited as a reason for divorce. In such cases, bodies of guardianship, police and bailiffs prefer to stay out of "the domestic disputes". There is no procedure of monitoring and providing for safety of the child taken by the parent. The right of the child to live with his or her mother is violated and the safety of the child is questionable. The father prevents the meetings of the mother with the child and slanders his ex-wife telling the child that his mother has left him or her.

[...]