

## Report on Human Rights in Kazakhstan

### *An overview of Kazakhstan's international Human Rights commitments in the light of political and institutional reforms*

#### Contents

I.	Introduction & Scope of the Report .....	3
II.	Methodology .....	3
III.	Executive Summary .....	4
IV.	Kazakhstan's International Human Rights Commitments (Key Observations).....	6
V.	Kazakh Reforms of the Last 2 Years and the Human Rights Priority Action Plan.....	8
VI.	Kazakhstan's Human Rights Engagement .....	18
a.	UN Level.....	18
b.	OSCE .....	18
c.	EU-Kazakhstan Human Rights Dialogue .....	19
VII.	The UN Universal Periodic Review.....	20
a.	Overview & Procedure.....	20
b.	Past Universal Periodic Reviews for Kazakhstan .....	20
c.	The Most Recent Universal Periodic Review for Kazakhstan (Third Cycle).....	21
d.	Which of the Recommendations Made in the Third UPR Cycle Have Meanwhile been Addressed/ Resolved?.....	28
VIII.	Human Rights Stakeholders: The Importance of Fact-Based and Fact-Checked Human Rights Engagement.....	28
IX.	Conclusions.....	30
X.	Recommendations.....	30
XI.	ANNEX I: Inventory of Kazakhstan's International Human Rights Commitments .....	i
a.	The Universal Declaration of Human Rights.....	i
b.	Core International Human Rights Treaties (UN).....	ii
c.	Reports and Concluding Observations by the United Nations Treaty Bodies .....	vii
i.	Human Rights Committee / International Covenant on Civil and Political Rights (CCPR). ..	vii
ii.	Committee on Economic, Social and Cultural Rights / Economic and Social Council.....	xv
iii.	Committee on the Elimination of Discrimination against Women (CEDAW).....	xvii
d.	ILO – Ratifications for Kazakhstan .....	xix
e.	Council of Europe Conventions and Agreements.....	xxi

f.	OSCE .....	xxii
g.	Additional Relevant (Thematic) Treaties.....	xxiv
XII.	ANNEX II: The Decree on Further Human Rights Measures and the Priority Action Plan xxviii	
a.	Presidential Decree: On Further Human Rights Measures of the Republic of Kazakhstan.....	xxviii
b.	The Human Rights Priority Action Plan .....	xxix

## **I. Introduction & Scope of the Report**

Acquis EU Law & Policy – a firm providing legal and public policy services – was invited by the Ministry of Foreign Affairs of the Republic of Kazakhstan to produce an independent report on the state of play of Kazakhstan’s international Human Rights commitments. This fact-based report will provide a full overview of the latter commitments.

On the basis of these commitments, Kazakhstan also introduced a range of political and institutional reforms. For this report, these reforms are also addressed, since they are to be seen as a part of the continued efforts to implement the international obligations – and in some instances even go beyond the minimum standards required. The report will take stock of the reforms that were introduced since – and under - the Presidency of President Kassym-Jomart Tokayev in June 2019.

Also, non-governmental Human Rights organisations have considered the Human Rights situation in Kazakhstan, similar to such considerations relating to other countries. Civil society organisations can play an important role in furthering the interest of Human Rights implementation, in constructive partnership with the government and administration in any given country. These observations are taken into consideration as far as they are relevant for the scope of this report. In addition, the efforts of Kazakhstan to engage in a meaningful and constructive dialogue regarding Human Rights in general, will be addressed.

Finally, recommendations are formulated as far as they fit within the scope of this report.

The scope of this report is based on desk research of official documents, statements and other information (assessed and where possible verified). At a later stage, the report could be complemented by field visits or auditing of the implementation of commitments on the ground.

## **II. Methodology**

This report is based on a detailed review of the treaty obligations in the field of Human Rights that Kazakhstan entered into since its independence on 16 December 1991.

The review consequently includes an analysis of the most recent reports and the debates on these reports in the main United Nations (UN) Human Rights fora – the Human Rights Council and the Universal Periodic Review (UPR), as well as the treaty bodies established under the various UN Human Rights Conventions and Treaties.

For the purpose of this report, the analysis is mainly conducted on the basis of the official documents of the established (UN) Human Rights mechanisms, as well as the consideration of related topics in the context of the Organisation for Security and Co-operation in Europe (OSCE), and the International Committee of the Red Cross (ICRC).

In addition, an overview is presented of the political and institutional reforms that were introduced since President Tokayev took office in 2019. The information on the reforms was collected from the administration in Kazakhstan.

### **III. Executive Summary**

The research undertaken as part of this report, has shown that the Republic of Kazakhstan has signed and/or ratified a wide range of international treaties and agreements through which it has established a solid basis of Human Rights commitments. The commitments are wide-ranging and include the core Human Rights treaties under United Nations (UN), International Labour Organisation (ILO) and the International Committee of the Red Cross (ICRC) auspices, as well as treaties and international agreements negotiated and concluded under the auspices of other international organisations or conferences. The conclusion - after reviewing the catalogue of Human Rights treaties and other agreements Kazakhstan signed and ratified – is that Kazakhstan has signed up to all of the key international agreements in this respect. Just a few (some of them optional protocols) are left for consideration – including the Statute of the International Criminal Court.

On 23 September 2020, Kazakhstan signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. A major and very welcome development, highly appreciated by the international community.

In combination with the obligations Kazakhstan entered into, when we explore the ongoing political and judicial reforms in Kazakhstan, in particular those reforms introduced in the last two years – since the current President Tokayev took office - many of these reforms can be categorised as being part of the progressive implementation requirements under the treaties.

The reforms are – as mentioned in this report – wide-ranging and in the process of being implemented. It is understood that implementation requires time in order to demonstrate tangible results. In some domains, in particular when considering the hard-core civil and political rights, progressive implementation is not appropriate. Some rights need to be respected by all states and unconditionally. Classic examples in the International Covenant on Civil and Political Rights (ICCPR) are the right to life (art. 6 ICCPR) or the prevention of torture or cruel, inhuman or degrading treatment or punishment (art. 7 ICCPR). But other Human Rights provisions are of a more progressive nature – we see this in particular in the domain of the economic, social and cultural rights. The best example of the latter is the way in which these rights are formulated in the International Covenant on Economic, Social and Cultural Rights (ICECSR).

Not only the political and institutional reforms, also the acceptance of recommendations following the UN's Universal Periodic Review (UPR) as part of the UN Human Rights Council process, for change and further improvements of Human Rights implementation in Kazakhstan, is important to note and encouraging. During the last UPR (concluded in 2020), Kazakhstan supported 214 of the 245 recommendations and thus committed to conform to more than 87% of the recommendations received.

When measuring the overall Human Rights performance, the process and outcome of the UPR are most relevant. The quality of the UPR process, with the supreme Human Rights knowledge provided by the UN in Geneva, experience and a dialogue-based approach towards further improvements of Human Rights standards and their implementation, make this the most meaningful platform to debate and measure.

The UPR should be combined with the state party reports required under the various (UN) Human Rights treaties, and the evaluation of these reports by the individual treaty bodies. Kazakhstan provides their reports under these treaties on a timely basis, and engages – like in the UPR – with dedication in the process of consideration by the treaty bodies. Hereby, also recommendations for further improvements are issued.

The interim conclusion in this report is that the Republic of Kazakhstan has committed to all the applicable international Human Rights treaties, and additionally to a wide range of other (related) commitments of a more technical or subject-matter-related nature (from e.g. ILO Conventions and protocols to the Paris Agreement on Climate Change). Also, a significant package of political, institutional and legal reforms has been launched in the last two years by President Tokayev. Some of these reforms are already implemented, others are “work in progress”.

Kazakhstan is also actively participating in Human Rights dialogues (including the EU Human Rights Dialogue with the EU’s External Action Service) and platforms. This demonstrates a keen willingness to co-operate and engage internationally. Kazakhstan also receives positive comments and accolades for successfully maintaining a multi-confessional and multi-ethnic society. It therefore might not come as a surprise that the current OSCE High Commissioner on National Minorities – Ambassador KairatAbdrakhmanov – is of Kazakh nationality.

But at the end of the day, signing up to commitments is only one part of the Human Rights landscape. In addition, it is the level of implementation and compliance that matters in equal - and perhaps even in greater - terms than signing and ratifications of Human Rights instruments. In this context, the reforms currently underway in Kazakhstan are important to progress to the next level of Human Rights compliance.

At the international level (UPR and other treaty bodies), there is significant appreciation for the current state of play and steps that Kazakhstan is taking. At the same time, there are concerns expressed and recommendations for further steps and better implementation. It is understood that much of the proper implementation is “work in progress”, and that Kazakhstan has committed to nearly 90% of the UPR recommendations.

Nevertheless, there are recurring themes that require Kazakhstan’s consideration. Without going into detail – reference is made to the full content of this report - the recurring concerns include issues relating to, among others, respecting and protecting civil society: freedom of expression, freedom of association and assembly. And whereas Kazakhstan has signed and ratified many international treaties, it is also recommended to consider acceding to the Statute of the International Criminal Court and to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, to which Kazakhstan is not yet a party.

This assessment made as authors of this report coincides with the observations and recommendation of specialist Human Rights bodies such as UPR and treaty bodies, as well of the NGO community. Against the background of the reforms undertaken in Kazakhstan over the past years and the current reform ambitions pursued under Kazakh President Tokayev, continued gradual progress can be expected in the country in the years to come.

Finally, with regard to these significant reforms that Kazakhstan has announced and committed to in the last two years, and of which a large part is already implemented, it is recommended to produce a complete overview of these reforms, combined with concise information on what the individual reforms aim to achieve and the status of implementation per reform.

#### **IV. Kazakhstan's International Human Rights Commitments (Key Observations)**

Annex I to this report presents the inventory of the Human Rights Commitments that Kazakhstan has entered into. This includes a stock-taking exercise and assessment of the following commitments, the key findings of which are presented in the section below:

##### Core International Human Rights Treaties (UN)

Since the last Universal Periodic Review (UPR) of 2019, on 23 September 2020, Kazakhstan signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1991. This development was welcomed by the international community.

##### UN Human Rights Committee

The concluding observations of the Human Rights Committee on the second periodic report on Kazakhstan of August 2016 indicate that Kazakhstan continues to progressively implement reforms in line with the International Covenant on Civil and Political Rights (ICCPR). The important step taken by Kazakhstan in the ratification of the Convention on the Rights of Persons with Disabilities, on 21 April 2015, was welcomed by the Human Rights Committee. Other key reforms that were welcomed included the codification in the new Criminal and Criminal Procedure Codes that entered into force on 1 January 2015 of the obligation that allegations of torture or other ill-treatment be automatically registered and investigated as criminal offences; as well as the establishment of 19 juvenile courts in all regions and the decrease in the percentage of children in conflict with the law.

In its evaluation of Kazakhstan's follow-up actions to implement the recommendations in view of paragraphs 18 (accountability for human rights violations in connection with the Zhanaozen events), 24 (torture and ill-treatment), and 54 (freedom of association and participation in public life), the Committee reiterated its recommendations, asking Kazakhstan to provide more in-depth information on the relevant topics. In the context of the third periodic report on Kazakhstan under the ICCPR, Kazakhstan is now asked to provide these updates to demonstrate its continued delivery on its commitments under the Covenant in the pursuit of gradual reforms.

##### Committee on Economic, Social and Cultural Rights

The concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Kazakhstan of March 2019 indicate that Kazakhstan continues to progressively implement reforms in line with the International Covenant on Economic, Social and Cultural Rights (CESCR). The Committee has welcomed the legislative, institutional and policy measures taken by Kazakhstan to enhance the level of protection of economic, social and cultural rights in the country. In particular, the Committee expressed appreciation for the adoption of the Kazakhstan Family and Gender Policy Concept until 2030. The country is now asked to continue on its reform path. Key requests of the Committee include the ratification by Kazakhstan of the Optional

Protocol to the International Covenant on Economic, Social and Cultural Rights, and ensuring the full enjoyment of the rights enshrined in the Covenant in the implementation of the 2030 Agenda for Sustainable Development. Further reforms are therefore encouraged – and can be expected to be achieved by Kazakhstan – by the time of the submission of the third periodic report by 31 March 2024.

#### Committee on the Elimination of Discrimination against Women (CEDAW)

The concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) on the fifth periodic report of Kazakhstan indicates that Kazakhstan continues to progressively implement reforms to eliminate discrimination against women. The Committee welcomed substantial legislative reforms in this field, implemented as a follow-up to the previous Committee reports. At the same time, the Committee's concluding observations pointed out those fields that require further attention by the Kazakh leadership. In particular, Kazakhstan is encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This would be a significant step that should be considered. Kazakhstan is now asked to provide documentation of its steps to implement the Committee's recommendations. The country is invited to submit its sixth periodic report by November 2023.

#### International Labour Organization (ILO)

Kazakhstan has ratified 25 out of 189 ILO Conventions, notably the eight conventions identified by the ILO's Governing Body as "fundamental". As is common practice, Kazakhstan will undertake regular reviews with regard to which additional ILO conventions and protocols can be acceded to.

#### Council of Europe

Kazakhstan is not a member of the Council of Europe (CoE). However, it has ratified four Council of Europe Conventions. It is also part of the Venice Commission, which provides support to its member states in improving legal and institutional structures. Kazakhstan has expressed its interest in expanding its cooperation with the CoE, particularly in ensuring the Rule of Law, modernising the justice system, and acceding to the relevant Conventions. The CoE and Kazakhstan have developed a framework document, "Neighbourhood Co-operation Priorities for 2019-2022".

#### OSCE

Kazakhstan is one of the participating States, and a signatory of the Helsinki Final Act, a politically binding agreement that contains a broad range of measures designed to enhance security and cooperation. Kazakhstan has an OSCE Programme Office. Upon invitation by the Kazakh authorities, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Election Observation Mission (LEOM) to observe the 10 January 2021 parliamentary elections. The LEOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards, as well as national legislation.

#### Additional relevant (thematic) treaties

Kazakhstan is committed to combatting global climate change, a field closely interlinked with the promotion and protection of Human Rights. Kazakhstan has ratified the Paris Agreement. The

country's climate performance<sup>1</sup> ranks ahead of that of many other developed countries such as the United States and Singapore, and on par with the EU.

As indicated in the last Universal Periodic Review of Kazakhstan, numerous states have called upon Kazakhstan to ratify the Rome Statute of the International Criminal Court. We understand from the last Universal Periodic Review that this treaty does not enjoy the support of Kazakhstan.

#### V. **Kazakh Reforms of the Last 2 Years and the Human Rights Priority Action Plan**

To allow for a direct comparison between Kazakhstan's international Human Rights commitments and the state-of-play of the dynamic situation of Human Rights on the ground, this section presents a compilation of the Human Rights reform efforts undertaken by the Kazakh leadership - from the perspective of the Kazakh leadership. The following section therefore contains a collection of the relevant reform efforts reported by Kazakhstan during the last 2 years, since the change in the country's leadership from First President Nazarbayev to President Tokayev.

##### The Decree "On Further Measures in the Field of Human Rights" and the Human Rights Priority Action Plan

Most recently, on 9 June 2021, President Tokayev signed a decree "On further human rights measures in Kazakhstan"<sup>2</sup>, approving the "Human Rights Priority Action Plan" to implement the decree. The decree aims to help establish effective measures to protect Human Rights<sup>3</sup>. It addresses the different aspects of the protection and promotion of Human Rights which Kazakhstan seeks to deliver on in the context of its international Human Rights commitments.

The Human Rights Priority Action Plan includes measures improving the mechanisms of cooperation with the United Nations (UN) treaty bodies and the UN Human Rights Council, as well as enhancing the protection of the rights of human trafficking victims and citizens with disabilities. The elimination of discrimination against women, protection of freedom of association, freedom of expression and freedom to life and public order are highlighted as priority areas. In addition, an increase in the efficiency of interaction with non-governmental organizations and bringing forth the Human Rights agenda in the criminal justice system for the prevention of torture and ill-treatment are also incorporated into the plan.

Commenting on the signing of the decree and follow-up actions, aide to President Tokayev, Erlan Karin, underlined the major significance of this latest development as follows: "The significance of this decree lies in the fact that with its ratification, the human rights theme is finally incorporated as one of the basic priorities of state policy. The implementation of all the provisions enshrined in today's decree will foster a comprehensive modernization of the human rights sphere and will become our next step towards building a just and progressive state".

---

<sup>1</sup> The source and detailed evaluation can be found in the annex.

<sup>2</sup> <https://astanatimes.com/2021/06/new-decree-on-human-rights-helps-establish-effective-protective-mechanisms-experts-say/>

<sup>3</sup> Source: Presentation by the Commissioner for Human Rights in the Republic of Kazakhstan: "On the further measures of the Republic of Kazakhstan in the field of Human Rights"

The full text of the decree and the complete version of the landmark Human Rights Priority Action Plan can be found in Annex II of this document. The Action Plan includes information on the measures for implementation, the exact timeline (the vast majority of measures will be implemented by the end of 2021, and all measures will be implemented by the end of 2023), and the government bodies responsible for the implementation of specific measures.

#### Law on the Ombudsman

A presentation provided by the Commissioner for Human Rights in the Republic of Kazakhstan explains that its mandate was established already back in September 2002<sup>4</sup>, followed by the official accreditation in 2012 by the membership-based international Human Rights network “Global Alliance of National Human Rights Institutions” (GANHRI)<sup>5</sup>. In 2017, it was constitutionally established that the Ombudsman would be elected by the Senate of the Parliament. Most recently, in January 2021, the decision on the adoption of the Law on the Ombudsman and strengthening its Capacity was adopted. The law is currently expected to be adopted by December 2021.

The Kazakh leadership has acknowledged the importance of the role of the Ombudsman. By further developing the position and enhancing its capacities, Kazakhstan aims to further improve legislation in the field of the protection of human and civil rights and freedoms. By strengthening the institution of the Commissioner for Human Rights, the leadership seeks to restore violated human and civil rights and freedoms, taking into account the Paris and Venice Principles, as well as taking comprehensive measures to prevent violations in general.

Concrete actions to strengthen the capacity of the Ombudsman include:

- Strengthening the expertise of the Ombudsman's Office;
- Digitalisation of processes and citizen consultations;
- Creation of a digital database of reports and data on monitoring visits;
- Strengthening project capacity for Human Rights analysis;
- Establishment of a unit for monitoring the implementation of decisions of the UN treaty bodies; and
- Opening of representative offices in Nur-Sultan, Almaty, Shymkent and 14 regional centres.

#### The Commissioner for Human Rights in Kazakhstan

The Commissioner for Human Rights in Kazakhstan is a central element in Kazakhstan’s efforts to further step up the promotion and protection of Human Rights.<sup>6</sup> The role comprises the following functions:

---

<sup>4</sup> Source: Presentation by the Commission for Human Rights in the Republic of Kazakhstan: “The Ombudsman Institution”

<sup>5</sup><https://ganhri.org/>

<sup>6</sup> Source: Presentation by the Commissioner for Human Rights in the Republic of Kazakhstan: “About the activities of the Commissioner for Human Rights in Kazakhstan”

- Monitoring the observance of human rights;
- Making recommendations for improving legislation;
- Consideration of citizens ' appeals;
- Interaction with NGOs and government agencies;
- Legal advice for citizens;
- Promotion of legal education of citizens; and
- Coordination of the national preventive mechanism (NPM).

The key tasks of the Commissioner include complementing existing state protection mechanisms, monitoring the observance of human and civil rights and freedoms; and taking measures to restore rights and freedoms that have been violated.

#### Political reforms under President Tokayev

From a broader perspective, the Kazakhstan Council on International Relations published a report on 9 March 2021, entitled “*Reforms in Kazakhstan: from Intentions to Actions. New course of President of the Republic of Kazakhstan Kassym-Jomart Tokayev*”<sup>7</sup>. This report comprises an overview of the political and socio-economic reforms – including on key Human Rights matters – as announced and/or already implemented under the leadership of President Tokayev during the first two years of his Presidency, following his inauguration on 12 June 2019.

The report also covers reforms on key Human Rights matters, including in the context of the three packages of political reforms of 2019, 2020 and 2021, announced and implemented under the reform agenda of President Tokayev.

The Kazakhstan Council on International Relations published a second relevant report in June 2021, entitled “*Political Initiatives of the President of Kazakhstan Kassym-Jomart Tokayev: Features of the 3 Packages*”<sup>8</sup>. This report can be consulted for further details on the three packages of political reforms. The document includes an initial assessment of the impact of the reform package, as well as the following outlook on the continued reform ambitions of the country under President Tokayev:

“Currently, 10 laws are already in force, creating legal conditions for the implementation of 10 political initiatives of the President of Kazakhstan. The rest of the initiatives, covering the second and third packages of reforms, are being worked on by authorized government agencies in cooperation with interested representatives of the public and experts on the development of relevant draft official documents.

---

<sup>7</sup> Report published on 9 March 2021 by the Kazakhstan Council on International Relations, entitled “Reforms in Kazakhstan: from Intentions to Actions. New course of President of the Republic of Kazakhstan Kassym-Jomart Tokayev”. A copy of the report has been provided by the Mission of Kazakhstan to the EU. The report is also available online: <https://www.gov.kz/memleket/entities/mfa-athens/press/news/details/170784?lang=en> [last accessed: 11 June 2021]

<sup>8</sup>[https://www.inform.kz/en/political-initiatives-of-the-president-of-kazakhstan-kassym-jomart-tokayev-features-of-the-3-packages\\_a3806477](https://www.inform.kz/en/political-initiatives-of-the-president-of-kazakhstan-kassym-jomart-tokayev-features-of-the-3-packages_a3806477)

As Kassym-Jomart Tokayev noted in his program article “Independence - A Most Precious Thing”, published in state publications on January 5, 2021, ‘There is a growing demand in society for more active participation in the life of the country and the decision-making process. My concept of a “listening state” and the initiative to create the National Council of Public Trust are a direct response to this. It continues the tradition of great gatherings in Ordabasy, Kultobe, and Ulytau. These initiatives will form the basis for the further development of civil society. We are dealing with these issues systematically. This is the result of a policy aimed at democratizing the country, and modernizing the political system’.

With this statement, the Head of State makes it clear that the process of reforming the political system of Kazakhstan continues. In this regard, we should expect the announcement and implementation of new political initiatives within the framework of the next reform packages in the foreseeable future.”

#### First package of political reforms

The first package, announced on 20 December 2019, included the following measures, which – according to the report by the Kazakhstan Council on International Relations – have been implemented in full:

- The Law on the Procedure for Organizing and Holding Peaceful Assemblies, dated May 25, 2020.
  - The law replaced the previous principle of permission with that of notification of organizing and carrying out peaceful assemblies. The law defines peaceful assembly (rallies, demonstrations, processions, picketing), and the rights and obligations of organizers, participants and media representatives.
- The Constitutional Law on Amendments to the Constitutional Law on Elections in Kazakhstan, dated May 25, 2020.
  - The law established a 30% quota for women and youth representatives on electoral party lists.
  - Similar amendments were made to the Law on Political Parties.
- The Law on Amendments to the Law on Political Parties, dated May 25, 2020.
  - This law reduced the number of members required for the establishment of political parties from 40,000 to 20,000 people.
- The Law on Amendments to the Constitutional Law of the Republic of Kazakhstan on the Parliament of the Republic of Kazakhstan and the Status of its Members, dated June 2, 2020, and the Law on Amendments concerning Parliamentary Opposition to the Law of the Republic of Kazakhstan on Committees and Commissions of the Parliament of the Republic of Kazakhstan, dated June 2, 2020.
  - As a result, for the first time, Kazakh legislation reflected the concept of the parliamentary opposition.

- The Law on Amendments to Some Legislative Acts on Improving Enforcement Proceedings and Criminal Legislation, dated June 29, 2020.
  - This law decriminalizes Article 130 of the Criminal Code on Libel, transferring this offense and penalty for it to the Code on Administrative Offenses.
  - Article 174 of the Criminal Code on Fomenting of Social, National, Tribal, Racial, Class or Religious Enmity was clarified and mitigated, so that it now makes reference instead to “incitement”. The penalty of imprisonment for two to seven years was supplemented by a fine of 2,000 to 7,000 MCI.
- The Law on Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty, dated January 2, 2021.
  - With this signature and the new law, Kazakhstan has officially abolished the death penalty. There had been a moratorium on the death penalty since 2003.

#### Second package of political reforms

The second package of political reforms was announced on 2 September 2020, and includes the following measures:

- Designing a new Concept for the Development of Local Self-Government and adopting a package of related laws;
- Direct elections of akims of rural villages in 2021;
  - In this regard, the authorized government agencies developed a Draft Constitutional Law on Amendments to the Constitutional Law on Elections. According to its authors, direct elections of akims of villages, settlements and rural districts would serve to increase the participation of citizens in the full implementation of their constitutional rights.
- Development and adoption of the Law on Public Oversight designed to ensure greater openness and accountability of government agencies and quasi-public sector to society;
- Establishment of a single legitimate online petition institution for citizens to initiate reforms and make proposals;
- Adopting new measures to protect human rights, including measures to protect children from cyberbullying, and joining the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure;
- Improving national legislation to combat torture and bring it in line with the provisions of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;
- Improving the practices of pre-trial investigation of human trafficking related criminal offenses by law enforcement agencies.

#### Third package of political reforms

The third package of political reforms was announced on 15 January 2021, comprising the following measures:

- Reducing the threshold for political parties to enter the Mazhilis of Parliament from 7% to 5%;
- Introducing the “None of the above” ballot option for elections at all levels;
- Introducing the elections of district akims to build on the elections of rural akims;
- Adoption of a separate Law on the Human Rights Ombudsperson, defining their status, powers and streamlining their activities in various areas and sectors;
- Strengthening the Office of the Human Rights Ombudsperson, including through the establishment of regional offices;
- Further improving the public oversight system;
- Legislating online petitions;
- Introducing the Youth Development Index, which can form the foundation for assessing the activities of local executive bodies in the youth policy implementation;
- Expanding measures to encourage charity, including the provision of tax and other benefits to enterprises and individuals participating in charitable events and volunteer projects.

#### Other relevant laws adopted and structures created

Moreover, the following laws have in the meantime been adopted and relevant structures have been created:

- The Law on Amendments to Some Legislative Acts on Counteracting the Legalization (Laundering) of Illegally Obtained Incomes and Financing of Terrorism, dated May 15, 2020.
  - This Law aims to reduce the financial restrictions on persons who have served their sentences under Article 174 of the Criminal Code of the Republic of Kazakhstan and have received positive feedback from law enforcement and special agencies.
- The Law on Amendments to Some Legislative Acts on the Activities of Public Councils, dated January 3, 2021.
  - This Law provides for the establishment of public councils in the entities of the quasi-public sector (national holdings and companies). The powers of public councils have also been expanded, including receiving information from the heads of law enforcement agencies of certain administrative divisions on ensuring the rule of law and observing the rights and freedoms of citizens.
- The National Council of Public Trust (NCPT) was created. Its membership includes various views, ideas, and positions, social and political interests. It is now in operation, playing a key role in support of the new path of reforms, and serving as a mechanism for establishing a dialogue between the authorities and society, and between different segments of society itself.

### The new Administrative Procedure Code

Also of great importance, on 1 July 2021, the new Administrative Procedure Code of the Republic of Kazakhstan will enter into force<sup>9</sup>. The Code aims to introduce new mechanisms for regulating administrative procedures in accordance with generally recognized international standards. Specifically, it seeks:

- to consolidate a set of guarantees that will allow citizens to take part in the process of making managerial decisions; and
- to establish effective mechanisms to protect the rights of citizens when considering disputes with authorities in a higher instance and in court.

Importantly, the Code introduces a new type of legal procedure, the administrative legal procedure. The Code is designed to protect individuals from possible misuse of power by the authorities. New features include procedural guarantees such as the right of a citizen to be heard before a final decision is made, and a mandatory pre-trial appeal.

### Judicial reform

In the past two years, Kazakhstan has also undertaken a substantial reform of the judicial system. According to Government reports about the progress made<sup>10</sup>, significant modernisations have been realised with regard to:

- the independence of courts and judges;
- professionalism of judges;
- combatting corruption;
- preventing prosecutorial bias;
- disputes between businesses and Government agencies;
- quality of judicial acts; and
- service and comfort in courts.

In the next step, further reforms in the judicial system will cover adversarial criminal process, digitalisation, uniform judicial practice, efficiency of civil proceedings, and the continued fight against corruption.

### Other ongoing legal reforms

Moreover, in recent months, a large number of more general legal reforms have taken place in Kazakhstan. These include reform efforts at the following levels:

- The legal profession/ Strengthening the Republican Bar of Advocates (RBA);

---

<sup>9</sup> Source: Reports provided by the Mission of Kazakhstan to the EU

<sup>10</sup> Source: Presentation provided by the Mission of Kazakhstan to the EU

- Setting up the Republican Bar of Legal Counsels;
- Private Bailiffs Office;
- Law on Improving the Rulemaking Process;
- New Tools and Approaches in Drafting Legislation;
- Administrative Procedural and Process-Related Code;
- New Approaches in Legal Education;
- The Forensic Service;
- Intellectual Property Rights & Protection;
- Public Services;
- State Optimization Efforts;
- Structural Optimization Efforts.

#### The rights of persons with disabilities

On the rights of persons with disabilities in the Republic of Kazakhstan, the Government reports<sup>11</sup> that “the ratification of the Convention on the Rights of Persons with Disabilities in 2015 created additional guarantees for ensuring, protecting and developing the social and economic rights of persons with disabilities, and also served as a reference point for further improving legal regulation and practical activities in the field of social protection of persons with disabilities.” The Law of the Republic of Kazakhstan “On Social Protection of Disabled People in the Republic of Kazakhstan” defines the legal, economic and organizational conditions for ensuring social protection of disabled people, aiming to create equal opportunities for the disabled to live and integrate into society.

In 2019, the Government of the Republic of Kazakhstan adopted the National Plan for Ensuring the Rights and Improving the Quality of Life of Persons with Disabilities until 2025. The Government explained that the plan was developed in order to determine the main priorities and a comprehensive integrated approach in creating conditions for self-realization and full-fledged integration of persons with disabilities into the social and economic life of the country. The national plan is aimed at the implementation of international standards, taking into account global trends in the development of the social protection system for persons with disabilities.

In the implementation of the National Plan, from January 1, 2020, the Social Services Portal was introduced, which made it possible to directly interact on a single digital platform for recipients and providers of social services. Within the framework of the State Program for the Development of Productive Employment and Mass Entrepreneurship for 2017-2021 «Enbek», persons with disabilities have the right to participate in active measures to promote employment. The Kazakh Government has created a Coordinating Council for the Social Protection of Persons with Disabilities. This body aims to develop proposals for coordinating the activities of central and local executive bodies,

---

<sup>11</sup> Source: Information provided by the Mission of Kazakhstan to the EU

organizations, public associations of persons with disabilities on the implementation of the rights of persons with disabilities, creating equal opportunities for them to live and integrate into society.

#### Other relevant initiatives under President Tokayev

Other relevant initiatives undertaken under President Tokayev during the past 2 years include the following:

- Introducing the Concept of the Civil Society Development, approved by President's Decree dated August 27, 2020, and to be adopted between 2020 and 2030, which aims to:
  - create conditions for the development of civil society and its institutions, including in social and political spheres;
  - support and develop civic engagement;
  - increase the level of participation of citizens and civil society institutions in the decision-making and public affairs management;
  - strengthen the capacity of civil society institutions;
  - involve civil society in the implementation of the UN Sustainable Development Goals in Kazakhstan.
- On 29 January 2021, the President introduced the Concept of Public Administration Development through 2030, designed to ensure the transition from an administrative and control orientation to a service model of interaction between the state and the population, in which the main values will be the individual and his/her well-being.
- Introduction of the draft Law on Amendments and Supplements to Certain Legislative Acts on April 2020 in the Mazhilis on issues of protection of the rights of the child.
  - In particular, an amendment to the Law on Housing Relations is proposed, which provides for the exclusion of the requirement for orphans and children left without parental care and permanent residence for at least three years in the capital, in cities of national significance when placing in the queue for housing.
- Development of the draft Law on Amendments and Supplements to Certain Legislative Acts on issues of social protection of certain categories of citizens by the Ministry of Labor and Social Protection of Population aimed at strengthening measures to support persons with disabilities.
- Development of the concept of the Social Code (Code on Social Security).

#### Civil society and NGOs

Since its independence, and in particular during the past two years, Kazakhstan has made significant efforts to strengthen civil society and NGOs, specifically. According to a Kazakh Government

report<sup>12</sup>, major efforts have been achieved in this field since the country's independence 30 years ago. According to the report, at the time of independence, only two dozen NGOs were working in Kazakhstan, whereas in 2021, there are 16,000 NGOs actively working in the country, and more than 22,000 public organizations are registered in total. Funding for NGO projects has reportedly been increased from one million to one billion tenges.

The report states that, “during the years of independence, important strategic documents and a legislative framework were adopted, which enabled the non-governmental sector to become an important component of the country's socio-economic life.” In 2020, by decree of the President, a new strategic document had been approved – entitled “the Concept of the Development of Civil Society” - that sets out the main guidelines for the long-term development of the civil sector. The concept reportedly provides for new approaches to transforming civilian sector activities, and the legislative and institutional framework for the development of civil society, as well as the procedures for the participation of citizens and civil society institutions, will be improved.

#### Facilitating the activities of trade unions

The German political foundation “Friedrich Ebert Stiftung”, which is close to the German Social Democratic Party (SPD and traditionally advocates for workers' rights, has published a policy paper in 2021 on the topic “Trade unions in Kazakhstan: Challenges and opportunities”. The policy paper was authored by Muslim Khasenov, Director of the Research Institute of Labour and Corporate Law at the KAZGUU University. The paper indicates the achievements made to date in Kazakhstan in terms of reforming trade union legislation, and points out the areas where further reform efforts are required.

According to the English translation of the report, which was officially published in Russian language, “The trade unions of Kazakhstan are historically the legal successors of the trade unions of the Soviet Union. With the collapse of the USSR, the centralized structure of the trade union movement disintegrated into national trade union centers of independent states. However, the methods, work and staffing have remained largely the same. Moreover, material and financial issues and union ownership were the main problem at the first stage of development of trade unions in independent Kazakhstan, which required a lot of attention and resources for its settlement. Unfortunately, today, this problem is not fully resolved. It is exacerbated by the lack of sufficient transparency in the use of trade union property and financial funds.”

With regard to the Kazakh efforts to reform trade unions, the report continues: “In the history of independent Kazakhstan, there were three attempts to reform legislation governing trade union activity: In 1991-1993, in 2013-2015 and in the year 2020.”

With regard to the latest reforms, MrKhasenovassesses the situation of trade unions in Kazakhstan as follows: “In 2020, amendments to the labor legislation were adopted, including the corresponding changes in the law on trade unions. However, the legislation still contains other contradictions with international labor standards and gaps in the legal status of trade unions, which are detailed in in this

---

<sup>12</sup> Source: Mission of Kazakhstan to the EU

document, recommendations are proposed for eliminating deficiencies in legislation and law enforcement practice. The most important findings of this document are as follows:

The problems of the trade union movement are, first of all, managerial inefficiency due to insufficient professionalization and transparency of trade unions, secondly, the low level of trust on the part of workers, who trade unions are called upon to defend, thirdly, restrictions on the sides of the state and imperfections of legislation, which prevent trade unions from fully implementing their assigned functions.”

## **VI. Kazakhstan’s Human Rights Engagement**

### **a. UN Level**

Kazakhstan has been a Member of the UN since 2 March 1992<sup>13</sup>, and has been committed to the promotion and protection of Human Rights at this level.

The country served as a non-permanent Member on the UN Security Council during the 2017–2018 term<sup>14</sup>. In a Security Council session on 18 January 2018, UN Secretary-General Guterres commended Kazakhstan on its “proud tradition of support for a world free of weapons of mass destruction, and for the global non-proliferation regime”<sup>15</sup>.

At the UN Human Rights Council meeting on 24 February 2020, Kazakh Foreign Minister Mukhtar Tileuberdi presented the country’s candidacy to the Human Rights Council for the period of 2022–2024. He stated that, “if elected, we are committed to contributing to a more effective, balanced and impartial work of the Council.”<sup>16</sup>

Kazakhstan has already previously served as Member of the UN Human Rights Council during the 2013–2015 term. The United Nations General Assembly (UNGA) had elected Kazakhstan for the first time, with 183 of 193 Member States voting affirmatively<sup>17</sup>.

### **b. OSCE**

Kazakhstan has been an active participant in OSCE activities. Kazakhstan took over the OSCE chair in 2010, becoming the first Central Asian and former Soviet State to chair the Organization. Astana successfully hosted the OSCE’s first summit in 11 years. An ambitious agenda was set for the chairmanship, with goals including: revitalising the OSCE, working for peace in Afghanistan, conflict resolution, and promoting intercultural dialogue. Kazakhstan’s experience in building a diverse and harmonious multi-ethnic society has led to a Kazakh national - Ambassador Kairat Abdrakhmanov – becoming the OSCE High Commissioner on National Minorities. Ambassador Abdrakhmanov was

---

<sup>13</sup><https://undocs.org/en/A/RES/46/224>

<sup>14</sup><https://www.un.org/securitycouncil/content/kazakhstan>

<sup>15</sup><https://www.un.org/sg/en/content/sg/statement/2018-01-18/secretary-generals-remarks-security-council-session-non>

<sup>16</sup><https://www.neweurope.eu/article/kazakhstan-presents-its-candidacy-to-human-rights-council-for-2022-2024/>

<sup>17</sup><https://jamestown.org/program/kazakhstan-elected-member-of-un-human-rights-council/>

Kazakhstan's Permanent Representative to the OSCE from 2007 to 2013 and chaired the OSCE Permanent Council in 2010. The Ambassador is seen as one of the main drivers in organizing the first OSCE Summit in 11 years in December 2010, during which the Astana Commemorative Declaration: Towards a Security Community, was adopted. The High Commissioner on National Minorities is assigned to identify and address situations in regard to tensions involving national minorities.

### c. EU-Kazakhstan Human Rights Dialogue

Kazakhstan is actively involved in further building its relationship with the European Union. This on the basis of the Enhanced Partnership and Cooperation Agreement. Part of that agreement is the continued engagement in a Human Rights Dialogue with the EU, with the European External Action Service (EEAS) in particular – mandated to engage in such dialogues. The EEAS has initiated dialogues with all five Central Asian countries.

The Republic of Kazakhstan is actively engaged in a Human Rights Dialogue with the EU. On 26-27 November 2020, the European Union and the Republic of Kazakhstan held online their 12th Human Rights Dialogue. According to the EEAS reports, “the EU and Kazakhstan openly and frankly discussed a broad range of human rights related issues. The EU stressed that limitations on human rights to address the health crisis caused by the outbreak of COVID-19 pandemic, should only be applied if they are legitimate, proportionate, limited in time, non-discriminatory and transparent.”

Moreover, “[t]he EU acknowledged the continuing reform process in Kazakhstan, including the establishment of a Supreme Council for Reforms, and underlined the importance of effective implementation with the active participation of civil society.” The EEAS stated that “the EU is looking forward to free, fair and transparent parliamentary elections scheduled to take place on 10 January 2021”.

Furthermore, “[t]he EU congratulated Kazakhstan for ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights, which abolishes the death penalty in law and in practice. Both parties discussed at length the prevention of torture and ill-treatment and the EU called on Kazakhstan to take further steps to conduct prompt, thorough, impartial and independent investigations into all allegations of torture while acknowledging actions already taken. The EU raised individual cases of victims of torture. The EU insisted on the need to uphold the right to peaceful assembly and freedom of association, including not harassing or sanctioning peaceful protesters. The EU welcomed the positive development of decriminalising defamation while expressing concern in relation to increasing reports that activists, bloggers and journalists are charged of knowingly disseminating “false” information (Criminal Code Article 274), and the offenses of “insult” and “insulting a government representative” remain subject to criminal penalty (Articles 131 and 378)”.

“Other topics discussed included legislation in relation to trade unions, violence against women and girls, freedom of religion and belief and non-discrimination as well as cooperation in multilateral fora. The EU recalled the importance to maintain openness to UN scrutiny, including by implementing recommendations of UN Special Procedures and UN Treaty Bodies, and working closely with the OSCE. The EU raised a number of individual cases and handed over a list at the end of the Dialogue”.

Human Rights matters of relevance to EU-Kazakhstan relations are also regularly discussed at the EU Member State level in the Council. At the EU-Kazakhstan Cooperation Council meeting on 10 May 2021, the EU and Kazakhstan discussed “reinforced political dialogue and addressed issues of good governance, the promotion and protection of human rights, and engagement with civil society. The EU welcomed Kazakhstan’s ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The European Parliament Resolution on Human Rights, adopted in February [2021], was discussed, and Kazakhstan’s recently announced third stage of political reform aimed at further democratisation of society. The EU stressed the importance of tangible results, in particular in addressing obstacles to the independence of lawyers, freedom of expression, as well as freedom of assembly and association, including trade unions, independence and pluralism of the media and a thriving civil society. The EU continues to advocate for the criminalisation of domestic violence. The EU appreciates Kazakhstan’s offer to host the third EU-Central Asia Civil Society Forum to take place in Almaty later this year.”

**VII. The UN Universal Periodic Review**

**a. Overview & Procedure**

The Universal Periodic Review (UPR) is a mechanism established by the UN General Assembly in conjunction with the establishment of the Human Rights Council in 2006 (Resolution 60/251). The UPR involves a periodic review of the Human Rights records of all 193 UN Member States. Each country has the opportunity to declare the actions taken to improve Human Rights and fulfil its Human Rights obligations. The goal of the UPR is to improve the Human Rights situation in every country.

**b. Past Universal Periodic Reviews for Kazakhstan**

The first UPR cycle was held between 2008 and 2011. During this period, all UN Member States have been reviewed (48 States each year). The first review of Kazakhstan dates back to 12 February 2010. The chart below provides an overview of the past UPR reviews for Kazakhstan, including all relevant documentation.

	<u>Date of Kazakhstan’s review</u>	<u>Report of the Working Group</u>	<u>Voluntary commitments and replies by Kazakhstan</u>	<u>Final decision adopted by the Human Rights Council</u>
<b>First cycle (2008-2011)</b>	12 February 2010 (14 <sup>th</sup> Working Group)	23/03/2010 <sup>18</sup>	01/06/2010 <sup>19</sup>	23/06/2010 <sup>20</sup>

<sup>18</sup><http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/14/10&Lang=E>

<sup>19</sup><https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/138/98/PDF/G1013898.pdf?OpenElement>

<sup>20</sup><https://documents-dds-ny.un.org/doc/UNDOC/GEN/G10/146/04/PDF/G1014604.pdf?OpenElement>

	Session)			
<b>Second cycle</b> (2012-2016)	30 October 2014 (28 <sup>th</sup> Working Group Session)	10/12/2014 <sup>21</sup>	13/03/2015 <sup>22</sup>	28/05/2015 <sup>23</sup>
<b>Third cycle</b> (2017-2022)	07 November 2019 (34 <sup>th</sup> Working Group Session)	20/12/2019 <sup>24</sup>	24/02/2020 <sup>25</sup>	12/03/2020 <sup>26</sup>

**c. The Most Recent Universal Periodic Review for Kazakhstan (Third Cycle)**

Kazakhstan’s review under the third UPR cycle took place on **7 November 2019**. The report of the Working Group<sup>27</sup> was adopted on 20 December 2019. The final decision<sup>28</sup> was adopted by the Human Rights Council on 12 March 2020. The report of the Working Group comprises an overview of **achievements made by Kazakhstan between the second and third UPR cycle**, as presented by Kazakhstan as the State under review. Key elements of the progress made include:

- Major constitutional reforms were adopted in 2017. These have strengthened the country’s legislative and judicial branches, and have made the Government more accountable to the public.
- Since its second UPR, Kazakhstan has ratified the Convention on the Rights of Persons with Disabilities (in 2015) and the Convention against Discrimination in Education (in 2016).
- The authority of the Commissioner for Human Rights to inspect facilities has been increased. The Commissioner oversees an Expert Council responsible for investigating alleged human rights violations and monitoring the Government’s compliance with existing laws.
- Since 2003, Kazakhstan has observed a moratorium on the imposition of the death penalty.
- President Tokayev has established a National Council of Public Trust with representatives from human rights advocacy groups, the Commissioner for Human Rights, the Commissioner for Children’s Rights and other experts.
- Since 2015, Kazakhstan has adopted numerous fundamental reforms to its justice system aimed at guaranteeing independent and qualified judges, ensuring the rule of law, increasing the accessibility of courts, ensuring the impartiality and fairness of the court system and bringing national courts into line with international standards.

<sup>21</sup><http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/28/10&Lang=E>

<sup>22</sup><https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/049/89/PDF/G1504989.pdf?OpenElement>

<sup>23</sup><http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/DEC/28/106&Lang=E>

<sup>24</sup><https://undocs.org/A/HRC/43/10>

<sup>25</sup><https://undocs.org/en/A/HRC/43/10/Add.1>

<sup>26</sup><https://undocs.org/en/A/HRC/DEC/43/109>

<sup>27</sup><https://undocs.org/A/HRC/43/10>

<sup>28</sup><https://undocs.org/en/A/HRC/DEC/43/109>

- In 2016, the Office of the Commissioner for Children’s Rights has been established, legislation guaranteeing children’s rights and punishing child abuse had been improved and juvenile courts had been established.
- The World Economic Forum has recognized the progress of Kazakhstan in achieving equality for women. The prevention of domestic violence against women and children is a national priority.
- With regard to a national mechanism for reporting and follow-up, the Government has taken the measures necessary, including the adoption of comprehensive action plans, improving legislation and creating the institutional framework to implement the recommendations stemming from the universal periodic review and other United Nations Human Rights mechanisms.
- The Government had the political will to meet all the challenges it faced and to create opportunities for positive and lasting change for the country and its citizens.

During the **interactive dialogue** with the other countries, 93 delegations made statements. These included **positive observations about achievements made by Kazakhstan**. Such statements included, in particular:

- Togo noted with satisfaction that Kazakhstan had continued **active collaboration with the United Nations human rights mechanisms**, had received visits by special procedure mandate holders and had ratified a number of conventions.
- Tunisia welcomed the **cooperation with the special procedures mechanism and the Human Rights Council**. It also commended Kazakhstan for its ratification of the Convention on the Rights of Persons with Disabilities and the reform of the Criminal Code.
- The United Kingdom of Great Britain and Northern Ireland noted the **actions to reduce the prison population and investigate instances of torture**.
- The United States of America urged the Government to **continue its productive engagement with civil society** and encouraged further measures to ensure and protect freedom of peaceful assembly and expression.
- Australia welcomed a **zero-tolerance approach to torture**.
- Belgium referred to the recent transition of power and encouraged further progress to increase the protection of human rights in line with the core international human rights treaties.
- Bulgaria highlighted that the parliament of Kazakhstan had the **highest level of women’s representation** among the parliaments of Central Asia.
- Canada **welcomed initiatives to modernize family courts and the establishment of structures to address torture and curb corruption**.
- Croatia noted the **overall improvement in the conditions of detention**.
- The Democratic People’s Republic of Korea commended Kazakhstan for its efforts to **strengthen the socio-political and judicial systems, and measures to form an integrated society**, in which all ethnic groups were involved in all areas of life.

- Finland noted the Government's **efforts to facilitate dialogue with civil society and the establishment of the Commissioner for Children's Rights.**
- France welcomed the reform of the penitentiary system and progress in the interaction between authorities and the public.
- Germany commended Kazakhstan for **efforts to prevent and penalize acts of torture and to strengthen civil rights.**
- Ireland acknowledged **efforts to advance human rights domestically.**
- Spain noted that Kazakhstan had **ratified the majority of international human rights treaties** and made recommendations.
- Sri Lanka noted the **reforms to the Constitution in 2017 and the adoption of amendments to the laws on elections.** It also noted the Government's **commitment to zero tolerance for acts of torture and violence,** especially against women and children.

**Concerns raised** in the course of this interactive dialogue included:

- The United Kingdom of Great Britain and Northern Ireland [...] was concerned about **libel charges used to control the media and restrict the freedom of expression** of journalists.
- The United States of America [...] encouraged further measures to ensure and protect **freedom of peaceful assembly and expression.**
- Australia [...] remained concerned by the number of reported incidents, indicating that the use of **torture remained a systemic issue** to be addressed.
- Finland [...] was concerned about **discrimination against lesbian, gay, bisexual, transgender and intersex persons.**
- Germany [...] expressed concerns about **restrictions on freedom of expression and assembly.**
- Ireland [...] remained concerned over reports of **mass arrests, detentions and criminal prosecutions against peaceful protesters, activists, journalists and lawyers.**
- The Netherlands [...] remained concerned about [...] the lack of progress in ensuring **the rights to freedom of expression and assembly.**
- Paraguay [...] encouraged the **strengthening of the institutional framework** to implement the recommendations from universal periodic reviews.
- Portugal hoped that the **mandates and capacity of the Commissioner for Human Rights and the Commissioner for Children's Rights** would be strengthened.
- Slovakia was concerned that the **Criminal Code recognized 17 crimes for which the death penalty could be imposed.**
- Slovenia noted that **violence against women** remained acute, especially in rural areas, and that legislation decriminalizing **domestic violence** needed to be improved.

- Switzerland [...] noted that certain formulations in the Criminal Code increased the **risk of arbitrary interpretation, restricting civil society space and the right to freedom of expression.**

Kazakhstan provided the concluding statement to the interactive dialogue, noting that it had always been and remained **committed to the principles of openness, transparency and impartiality in its promotion and protection of Human Rights**, and would **continue to consistently improve the existing legal and institutional mechanisms** in that area.

As the OHCHR has pointed out<sup>29</sup> in its UPR in 2019, Kazakhstan received 245 recommendations, of which it supported 214 at the adoption of its UPR outcome at Human Rights Council 43, in January 2020. Kazakhstan has therefore notably **expressed support for more than 87% of the recommendations** received. The recommendations received by Kazakhstan from other countries are listed in the matrix of recommendations<sup>30</sup>. This matrix also indicates which of the recommendations have been met with support by Kazakhstan (87% of all recommendations), and which ones have merely been “noted” by the country.

It is worth noting in this context that the overall number of recommendations received by Kazakhstan in the context of the UPR is not dramatically different to the number of recommendations received by Western countries, such as Belgium<sup>31</sup>.

Several recommendations were merely “noted” by Kazakhstan. The recommendations concerned are set out in the second column of the chart:

Theme	Specific recommendation(s) “noted” by Kazakhstan
Acceptance of international norms	<ul style="list-style-type: none"> <li>• Ratify the <b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families</b>;</li> <li>• Continue to promote measures to protect and promote the rights of migrant workers;</li> <li>• Accede to the <b>1954 Convention relating to the Status of Stateless Persons</b> and the <b>1961 Convention on the Reduction of Statelessness</b>.</li> </ul>
Constitutional & legislative framework	<ul style="list-style-type: none"> <li>• Accede to and fully align its national legislation with the <b>Rome Statute of the International Criminal Court</b>.</li> </ul>
Legal, institutional &	<ul style="list-style-type: none"> <li>• Ratify the <b>Rome Statute of the International Criminal Court</b>;</li> </ul>

<sup>29</sup>[https://lib.ohchr.org/HRBodies/UPR/Documents/Session34/KZ/Kazakhstan\\_Infographic.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/Session34/KZ/Kazakhstan_Infographic.pdf)

<sup>30</sup>[https://lib.ohchr.org/HRBodies/UPR/Documents/Session34/KZ/UPR34\\_Kazakhstan\\_Thematic%20list%20of%20Recommendations.docx](https://lib.ohchr.org/HRBodies/UPR/Documents/Session34/KZ/UPR34_Kazakhstan_Thematic%20list%20of%20Recommendations.docx)

<sup>31</sup><https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/109/20/PDF/G1610920.pdf?OpenElement>

<p>policy framework</p>	<ul style="list-style-type: none"> <li>• Consider acceding to the <b>Agreement on the Privileges and Immunities of the International Criminal Court</b>;</li> <li>• Revise the <b>2015 law on charity</b> to remove the registration process for non-governmental organizations;</li> <li>• Take practical measures to ensure that <b>failed asylum seekers</b>, and all persons who are not formally recognized as refugees but nonetheless were unable to return to their country due to convincing reasons, are <b>allowed to stay in the country</b> until it is safe for them to return.</li> </ul>
<p>Equality and non-discrimination</p>	<ul style="list-style-type: none"> <li>• Explicitly <b>prohibit any form of discrimination based on sexual orientation and gender identity</b> / Amend the article on violations of the equality of people and citizens (<b>Article 145</b>) of the <b>Criminal Code</b> to explicitly and separately include “sexual orientation” and “gender identity” as protected characteristics;</li> <li>• Adopt comprehensive legislation against discrimination, which includes direct and indirect discrimination and all grounds of discrimination, including gender, disability, religion, ethnicity, sexual orientation and gender identity.</li> </ul>
<p>Civil &amp; political rights          - general measures of implementation</p>	<ul style="list-style-type: none"> <li>• Revise, by the next universal periodic review, the <b>Criminal Code, in particular articles 130, 274, 400 and 405</b>, in accordance with Kazakhstan’s obligations under the International Covenant on Civil and Political Rights;</li> <li>• Repeal articles 400 and 403 of the Criminal Code to guarantee the <b>right to peaceful assembly and freedom of association</b> for all citizens, including human rights defenders;</li> <li>• Take necessary measures to fully protect freedom of expression, including by repealing or revising the legal provisions limiting freedom of expression and by <b>refraining from using criminal provisions</b> and other regulations as tools to suppress the expression of dissenting opinions;</li> <li>• Amend the <b>law on peaceful assemblies to require a simple notification procedure</b> for the holding of a public gathering;</li> <li>• Take immediate measures to ensure the effective protection of lawyers, media workers, bloggers and human rights defenders against any form of harassment and immediately and unconditionally release human rights defender Max Bokayev as per the request made by the Working Group on Arbitrary Detention;</li> <li>• Ensure freedom of association and assembly by <b>removing excessive</b></li> </ul>

	<b>controls on the registration</b> and activities of non-governmental organizations and trade unions, and on the right to demonstrate.
Freedom of thought, conscience & religion	<ul style="list-style-type: none"> <li>Revisit the <b>legal framework regulating the exercise of religion or belief</b>, in particular the 2011 law on religious activity and religious associations, to ensure the legislation’s compatibility with international legal standards.</li> </ul>
Right to peaceful assembly	<ul style="list-style-type: none"> <li>Repeal the requirement of prior authorization of peaceful assemblies and <b>adopt a new law on public assembly</b> that is in compliance with international standards.</li> </ul>

Following the adoption of the final decision of the Human Rights Council, the Office of the UN High Commissioner for Human Rights addressed a letter<sup>32</sup> to the Kazakh Foreign Minister, pointing out a number of matters “in need of particular attention over the next four and a half years”<sup>33</sup>, specifically:

**Scope of international obligations and cooperation with international HR mechanisms and bodies**

- Strengthening the national legislative framework, by ratifying the HR instruments to which it is not yet a party, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Considering ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- Introducing legislation and modalities for the follow up to the views of the United Nations Treaty Bodies on individual communications.

**National HR framework**

- Enhancing the independence, resources and capacities of the Commissioner for Human Rights so it can function in full compliance with the Paris Principles.

**Implementation of international HR obligations, taking into account applicable international humanitarian law**

**A. Cross-cutting issues**

*Equality and non-discrimination*

- Taking steps to ensure that discrimination on the grounds of gender identity and sexual orientation is prohibited in law and practice.

---

<sup>32</sup><https://lib.ohchr.org/HRBodies/UPR/Documents/Session34/KZ/Letter-OHCHR-HC-Kazakhstan-ENG.pdf>

<sup>33</sup>*Note of the Editor: There is no item ‘C’ in the original letter. The images reflect the full overview of recommendations in the letter.*

*Development, the environment, and business and HR*

- Ensuring that the National Action Plan on Business and HR is finalized and that it considers the need to protect the people and environment from hazardous substances.

**B. Civil and political rights**

*Right to life, liberty and security of persons*

- Pursuing the steps to enforce a zero tolerance to torture, by aligning the definition of torture in the national Criminal Code with international standards and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 1).
- Ensuring that all allegations of torture are promptly and impartially investigated and prosecuted to prevent impunity.

*Fundamental freedoms*

- Strengthening the efforts to enhance the protection of freedom of expression, of peaceful assembly and of association, by bringing national legislation in line with international HR instruments, in particular with the International Covenant on Civil and Political Rights.

*Prohibition of all forms of slavery*

- Continuing the efforts to combat trafficking in persons, including by ensuring that perpetrators are brought to justice and victims receive adequate assistance & rehabilitation.

**D. Rights of specific persons or groups**

*Women*

- Increasing the efforts to ensure women's participation in political decision-making, including through implementation of special temporary measures.
- Increasing efforts to combat violence against women, by reviewing the national legislation to criminalize perpetrators of sexual violence and prevent impunity.

*Children*

- Pursuing the efforts to adopt a single law to promote and protect children's rights.

*Persons with disabilities*

- Further intensifying the implementation of the Convention on the Rights of Persons with Disabilities and harmonizing Kazakhstan national legislation with the international treaty.

*Migrants*

- Considering opening the Migration Policy Concept to irregular migrants and ensuring their access to health care beyond emergency treatments.

**d. Which of the Recommendations Made in the Third UPR Cycle Have Meanwhile been Addressed/ Resolved?**

Since the final decision of the HRC was adopted on 12 March 2020, Kazakhstan has already delivered on some of the recommendations made in the last UPR. In particular:

- On 23 September 2020, Kazakhstan signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- With regard to the right to life, liberty and security of person, as part of the second reform package under President Tokayev, announced on 2 September 2020, the Kazakh leadership has committed to improving national legislation to combat torture and bring it in line with the provisions of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.
- With regard to the freedom to peaceful assembly, on 25 May 2020, the Law on the Procedure for Organizing and Holding Peaceful Assemblies was adopted. The law replaced the previous principle of permission with that of notification of organizing and carrying out peaceful assemblies. The law defines peaceful assembly (rallies, demonstrations, processions, picketing), and the rights and obligations of organizers, participants and media representatives.
- In view of the prohibition of all forms of slavery, penalties have been toughened for those who commit violence, human trafficking and other serious crimes against individuals, especially women and children.<sup>34</sup>
- In view of the rights of women, on 25 May 2020, the Constitutional Law on Amendments to the Constitutional Law on Elections in Kazakhstan was adopted. The law established a 30% quota for women on electoral party lists. Similar amendments were made to the Law on Political Parties. Moreover, Kazakhstan has decided to accede to the Istanbul Convention of the Council of Europe, aimed at preventing and combatting violence against women.<sup>35</sup>

**VIII. Human Rights Stakeholders: The Importance of Fact-Based and Fact-Checked Human Rights Engagement**

Whereas there is no executing role for the European Parliament to apply Human Rights or foreign policy instruments and sanctions, Members of the European Parliament (MEPs) still yield their influence through considering foreign policy and Human Rights issues and issuing resolutions without any legally binding effect. In this context, another potential concern arises, including the issue of third countries in their relations with the EU – and the European Parliament (EP) in particular.

In times of unlimited use of social media and unprecedented dynamics of activism, fact-checking will have to improve in order to ensure that the (institutional) addressees of campaigns are not implied in

---

<sup>34</sup><https://www.neweurope.eu/article/kazakhstan-presents-its-candidacy-to-human-rights-council-for-2022-2024/>

<sup>35</sup><https://www.neweurope.eu/article/kazakhstan-presents-its-candidacy-to-human-rights-council-for-2022-2024/>

“false-facts” and disinformation operations, which would undermine the credibility of the addressee and their institution. Wide-spread disinformation by activist and un-checked NGOs will also undermine the credibility of those organisations that are credible and legitimate in voicing their concerns.

The EU as a whole is acutely aware of the challenges caused by disinformation and misinformation to “European values” and “democratic systems”<sup>36</sup>, and has been increasingly active in addressing this issue. In order to tackle the growing threat of disinformation, the European Commission has introduced a wide range of initiatives, including<sup>37</sup>, an action plan on disinformation, the European Democracy Action Plan, the Communication on ‘tackling online disinformation: a European approach’, and the COVID-19 monitoring and reporting programme.

Similarly, the European Parliament has demonstrated awareness of the issue of disinformation. The establishment of the European Parliament’s Special Committee on Foreign Interference in all Democratic Processes in the European Union, including Disinformation (INGE)<sup>38</sup> serves as testimony to this awareness. The INGE Committee has commissioned a study entitled “Disinformation and propaganda: impact on the functioning of the rule of law and democratic processes in the EU and its Member States”<sup>39</sup>.

Despite this awareness on the part of the European Parliament, the Institution itself does not have clear and concrete instructions in place to guard against the threat of disinformation. The Rules of Procedure of the European Parliament (Rule 123: Access to Parliament<sup>40</sup>) aim to ensure that third-party access to the European Parliament and the Members of the European Parliament (MEPs) is conducted in a transparent manner. Only individuals of organisations that have signed up to the EU’s Transparency Register can obtain an access badge to enter the premises of the European Parliament.

Nevertheless, this does not preclude meetings or contacts between MEPs and third parties outside of the Parliament’s premises. In addition, although many MEPs have voluntarily decided to publish information about their meetings with external stakeholders on their MEP website, this is not yet obligatory, and therefore not yet common practice.

Another potential concern – including of third countries in their relations with the European Parliament – is the fact that MEPs in view of their mandate as citizens’ representatives are easy to access in comparison to other EU Institutional stakeholders (European Commission and Council/ Member States), and hence easier to influence and to activate. When it comes to the potential for manipulation and dissemination of false facts and half-truths, the EP can be considered as a fertile ground. To our knowledge, there is no mechanism in place that would assess the credibility of individuals and organisations that approach individual MEPs with information pertaining to alleged cases of Human Rights violations. The assessment of the credibility is purely left to the individual judgement of the MEP.

---

<sup>36</sup><https://digital-strategy.ec.europa.eu/en/policies/online-disinformation>

<sup>37</sup> Ibid.

<sup>38</sup><https://www.europarl.europa.eu/committees/en/inge/home/highlights>

<sup>39</sup>[https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653633/EXPO\\_STU\(2021\)653633\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653633/EXPO_STU(2021)653633_EN.pdf)

<sup>40</sup>[https://www.europarl.europa.eu/doceo/document/RULES-9-2021-01-18-RULE-123\\_EN.html](https://www.europarl.europa.eu/doceo/document/RULES-9-2021-01-18-RULE-123_EN.html)

And this ease of access of activists to the European Parliament bears the significant risk of false information and disinformation about the Republic of Kazakhstan being fed to the Institution, with the danger of negative repercussions for the country in its relations with the EU.

## **IX. Conclusions**

Following the research conducted, the following conclusions can be presented:

1. Kazakhstan has signed and ratified a full range of international Human Rights treaties, conventions and protocols and is open to expand their commitments as is illustrated e.g. by the signing of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
2. The reviews of Kazakhstan's state of implementation of Human Rights standards by e.g. the UN's Universal Periodic Review and the various UN treaty bodies/committees demonstrate a progressive, evolutionary implementation of these standards, whereby Kazakhstan is supportive of a wide range of recommendations for further fine-tuning of its obligations under international Human Rights law.
3. Kazakhstan plays an active role and engages in a collaborative spirit, also open to engage in (EU) Human Rights dialogues.
4. Testament to the Kazakh commitment are the political, institutional and legal reforms that have been presented in the last two years under the auspices of President Tokayev, who took office in 2019. Their implementation is to a large extent ongoing, and results are to be monitored.
5. Following the recent UPR and reports of the UN treaty bodies, several recommendations have been made to address a range of concerns and improve shortcomings in the Human Rights implementation in Kazakhstan. A large majority of these recommendations (over 87%) is supported by Kazakhstan.
6. The concerns – without describing a detailed list at this stage – are mainly focused on civil society aspects of Human Rights compliance, including the freedom of expression, freedom of assembly, freedom of association, independence of the judiciary, fair trial and torture/ill-treatment of prisoners and other detainees (and the prevention of impunity for such violations).

## **X. Recommendations**

On the basis of the research undertaken and conclusions drawn in this report, recommendations to the Republic of Kazakhstan include the following:

- Continue the engagement in international Human Rights fora and with international partners – such as the European Union, the UN, OSCE and Council of Europe.
- Ensure that the political, institutional and legal reforms are implemented, and monitor and take stock of the implementation, to be captured in a “progress report” on the reforms. Such

progress report should be shared with the international partners and with other interested stakeholders.

- Devote due attention to the implementation of Human Rights commitments, including the aforementioned reforms.
- Further maintain and strengthen the collaboration and interaction with civil society organisations in Kazakhstan.
- Review and act upon the various recommendations that were issued by the recent UPR and UN treaty bodies, combined with bilateral concerns expressed by e.g. the OSCE (elections) and the European Commission/EEAS as part of the Human Rights Dialogue. In particular relating to:
  - Civil society participation and related issues;
  - Freedom of expression, assembly and association;
  - Prevention of torture and ill-treatment of prisoners and other detainees; and
  - Elections – OSCE recommendations.
- Be mindful of - and monitor/assess - the information that is distributed by NGOs and other Human Rights stakeholders. This information should be fact-checked and, to the maximum extent, possible disinformation should be filtered-out and exposed. Actively engage with international partners to provide fact-based information on disinformation, in case such disinformation is disseminated.
- Review additional signatures and ratifications of Human Rights instruments, with particular consideration of signature and ratification of the following international agreements:
  - Statute of the International Criminal Court (Rome, 1998);
  - Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (2008);
  - International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); and
  - Optional Protocol to the Convention on the Rights of the Child on a communications procedure (2014).
- Consider and facilitate to organise an independent review and audit (in-country) of the implementation of Human Rights commitments in Kazakhstan, with special focus on civil society participation and the implementation of the political, institutional and legal reforms introduced in the last two years.

\*\*\*

## **XI. ANNEX I: Inventory of Kazakhstan’s International Human Rights Commitments**

### **a. The Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR) is considered a “milestone document in the history of Human Rights”<sup>41</sup>. The Declaration was proclaimed by the United Nations (UN) General Assembly in 1948 (General Assembly resolution 217 A<sup>42</sup>). It sets out the fundamental human rights to be universally protected. The UDHR has paved the way for the subsequent adoption of more than seventy human rights treaties<sup>43</sup>.

The UDHR is a Declaration. It therefore neither creates a legal obligation, nor is it directly enforceable. Nevertheless, the UDHR being a milestone document with regard to Human Rights, it is important to underline that Kazakhstan, having become an independent state in 1991 and having joined the UN in 1992, has given legal mandate in the Kazakh Constitution<sup>44</sup> and legislation to almost all the ideas of the Declaration and its subsequent covenants and conventions<sup>45</sup>.

---

<sup>41</sup><https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>42</sup>[https://www.un.org/en/ga/search/\\_view\\_doc.asp?symbol=A/RES/217\(III\)](https://www.un.org/en/ga/search/_view_doc.asp?symbol=A/RES/217(III))

<sup>43</sup> Ibid.

<sup>44</sup> Cf. Art. 12, Constitution of the Republic of Kazakhstan:

[https://www.akorda.kz/en/official\\_documents/constitution](https://www.akorda.kz/en/official_documents/constitution), and the Joint Statement on the Universal Declaration of Human Rights of 23 September 2020: <https://usun.usmission.gov/joint-statement-on-the-universal-declaration-of-human-rights/>

<sup>45</sup> Marat Sarsembayev, expert of the Commission for Human Rights under the President of the Republic of Kazakhstan, a doctor of juridical science and professor and Daniyar Sarsembayev, the director of Bolashak Consulting Group and UNDP expert on human rights reflected on Kazakhstan’s commitment to Human Rights on the occasion of the 65<sup>th</sup> anniversary of the Declaration of Human Rights in the Astana Times article of 23 December 2013 entitled “65 Years of the Universal Declaration of Human Rights and Kazakhstan’s Contributions”: <https://astanatimes.com/2013/12/65-years-universal-declaration-human-rights-kazakhstans-contributions/>

**b. Core International Human Rights Treaties (UN)**

There are nine core international Human Rights instruments, all of which were inspired by the UDHR and are directly applicable. The implementation of each of these core Human rights instruments by State parties is monitored by a committee of experts. Some of the treaties are supplemented by optional protocols dealing with specific concerns, whereas the Optional Protocol to the Convention against Torture establishes a committee of experts.

<b>Treaty/convention</b>	<b>Signature</b>	<b>Ratification/ Accession (a)</b>	<b>Declaration/ Reservation</b>
<b>International Covenant on Civil and Political Rights (CCPR), 1976</b>	<b>2 Dec 2003</b>	<b>24 Jan 2006</b>	
Optional Protocol on the International Covenant on Civil and Political Rights, 1976	2007	2009	<u>Declaration:</u> The Republic of Kazakhstan, in accordance with article 1 of the Optional Protocol to the International Covenant on Civil and Political Rights, recognizes the competence of the Human Rights Committee to receive and consider communications from individuals subject to the jurisdiction of the Republic of Kazakhstan concerning actions and omissions by the State authorities or acts or decisions adopted by them following the entry into force of this Optional Protocol in the Republic of Kazakhstan.
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of	23 Sep 2020	/	/

the death penalty, 1991			
<b>International Covenant on Economic, Social and Cultural Rights (CESCR), 1976</b>	<b>2 Dec 2003</b>	<b>24 Jan 2006</b>	/
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2013	2010	/	/
<b>International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1969</b>	/	<b>26 Aug 1998 (a)</b>	<b>29 May 2008</b>  “In accordance with article 14, paragraph 1, of the International convention on the elimination of all forms of racial discrimination done at New York on December 21, 1965 the Republic of Kazakhstan hereby declares that it recognizes the competence of the Committee of elimination of racial discrimination within its jurisdiction to receive and consider communications from or on behalf of individuals who claim to be victims of a violation by the Republic of Kazakhstan of the provisions of the Convention.”
<b>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1981</b>	/	<b>26 Aug 1998 (a)</b>	/
Optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 2000	2000	2001	/
<b>Convention Against Torture and Other Cruel</b>	/	<b>26 Aug 1998</b>	<b>21 February 2008</b>

<b>Inhuman or Degrading Treatment or Punishment (CAT), 1987</b>		<b>(a)</b>	<p><b>In accordance with article 21, paragraph 1:</b></p> <p><b>"..., the Republic of Kazakhstan hereby declares that it recognizes the competence of the Committee against torture under the conditions laid down in article 21, to receive and consider communications to the effect that another state party claims that the Republic of Kazakhstan is not fulfilling its obligations under this Convention."</b></p> <p><b>In accordance with article 22, paragraph 1:</b></p> <p><b>"..., the Republic of Kazakhstan hereby declares that it recognizes the competence of the Committee against torture under the conditions laid down in article 22, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the Republic of Kazakhstan of the provisions of the Convention."</b></p>
<b>Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), 2006</b>	<b>25 Sep 2007</b>	<b>22 Oct 2008</b>	<p><u>Declaration</u> (8 February 2010):</p> <p>"In accordance with Article [24], paragraph 1 of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Kazakhstan hereby postponing the implementation of its obligations under part IV of the present Optional Protocol."</p>
<b>Convention on the Rights of the Child (CRC), 1990</b>	<b>16 Feb 1994</b>	<b>12 Aug 1994</b>	<b>/</b>

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC), 2002	6 Sep 2000	10 Apr 2003	<p><u>Declaration</u>: "Pursuant to article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflicts, the Republic of Kazakhstan hereby declares: In accordance with the Military Service on Contract Basis Act No. 167-II 3PK of March 20, 2001: 1. Military Service on Contract Basis grounded on the principles of legitimacy, voluntary recruitment, professionalism and competency, social security and protection of rights of military servants. 2. Every military servant is entitled in full equality in his or her rights. No one shall be limited in his or her rights or attain any advantages realising the rights with regard to sex, age, race, nationality, language, religion, official capacity and social status. 3. Article 17, paragraph 1 permits voluntary recruitment at the minimum age of 19. 4. According to the article 14, paragraph 1 a contract should obligatory include description of the identification document, number and date of issue of the document, number of social individual code and tax-payer's registration number."</p>
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC-OP-SC), 2002	6 Sep 2000	24 Aug 2001	/
Optional Protocol to the Convention on the Rights of the Child on a communications procedure, 2014	/	/	/

<b>International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CRMW), 2003</b>	/	/	/
<b>International Convention for the Protection of all Persons from Enforced Disappearance (CED), 2010</b>	/	<b>27 Feb 2009 (a)</b>	/
<b>Convention on the Rights of Persons with Disabilities (CRPD), 2008</b>	<b>11 Dec 2008</b>	<b>21 Apr 2015</b>	/
Optional Protocol to the Convention on the Rights of Persons with Disabilities, 2008	2008	/	/

### **c. Reports and Concluding Observations by the United Nations Treaty Bodies**

This section contains an overview of the most recent concluding observations of UN Treaty Bodies for Kazakhstan. In line with the scope of the present report, the assessment in this section focuses on the three UN Treaty Bodies with major importance for the progress in protecting and promoting Human Rights in Kazakhstan: The Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination against Women (CEDAW).

#### **i. Human Rights Committee / International Covenant on Civil and Political Rights (CCPR)**

The concluding observations<sup>46</sup> of the Human Rights Committee on the second periodic report on Kazakhstan under the International Covenant on Civil and Political Rights were issued on 9 August 2016. The Committee considered the second periodic report of Kazakhstan (CCPR/C/KAZ/2) at its 3271st and 3272nd meetings, held on 22 and 23 June 2016. At its 3294th meeting, held on 11 July 2016, it adopted the concluding observations.

The Committee welcomed the following measures taken by Kazakhstan:

- The expansion of the list of restraint measures not involving deprivation of liberty;
- The codification in the new Criminal and Criminal Procedure Codes that entered into force on 1 January 2015 of the obligation that allegations of torture or other ill-treatment be automatically registered and investigated as criminal offences; and
- The establishment of 19 juvenile courts in all regions and the decrease in the percentage of children in conflict with the law.

Importantly, the Committee also “welcome[d] the ratification of the Convention on the Rights of Persons with Disabilities, on 21 April 2015.”

The remaining principle matters of concern raised by the Committee related to the following areas:

- Implementation of the Views under the Optional Protocol;
- National Human Rights institution;
- Equality and non-discrimination;
- Violence against women;
- Combating extremism and terrorism;
- Death penalty [*Editor’s note: Important aspects of this have in the meantime been addressed in the context of Kazakhstan’s signature on 23 September 2020 of the Second Optional*

---

<sup>46</sup><https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnVLXh7tWotjakJ2A4dlu%2fy2qfDftERdCyCiDGloD6fvzZPyCZ0wxIQtC5PKOS88usA9KTALCc%2bvYBxRUcrhBBDIZ8tW718B0Mt%2bWdqyRvio>

*Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty];*

- Torture and ill-treatment [*Editor's note: The Kazakh leadership has in the meantime demonstrated additional efforts in this regard. As part of the second reform package under President Tokayev, announced on 2 September 2020, the leadership has committed to improving national legislation to combat torture and bring it in line with the provisions of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment];*
- Independence of the judiciary and fair trial;
- Freedom of conscience and of religious belief;
- Freedom of expression;
- Peaceful assembly;
- Freedom of association and participation in public life; and others<sup>47</sup>.

Moreover, Kazakhstan is asked to “bring its regulations and practice governing the registration and functioning of political parties and non-governmental organizations, as well as the legal frameworks regulating strikes and trade unions, into full compliance with the provisions of articles 19, 22 and 25 of the Covenant.” Amongst others, the Committee requests Kazakhstan to:

- “Refrain from criminalizing public associations, including political parties, for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty;
- Clarify the broad grounds for the suspension or dissolution of political parties;
- Ensure that the new legislation on the allocation of funds to public associations will not be used as a means of undue control and interference in the activities of such associations nor for restricting their fundraising options.”

With a view to next steps, Kazakhstan was requested to provide, within one year of the adoption of the concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 18 (accountability for human rights violations in connection with the Zhanaozen events), 24 (torture and ill-treatment) and 54 (freedom of association and participation in public life). On 7 December 2016 (official publication date: 28 December 2016), Kazakhstan submitted its first follow-up report<sup>48</sup> to the concluding observations, reporting about the implementation of the recommendations in paragraph 18 (accountability for human rights violations in connection with the Zhanaozen events). The country submitted its second follow-up report<sup>49</sup> to the concluding obligations well within the required timeframe, on 18 April 2017 (official publication on

---

<sup>47</sup>Due to the limited scope of this report, this is a non-exhaustive list of remaining subjects of concern raised by the Committee. The full list can be found in the concluding observations.

<sup>48</sup><https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/442/61/PDF/G1644261.pdf?OpenElement>

<sup>49</sup><https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsnVLXh7tWotjakJ2A4dlu%2fwXQl%2bhrYEXy8HWOBGtbw6Teb%2fBmHeLBixT8J3Gr0bPvHPBZujyBuLB%2f5yVImdoQH2aY7OEDNkp4V1aAm1G3Bi8qgKMBg2KNRzy%2fBPsG%2bsPFQ%3d%3d>

10 August 2017). Kazakhstan’s follow-up report addressed the recommendations by the Human Rights Committee with regard to paragraphs 24 (torture and ill-treatment) and 54 (freedom of association and participation in public life). Kazakhstan therefore duly responded to the Committee’s request to provide within one year of the adoption of the concluding observations the relevant information on implementation of recommendations in paragraph 18, 24 and 54.

The Committee evaluated<sup>50</sup> Kazakhstan’s follow-up actions as [B], meaning “partially satisfactory”, and [C], meaning “non-satisfactory”. The evaluation grades are to be understood as follows:

- [B]: Reply/action partially satisfactory: The State party took steps towards the implementation of the recommendation but additional information or action remains necessary.
- [C]: Reply/action not satisfactory: Response received but actions or information not relevant or do not implement the recommendation. The action taken or information provided by the State party does not address the situation under consideration.

In view of the special importance of the Human Rights Committee even within the system of the UN Treaty Bodies, the evaluations made by the Committee in view of the implementation of measures to promote and protect the Human Rights situation in Kazakhstan are equally of particular relevance.

The following section therefore contains a chart providing an overview of the concrete evaluations and related explanations given by the Committee in view of the implementation of the recommendations made by the Committee in paragraphs 18 (accountability for human rights violations in connection with the Zhanaozen events), 24 (torture and ill-treatment) and 54 (freedom of association and participation in public life).

---

<sup>50</sup>[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/KAZ/INT\\_CCPR\\_FUD\\_KAZ\\_32953\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/KAZ/INT_CCPR_FUD_KAZ_32953_E.pdf)

The detailed evaluation by the Human Rights Committee per paragraph was as follows:

<b>Paragraph</b>	<b>Original Recommendation (<i>partly summarised by the editor</i>)</b>	<b>Evaluation</b>	<b>Explanation (<i>summarised by the editor</i>)</b>
Paragraph 18 (accountability for human rights violations in connection with the Zhanaozen events):	The State party should carry out an independent, impartial and effective investigation into the individual deaths and injuries in connection with the events in Zhanaozen, as well as into all allegations of torture and ill-treatment, with a view to ensuring proper accountability for perpetrators, restoration of the rights of convicted persons to a fair trial, and effective remedies, including adequate compensation, for all victims of human rights violations or their families.	[C]	The Committee notes the information provided by the State party but regrets the lack of concrete information on measures taken after the adoption of the Committee’s concluding observations. The Committee requests that the State party respond to the allegations that the investigation involved torture, threats and intimidation, and that it provides information on the action taken to follow up on those allegations in the Zhanaozen trial. The Committee reiterates its recommendations.
Paragraph 24 (torture and ill-treatment)	The State party should take robust measures to eradicate torture and ill-treatment and to effectively investigate, prosecute and punish such acts, inter alia, by: (a) Ensuring that standards of proof and credibility for evidence applied when determining whether a criminal investigation into an alleged act of torture or ill-treatment should be pursued are appropriate and reasonable; (b) Ensuring that investigations are carried out by an independent body and are not unduly delayed, and that “special prosecutor units” are themselves responsible for conducting all investigations; (c) Ensuring that sanctions for the crime of torture are	[B][C]	[B] (a) and (b): The Committee welcomes the State party’s reply, but requests further information on measures taken after the adoption of the Committee’s concluding observations to ensure that standards of proof and credibility for evidence applied are appropriate and reasonable for determining whether acts amount to torture or ill-treatment. In particular, the Committee requests information on the dates and content of the reforms of criminal law and criminal procedure referred by the State party. On the investigations carried out by the State party, the Committee notes the information provided but regrets that the State party has failed to

	<p>commensurate with the nature and gravity of the crime;</p> <p>(d) Refraining from using the charge of “false reporting of a crime” against alleged victims of torture or ill-treatment;</p> <p>(e) Ensuring that victims of torture and ill-treatment have, both in law and practice, access to full reparation;</p> <p>(f) Ensuring that oversight of the penitentiary system is exercised by an independent agency.</p>	<p>address whether investigations are carried out by an independent body. The Committee also requires further information regarding the special prosecutor units.</p> <p>[C] (c) to (f): Regarding the sanctions for the crime of torture, the Committee welcomes the information provided, but notes the lack of information on measures taken after the adoption of the Committee’s concluding observations. The Committee requests that information as well as information on: (a) the distinction between torture and other cruel, inhuman and degrading treatment or punishment in the Criminal Code; (b) the possibility for amicable agreement or conditional conviction of the perpetrators; and (c) the impact the “A society without torture” project has had on the imposition of sanctions for the crime of torture that are commensurate with the nature and gravity of the crime. The Committee notes that the State party has not provided information regarding the use of “false reporting of a crime” and reiterates its recommendation.</p> <p>In relation to reparation for victims, the Committee welcomes the information on the “A society without torture” project. However, the Committee regrets the insufficient information provided about this plan and how the State party ensures that victims of torture and ill-treatment have access to full reparation, adequate</p>
--	--	---

			compensation and the possibility of seeking civil remedies. Concerning an oversight system, the Committee notes the information provided, but requires further information on the national preventive mechanism and its independence to carry out its functions.
Paragraph 54 (freedom of association and participation in public life)	<p>The State party should bring its regulations and practice governing the registration and functioning of political parties and non-governmental organizations, as well as the legal frameworks regulating strikes and trade unions, into full compliance with the provisions of articles 19, 22 and 25 of the Covenant. It should, inter alia:</p> <p>(a) Refrain from criminalizing public associations, including political parties, for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty;</p> <p>(b) Clarify the broad grounds for the suspension or dissolution of political parties;</p> <p>(c) Ensure that the new legislation on the allocation of funds to public associations will not be used as a means of undue control and interference in the activities of such associations nor for restricting their fundraising options.</p>	[C][C][B]	<p>[C] (a): The Committee acknowledges the information provided by the State party, but regrets that it has not provided information on measures taken after the adoption of the Committee’s concluding observations. The Committee reiterates its recommendation and requests that the State party comment on information received that the new trade union laws regarding registration have been used to deliberately prevent trade unions from being able to function.</p> <p>[C] (b): The Committee regrets that the State party has provided no information regarding the grounds for the suspension or dissolution of political parties. The Committee reiterates its recommendation and requests information in this regard.</p> <p>[B] (c): The Committee notes the information provided by the State party, but requests more information about the efforts made to alleviate undue control and interference in the activities of public associations, specifically regarding: (a) the regulations under which</p>

			<p>grants are awarded by the State party; (b) how members of the specialized operating body are appointed; (c) how members of the independent expert commission considering applications are appointed and who the commission consists of; and (d) if any other mechanisms are in place to ensure that control over or undue interference in funding is not taking place.</p>
--	--	--	---

Subsequent to this evaluation, the Committee considered that the recommendations selected for the follow-up procedure had not been fully implemented by Kazakhstan and decided to request additional information on their implementation. Taking into account that the next periodic report of Kazakhstan was due by 15 July 2020, the Committee requested the State party to provide this information in the context of its next periodic report.

Under the simplified reporting procedure, the Committee transmits a list of issues to the State party prior to the submission of its periodic report. The Kazakh response to this list of issues would then constitute the next periodic report to be submitted under article 40 of the Covenant.

#### Preliminary Assessment:

The concluding observations of the Human Rights Committee on the second periodic report on Kazakhstan of August 2016 indicate that Kazakhstan continues to progressively implement reforms in line with the International Covenant on Civil and Political Rights (CCPR). The important step taken by Kazakhstan in the ratification of the Convention on the Rights of Persons with Disabilities, on 21 April 2015, was welcomed by the Human Rights Committee. Other key reforms that were welcomed included the codification in the new Criminal and Criminal Procedure Codes that entered into force on 1 January 2015 of the obligation that allegations of torture or other ill-treatment be automatically registered and investigated as criminal offences; as well as the establishment of 19 juvenile courts in all regions and the decrease in the percentage of children in conflict with the law.

In the concluding observations, Kazakhstan was asked to demonstrate further progress in terms of implementing reforms in fields of key importance under the International Covenant on Civil and Political Rights (CCPR). The Committee's evaluation of Kazakhstan's follow-up actions to implement the Committee's recommendations in view of paragraphs 18 (accountability for human rights violations in connection with the Zhanaozen events), 24 (torture and ill-treatment), and 54 (freedom of association and participation in public life) has brought about the evaluation grades [B], "partially satisfactory" and [C], "non-satisfactory". The Committee's explanations, however, clearly indicate that the Committee welcomes the information provided about the progress made in the individual areas. As can be seen in the individual explanations of the evaluations in the chart above, the Committee attributed evaluation grades [B] and [C] not because of a lack of reform process, but predominantly because it required more detailed information about the concrete actions taken. The Committee has reiterated its recommendations in this regard, asking Kazakhstan to provide more in-depth information on the relevant topics.

In the context of the third periodic report on Kazakhstan under the International Covenant on Civil and Political Rights, Kazakhstan is therefore asked to provide these updates to demonstrate that it continues to deliver on its commitments under the Covenant in pursuing its gradual reform path.

## ii. Committee on Economic, Social and Cultural Rights/ Economic and Social Council

The concluding observations<sup>51</sup> of the Committee on Economic, Social and Cultural Rights (under the UN Economic and Social Council) on the second periodic report of Kazakhstan were issued on 29 March 2019. The Committee considered the second periodic report of Kazakhstan (E/C.12/KAZ/2) at its 16th and 17th meetings, held on 27 and 28 February 2019, and adopted the concluding observations at its 30th meeting, held on 8 March 2019.

In terms of positive aspects, the Committee in its concluding observations “welcome[d] the legislative, institutional and policy measures taken by the State party to enhance the level of protection of economic, social and cultural rights in the State party, as referred to in the present concluding observations. It notes with appreciation, in particular, the adoption of the Kazakhstan Family and Gender Policy Concept until 2030.”

The remaining principal subjects of concern raised by the Committee include the following matters:

- Application of the Covenant;
- National Human Rights institutions;
- Civil society;
- Non-discrimination;
- Equality between men and women;
- Business and Human Rights;
- Combatting corruption;
- Gender wage gap;
- Right to strike;
- Trade union rights;
- Domestic violence;
- Child labour; and others<sup>52</sup>.

In addition to the specific recommendations in the abovementioned fields, the Committee’s recommendations notably include:

- Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;

---

<sup>51</sup><https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmIBEDzFEovLCuWzkLn5QA2sHMzcgILbdGh1o%2bE7e9LveibvxLDw2%2fH%2fjPni2eASbE%2fkqCDqg6MHosDf09Fh%2fsxpFX2J88euyqRo2clHfHbOGFq1KA4ym2UYTR>

<sup>52</sup>Due to the limited scope of this report, this is a non-exhaustive list of remaining subjects of concern raised by the Committee. The full list can be found in the concluding observations.

- Ensuring the full enjoyment of the rights enshrined in the Covenant in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed;
- Taking steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population.

Moreover, the Kazakh leadership is asked to inform the Committee in its next periodic report about the steps taken to implement the recommendations, and to engage with the Commissioner for Human Rights (ombudsperson), non-governmental organizations and other members of civil society in the follow-up to the concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

Importantly, Kazakhstan is asked to provide, within 24 months of the adoption of the concluding observations, information on the implementation of the recommendations contained in paragraphs on non-discrimination (para. 11 (a) and (b)), maximum available resources (para. 20) and trade union rights (para. 33) above.

The Committee has requested Kazakhstan to submit its third periodic report by 31 March 2024.

#### Preliminary Assessment:

The concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Kazakhstan of March 2019 indicate that Kazakhstan continues to progressively implement reforms in line with the International Covenant on Economic, Social and Cultural Rights (CESCR). The Committee has welcomed the legislative, institutional and policy measures taken by Kazakhstan to enhance the level of protection of economic, social and cultural rights in the country. In particular, the Committee expressed appreciation for the adoption of the Kazakhstan Family and Gender Policy Concept until 2030.

The country is now asked to continue on its reform path. Key requests of the Committee include the ratification by Kazakhstan of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and ensuring the full enjoyment of the rights enshrined in the Covenant in the implementation of the 2030 Agenda for Sustainable Development. Further reforms are therefore encouraged – and can be expected to be achieved by Kazakhstan – by the time of the submission of the third periodic report by 31 March 2024.

### iii. Committee on the Elimination of Discrimination against Women (CEDAW)

The concluding observations<sup>53</sup> on the fifth periodic report of Kazakhstan were issued by the Committee on the Elimination of Discrimination against Women (CEDAW) on 12 November 2019. The Committee considered the fifth periodic report submitted by Kazakhstan under article 18 of CEDAW (CEDAW/C/KAZ/5<sup>54</sup>) at its 1724th and 1725th meetings, held on 24 October 2019.

As set out in the concluding observations, the Committee welcomed the submission by Kazakhstan of its fifth periodic report. The Committee also welcomed Kazakhstan's follow-up report to the previous concluding observations of the Committee and its written replies to the list of issues and questions on the fifth periodic report, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

Amongst the positive aspects highlighted in the concluding observations, the Committee welcomed "the progress achieved since the consideration in 2014 of the State party's combined third and fourth periodic reports (CEDAW/C/KAZ/3–4) in undertaking legislative reforms". The concrete legislative reforms welcomed by the Committee include:

- The law on the victim compensation fund (2018); and
- The law on mandatory social health insurance (2015).

Moreover, the Committee "welcome[d] the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality". This included the following efforts:

- The gender-responsive budgeting integration plan (2020–2025), adopted in 2019;
- The national plan for the period up to 2025 to ensure the rights and improve the livelihoods of persons with disabilities, which includes measures to promote the reproductive rights of women with disabilities, adopted in 2019;
- Since 2018, the progressive equalization of the retirement of men and women at the age of 64 years, to be achieved by 2028;
- The action plan to prevent and combat crimes related to trafficking in persons (2018–2020), adopted in 2018;
- The forum for rural women to increase the social activities of rural women and promote entrepreneurship by women, held in 2018;
- The standard procedure for providing special social services to victims of domestic violence, adopted in 2016;
- The state programme known as "Densaulyk", aimed at protecting maternal and child health;

---

<sup>53</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/KAZ/CO/5%20&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/KAZ/CO/5%20&Lang=En)

<sup>54</sup><https://undocs.org/en/CEDAW/C/KAZ/5>

- The programme entitled “Women in business”, conducted jointly with the European Bank for Reconstruction and Development, which is focused on providing concessional credit to businesses run by women; and
- The action plan for the implementation of the Committee’s concluding observations on the combined third and fourth periodic reports, adopted in 2015.

The Committee further welcomed Kazakhstan’s ratification of the Convention on the Rights of Persons with Disabilities, in 2015, following the previous report.

The Committee also detailed its remaining principal areas of concern and put forward recommendations to address these concerns. The areas discussed include:

- Applicability of the Convention;
- Legal framework and definition of discrimination;
- Access to justice and legal complaints mechanisms;
- National machinery for the advancement of women;
- Civil society organizations;
- National human rights institutions;
- Gender-based violence against women;
- Trafficking and exploitation of prostitution;
- Participation in political and public life;
- Education;
- Employment; and others<sup>55</sup>.

The Committee further noted that the “adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life.” It therefore “encourage[d] the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families”, to which Kazakhstan is not yet a party.

#### Preliminary Assessment:

The concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW) on the fifth periodic report of Kazakhstan indicates that Kazakhstan continues to progressively implement reforms to eliminate discrimination against women. The Committee welcomed substantial legislative reforms in this field, implemented as a follow-up to the previous Committee reports. At the same time, the Committee’s concluding observations pointed out those fields that require further attention by the Kazakh leadership. In particular, Kazakhstan is encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This would be a significant step that should be considered. Kazakhstan is

---

<sup>55</sup> Due to the limited scope of this report, this non-exhaustive list represents a selection of the principal areas of concerns set out by the Committee. The full list, including detailed recommendations, can be found in the concluding observations of the Committee.

now asked to provide documentation of its steps to implement the Committee's recommendations. The country is invited to submit its sixth periodic report by November 2023.

**d. ILO – Ratifications for Kazakhstan**

The International Labour Organisation (ILO) as a United Nations agency settles international labour standards through legally-binding conventions and non-binding recommendations. Eight conventions are fundamental. Kazakhstan has signed and ratified the following ILO conventions:

<b>Convention</b>	<b>Date</b>	<b>Status</b>
<u>C029 - Forced Labour Convention, 1930 (No. 29)</u>	18-May-01	In Force
<u>C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)</u>	13-Dec-00	In Force
<u>C098 - Right to Organise and Collective Bargaining Convention, 1949 (No. 98)</u>	18-May-01	In Force
<u>C100 - Equal Remuneration Convention, 1951 (No. 100)</u>	18-May-01	In Force
<u>C105 - Abolition of Forced Labour Convention, 1957 (No. 105)</u>	18-May-01	In Force
<u>C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</u>	06-Dec-99	In Force
<u>C138 - Minimum Age Convention, 1973 (No. 138) Minimum age specified: 16 years</u>	18-May-01	In Force
<u>C182 - Worst Forms of Child Labour Convention, 1999 (No. 182)</u>	26-Feb-03	In Force
<b>Governance (Priority)</b>		
<b>Convention</b>	<b>Date</b>	<b>Status</b>

<u>C081 - Labour Inspection Convention, 1947 (No. 81)</u>	06-Jul-01	In Force
<u>C122 - Employment Policy Convention, 1964 (No. 122)</u>	06-Dec-99	In Force
<u>C129 - Labour Inspection (Agriculture) Convention, 1969 (No. 129)</u>	06-Jul-01	In Force
<u>C144 - Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)</u>	13-Dec-00	In Force
<b>Technical</b>		
<b>Convention</b>	<b>Date</b>	<b>Status</b>
<u>C026 - Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)</u>	05-Mar-15	In Force
<u>C088 - Employment Service Convention, 1948 (No. 88)</u>	18-May-01	In Force
<u>C095 - Protection of Wages Convention, 1949 (No. 95)</u>	03-Feb-15	In Force
<u>C135 - Workers' Representatives Convention, 1971 (No. 135)</u>	13-Dec-00	In Force
<u>C148 - Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)</u>	30-Jul-96	In Force
<u>C155 - Occupational Safety and Health Convention, 1981 (No. 155)</u>	30-Jul-96	In Force
<u>C156 - Workers with Family Responsibilities Convention, 1981 (No. 156)</u>	17-Jan-13	In Force
<u>C162 - Asbestos Convention, 1986 (No. 162)</u>	05-Apr-11	In Force
<u>C167 - Safety and Health in Construction Convention, 1988 (No. 167)</u>	18-Jun-08	In Force

<u>C183 - Maternity Protection Convention, 2000 (No. 183) The period of maternity leave is 18 weeks (20 weeks in case of obstructed child birth or in the case of the birth of 2 or more children)</u>	13-Jun-12	In Force
<u>C185 - Seafarers' Identity Documents Convention (Revised), 2003, as amended (No. 185)</u>	17-May-10	In Force
Amendments of 2016 to the Annexes of the Convention No. 185	08-Jun-17	In Force
<u>C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)</u>	03-Feb-15	In Force

Preliminary Assessment:

To date, Kazakhstan has ratified 25 out of 189 ILO Conventions.

Kazakhstan has ratified the eight conventions which are identified by the ILO's Governing Body as "fundamental", i.e. (i) Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), (ii) Right to Organise and Collective Bargaining Convention, 1949 (No. 98); (iii) Forced Labour Convention, 1930 (No. 29); (iv) Abolition of Forced Labour Convention, 1957 (No. 105); (v) Minimum Age Convention, 1973 (No. 138); (vi) Worst Forms of Child Labour Convention, 1999 (No. 182); (vii) Equal Remuneration Convention, 1951 (No. 100); and (viii) Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

As is common practice amongst states, Kazakhstan will review on a regular basis which additional ILO conventions and protocols can be acceded to.

**e. Council of Europe Conventions and Agreements**

The Council of Europe (CoE) is Europe's leading Human Rights organisation. The CoE enforces select international agreements reached by European states on various topics. Kazakhstan cooperates with the CoE as a non-member state, and has ratified the following Conventions:

<b>Council of Europe Conventions</b>	<b>Ratification/ Accession (a)</b>	<b>Entry into force</b>
European Cultural Convention	5 Mar 2010	5 Mar 2010
Convention on Mutual Administrative Assistance in Tax Matters	8 Apr 2015 <u>Signed:</u> 23 Dec 2013	1 Aug 2015

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime	23 Sep 2014	1 Jan 2015
Convention on the Recognition of Qualifications concerning Higher Education in the European Region	7 Oct 1998 <u>Signed:</u> 11 Apr 1997	1 Feb 1999

<b>Other Council of Europe Agreements and Conventions</b>	<b>Status</b>
European Commission for Democracy through Law (Venice Commission)	Member since March 2012
Convention on the Elaboration of a European Pharmacopoeia	Observer since 2006
Group of States against Corruption (GRECO)	Invited to accede since December 2003

Preliminary Assessment:

In addition to the four Conventions Kazakhstan has ratified, it forms part of the Venice Commission, which supports its member states in improving legal and institutional structures. Kazakhstan has expressed interest in the expansion of cooperation with the CoE, particularly in the field of Rule of Law, modernising the justice system, and acceding to the relevant Conventions. TheCoE and Kazakhstan have developed a framework document, “Neighbourhood Co-operation Priorities for 2019-2022”.

**f. OSCE**

The Organization for Security and Co-operation in Europe (OSCE) is the world's largest security-oriented intergovernmental organisation with a regional focus. Kazakhstan is one of the 57 participating states.

Kazakhstan has signed the Helsinki Final Act, a binding agreement aimed at enhancing security and cooperation. Kazakhstan has also signed the Charter of Paris that sets the institutional basis of the Organization. Kazakhstan has an OSCE Programme Office in Nur-Sultan, which offers support in implementing OSCE principles and commitments.

One of the core activities of ODIHR being election monitoring, the most recent OSCE elections assessments for Kazakhstan have been as follows:

Parliamentary Elections, 10 January 2021	<a href="https://www.osce.org/odihr/elections/kazakhstan/470850">https://www.osce.org/odihr/elections/kazakhstan/470850</a>
--	---

Early Presidential Election, 9 June 2019	<a href="https://www.osce.org/odihr/elections/kazakhstan/418187">https://www.osce.org/odihr/elections/kazakhstan/418187</a>
Early Parliamentary Elections, 20 March 2016	<a href="https://www.osce.org/odihr/elections/kazakhstan/222541">https://www.osce.org/odihr/elections/kazakhstan/222541</a>
Early Presidential Election, 26 April 2015	<a href="https://www.osce.org/odihr/elections/kazakhstan/145006">https://www.osce.org/odihr/elections/kazakhstan/145006</a>

- International election observation mission Republic of Kazakhstan – Parliamentary Elections, 10 January 2021:

Upon invitation by the Republic of Kazakhstan, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed a Limited Election Observation Mission (LEOM) to observe the 10 January 2021 Kazakh parliamentary elections.<sup>56</sup> The LEOM assessed compliance of the electoral process with OSCE commitments, other international obligations and standards for democratic elections, as well as national legislation. The Statement of Preliminary Findings and Conclusions issued by the LEOM concluded that (but was not limited to):

- The 10 January parliamentary elections in Kazakhstan lacked genuine competition and highlighted the need of the announced political reforms. They were technically prepared efficiently amid the challenges posed by the outbreak of the COVID-19 pandemic.
- While five parties participated in the electoral process, and their candidates were able to campaign freely, limits imposed on the exercise of constitutionally guaranteed fundamental freedoms restrict the political space.
- Frequent revisions were made to the legal framework since the last parliamentary elections, some of which partially addressed a few previous ODIHR recommendations. Still, the legal framework is not yet conducive to holding elections in line with the OSCE commitments as long-standing systemic shortcomings remain.
- Notwithstanding some increasing scope for a plurality of opinions online, a subdued campaign further narrowed voters’ ability to make an informed choice. Concerted measures in the run up to elections prevented some domestic observers from an effective oversight. While voting itself was generally organized efficiently, many procedural aspects on election day lacked full transparency.

The report outlined a series of recommendations to further enhance the conduct of elections in Kazakhstan and to support efforts to bring “them fully in line with OSCE commitments, other international obligations, and standards for democratic elections” These recommendations include:

- Law and public policy should ensure that citizens can exercise their civil and political rights without fear of retribution, punitive administrative actions or intimidation. Authorities should abstain from measures which have the effect of restricting rights and freedoms and ensure prompt and impartial investigation of any abuse.

---

<sup>56</sup><https://www.osce.org/files/f/documents/9/d/482292.pdf>

- The legislative requirements and onerous administrative procedures for the registration of political parties should be comprehensively revised in order to respect and encourage pluralism and freedom of association. Registration of political parties should be carried out objectively, transparently and be subject to effective judicial control.
- The legal framework should be comprehensively revised to lift the restrictions on fundamental freedoms of peaceful assembly, expression and association, in line with OSCE commitments and other international obligations, and to address other long-standing ODIHR recommendations. The reform should be undertaken with open and meaningful consultation with all relevant stakeholders, well in advance of the next elections.
- The authorities, including the Central Election Commission, should abstain from restrictive interpretation and inconsistent implementation of the rules of participation of observers in the electoral process. Any such rules should be clear, announced in a timely manner and non-discriminatory.
- Restrictions in the legislation of the constitutionally guaranteed right to freedom of expression, including related to defamation and the incitement to hatred, should be in strict conformity with the principles of legality, legitimacy and proportionality.
- To ensure integrity of election results, uniform provisions and procedural safeguards should be adhered to during the counting and tabulation processes in full view of observers. To enhance transparency and accountability, election results should be published disaggregated by district and polling station.

The OSCE also published a series of “other recommendations” pertaining to the electoral system, election administration, voter registration, candidate registration, election campaigns, campaign finance, media, as well as complaints and appeals procedures.

**g. Additional Relevant (Thematic) Treaties**

Kazakhstan also forms part of other relevant treaties with a positive impact on Human Rights and related aspects. These obligations are an additional expression of Kazakhstan’s commitment to the international rules-based order.

<b>Treaty/Convention</b>	<b>Ratification/ Accession (a)/ Entry into force (e)</b>
<b>Rome Statute of the International Criminal Court</b>	<b>Not signed/ratified</b>
<b>Paris Agreement</b>	<b>2 August 2016 (signed); 6 December 2016 (ratified)</b>
United Nations Convention against Transnational Organized Crime	31 Jul 2008

Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	26 Feb 2003
Freedom of Association and Protection of the Rights to Organise Convention	13 Dec 2000
Right to Organise and Collective Bargaining Convention	18 May 2001
Convention concerning Forced or Compulsory Labour	18 May 2001
Equal Remuneration Convention	18 May 2001
Abolition of Forced Labour Convention	18 May 2001
Employment Policy Convention	6 Dec 1999
Convention concerning Occupational Safety and Health and Working Environment	30 Jul 1996
Convention relating to the Status of Refugees	15 Jan 1999 (a)
Protocol relating to the Status of Refugees	15 Jan 1999 (a)
Convention on the Prevention and Punishment of the Crime of Genocide	26 Aug 1998 (a)
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field	5 May 1992
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	5 May 1992
Geneva Convention relative to the Treatment of Prisoners of War	5 May 1992
Geneva Convention relative to the Protection of Civilian Persons in Time of War	5 May 1992
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	5 May 1992
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims on Non-International Armed	5 May 1992

Conflicts (Protocol II)	
International Convention Against the Taking of Hostages	21 Feb 1996 (a); 22 Mar 1996 (e)
International Convention for the Suppression of Terrorist Bombing	6 Nov 2002 (a)
International Convention for the Suppression of the Financing of Terrorism	24 Feb 2003 (a)
International Convention for the Suppression of Unlawful Seizure of Aircraft	4 Apr 1995
International Convention on the Prevention and Punishment of Crimes Against International Protected Persons	21 Feb 1996 (a)
Convention on the Privileges and Immunities of the United Nations	26 Aug 1998 (a)
Treaty on the Non-Proliferation of Nuclear Weapons	14 Feb 1994 (e)
Single Convention on Narcotic Drugs, as amended by the Protocol of Amendment	29 May 1997 (e)
The Convention on Psychotropic Substances	28 Jul 1997
The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances	28 Jul 1997 (e)

Kazakhstan is committed to combatting global climate change, a field that is closely interlinked with and of key relevance to the promotion and protection of Human Rights. As then UN Special Rapporteur on Human Rights and the Environment, John Knox, noted in December 2015, “States’ human rights obligations also encompass climate change”<sup>57</sup>. Kazakhstan has signed and ratified the Paris Agreement<sup>58</sup>, and has committed to achieve carbon neutrality by 2060<sup>59</sup>. The Preamble to the Paris Agreement to the UNFCCC (1/CP.21) calls on States, when taking action to address climate change, to “respect, promote and consider their respective obligations on human rights”.

<sup>57</sup><https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?Newsid=16836&Langid=E>

<sup>58</sup><https://unfccc.int/node/61091>

<sup>59</sup><https://www.akorda.kz/en/kazakhstan-president-kassym-jomart-tokayev-delivered-a-video-address-at-the-high-level-global-roundtable-on-extractive-industries-254543>

The Climate Action Tracker<sup>60</sup> (CAT), an independent scientific analysis that tracks government climate action and measures it against the globally agreed Paris Agreement aim of "holding warming well below 2°C, and pursuing efforts to limit warming to 1.5°C", ranks Kazakhstan's nationally determined contributions (NDCs) at the orange level ("less than 3 degrees")<sup>61</sup> – and hence ahead of that of many other developed countries<sup>62</sup> such as the United States (grey level, "more than four degrees") and Singapore (red level, "less than 4 degrees"), and on par with others that are seeking to be leaders in combatting climate change, such as the EU (orange level, "less than 3 degrees").

Preliminary Assessment:

As indicated in the last Universal Periodic Review of Kazakhstan, numerous states have called upon Kazakhstan to ratify the Rome Statute of the International Criminal Court. We understand from the last Universal Periodic Review that this treaty does not enjoy the support of Kazakhstan.

---

<sup>60</sup><https://climateactiontracker.org/about/>

<sup>61</sup><https://climateactiontracker.org/countries/kazakhstan/pledges-and-targets/#>

<sup>62</sup><https://climateactiontracker.org/countries/>

## **XII. ANNEX II: The Decree on Further Human Rights Measures and the Priority Action Plan**

### **a. Presidential Decree: On Further Human Rights Measures of the Republic of Kazakhstan**

The Presidential Decree<sup>63</sup> was adopted by President Tokayev on 9 June 2021. It reads as follows:

“In order to take further Human Rights action:

1. The Government of the Republic of Kazakhstan:

1) Approves the Human Rights Priority Plan (the Action Plan) with the following areas of work:

- Improving mechanisms for working with UN treaty bodies and the special procedures of the UN Human Rights Council;
- Ensuring the rights of victims of trafficking;
- Human Rights for citizens with disabilities;
- Eliminating discrimination against women;
- The right to freedom of association;
- The right to freedom of expression;
- The Human Right to life and public order;
- Improving the effectiveness of interaction with non-governmental organizations; and
- Human Rights in the areas of criminal justice, execution and prevention of torture and ill-treatment;

2) Ensures the implementation of the Action Plan;

3) Annually by January 25, at the end of the year, to report to the Administration of the President of the Republic of Kazakhstan on the progress of the Implementation Plan;

4) takes other measures to implement this decree.

2. The Administration of the President of the Republic of Kazakhstan will oversee the implementation of this decree.

3. This decree is put into effect from the day it is signed.

---

<sup>63</sup> The text of the Presidential Decree was provided (in Russian language) by the Mission of Kazakhstan to the EU. It was translated to English.

President of the Republic of Kazakhstan

K.Tokaev

Nur Sultan, 9 June 2021

№ 597“

**b. The Human Rights Priority Action Plan**

The Human Rights Priority Action Plan<sup>64</sup> accompanying the Decree reads as follows:

“Decree of the Government of the Republic of Kazakhstan of June 11, 2021 No. 405

1. The Government of the Republic of Kazakhstan approves the accompanying Human Rights Priority Plan (the Plan).
2. Central government bodies and local executive bodies of regions, cities of Republican importance and capital, state bodies directly subordinated and accountable to the President of the Republic of Kazakhstan (by agreement), as well as other organizations responsible for the implementation of the Plan:
  - 1) Will take the necessary measures to implement the Plan;
  - 2) On a semi-annual basis by 1 July and 20 December, will submit information on the progress of the Plan to the Ministry of Justice of the Republic of Kazakhstan;
  - 3) The Ministry of Justice of the Republic of Kazakhstan on a semi-annual basis by 15 July and 5 January will submit to the Office of the Prime Minister of Kazakhstan a summary of the progress of the Plan.
3. The Office of the Prime Minister of Kazakhstan annually, no later than January 25, will ensure that the Administration of the President of Kazakhstan receives a summary of the results of the implementation of the Plan.
4. This order is put into effect from the day it is signed.

---

<sup>64</sup> The text of the Human Rights Priority Action Plan was provided (in Russian language) by the Mission of Kazakhstan to the EU. It was translated to English.

### Human Rights Priority Action Plan

Nop/p	Event name	Completion form	Timeline	Responsible performers
1	2	3	4	5
<b>1. Improving mechanisms for working with UN treaty bodies and special procedures of the UN Human Rights Council</b>				
1.1.	<p>Additions to the Decree of the President of the Republic of Kazakhstan of August 12, 2010 No. 1037 "On the issues of preparing information on the implementation of international treaties of the Republic of Kazakhstan and submitting it to the President of the Republic of Kazakhstan, as well as agreeing on draft decisions of international organizations, of which the Republic of Kazakhstan is a participant, and their implementation, preparation of international events of the Republic of Kazakhstan with the participation of the President of the Republic of Kazakhstan , implementation of the agreements reached, cooperation with international judicial bodies and coordination of international activities of the state bodies of the Republic of Kazakhstan" in terms of cooperation with the special procedures of the UN Human Rights Council, as well as UN treaty bodies</p>	Draft Decree	until the end of 2021	Foreign Ministry, MIOR, GP (by agreement), Armed Forces (by agreement), KNB (by agreement), APC (according to the agreement), MTHSN, INTERIOR, MU, MON, MF, NCHR (according to the agreement)

1.2.	Ensure that human rights indicators are paired with indicators of sustainable development goals to ensure the phased implementation of national human rights assessment indicators based on 14 indicators developed by UN OHCHR	Orders	until the end of 2022	ASPR (according to the agreement), MJ, MNE, MF, GP (by agreement), Interior Ministry, APC (according to the agreement), Foreign Ministry, MON, MOH, NCHR (according to the agreement), MTSSN, MIOR, MIIR, FEMA, Vs. (by agreement), ME, MEGPR, MIC, CEC (according to the agreement),
<b>2. Ensuring the rights of victims of trafficking</b>				
2.1.	Amending and amending the legislation of the Republic of Kazakhstan in the light of the Protocol on the Prevention and Prevention and Suppression of Trafficking in Persons, Especially Women and Children, and the punishment for it, complementing the UN Convention against Transnational Organized Crime of 15 November 2000, including clarifying the definition of "trafficking" and legalizing the stay in the Territory of the Republic of Kazakhstan of persons affected by such crimes ( and the provision of social services (as part of the draft Law on Amending and Supplementing some legislation of the Republic of Kazakhstan on the social protection of persons with disabilities)	draft law	until the end of 2021	MTSN, GP (according to the agreement), Interior Ministry, MJ, NCHR (according to the agreement)

2.2.	Improving the criteria for assessing the existence of ill-treatment resulting in social disadaptation and social deprivation, taking into account the leadership of the UN OHCHR on effective investigation and documentation of torture and other cruel, inhuman or degrading treatment and punishment (Istanbul Protocol)	joint order	until the end of 2021	Ministry of Internal Affairs, MJ, GP (according to the agreement), MTSN, MOH, MON, NCHR
2.3.	Introduction of a separate clinical protocol, taking into account the leadership of OHCHR, the UNITED Nations on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment and punishment (Istanbul Protocol)	order	1st half of 2022	MH, NCHR (as agreed)
2.4.	Strengthening the work of the regional hub on countering extremism, drug and arms trafficking, human trafficking, cybercrime and corruption at the Academy of the Prosecutor General's Office of Kazakhstan	training events, trainings	2021-2023	GP (by agreement), Interior Ministry, MTSN
2.5.	Updating the regulatory ruling of the Supreme Court of Kazakhstan on December 29, 2012 No. 7 "On the practice of applying legislation establishing responsibility for human trafficking"	regulatory ruling	until the end of 2021	Sun (agreed), NCHR (by agreement)
<b>3. Human rights for citizens with disabilities</b>				

3.1.	Completion of the Optional Protocol ratification procedure to the Convention on the Rights of Persons with Disabilities	draft law	until the end of 2021	MTSN, MFA, MJ, NCHR (as agreed)
3.2.	Amendments to the legislation to involve persons with disabilities and low-mobility groups in the coordination of construction projects and their acceptance into operation (within the framework of the draft Law on amending and amending some legislation of the Republic of Kazakhstan on the social protection of persons with disabilities)	draft law	until the end of 2021	MTSN, MIIR, NCHR (as agreed)
<b>4. Elimination of discrimination against women</b>				
4.1.	Excluding the list of works on which the use of women's work is limited (within the framework of the draft law "On amending and amending some legislation of the Republic of Kazakhstan on the social protection of certain categories of citizens")	law	until the end of 2021	MTSN, MJ, MOH, NCHR (as agreed)
4.2.	Implementation of Resolutions 1325 (2000), 1820, 1888, 1889, 1960, 2106, 2122, 2242, 2467, adopted by the UN Security Council on the equal and comprehensive participation of women in the prevention and resolution of conflicts, ensuring peace and security, preventing violence against women, raising awareness, strengthening	Government's ruling	until the end of 2021	MIOR, Ministry of Internal Affairs, GP (by agreement), MTSNS, MON, ASPR (by agreement), NCJDD (by agreement), mayors of the capital, cities of republican importance and regions, NCHR (according to the agreement)

	cooperation with civil society in conflict prevention and protection of women			
<b>5. The right to freedom of unification</b>				
5.1.	Expanding mechanisms to implement the right of citizens to freedom of association	introduction of the Concept and Draft Act at the MVK	February 2022	MIOR, MTSN, NCHR (as agreed)
5.2.	Changes in the legislation of the Republic of Kazakhstan in terms of cooperation between public associations and state bodies on tax reporting issues, as well as simplifying the registration of religious associations and creating favorable conditions for interfaith interaction (within the framework of the draft Law "On amending and supplementing some legislation of the Republic of Kazakhstan on the redistribution of powers between levels of government" )	law	until the end of 2021	MNE, MIOR, MJ, MF, NCHR (agreed)
<b>6. Right to Freedom of Expression</b>				
6.1.	The decriminalization of Article 131 of the Criminal Code of the Republic of Kazakhstan, with the study of law enforcement practices and international experience,	Proposals for consideration by the IWWG at the Prosecutor General's Office of the	until the end of 2021	Interior Ministry, GP (according to the agreement), MJ, NCHR (according to the agreement)

	extensive discussion with the public and academia	Republic of Kazakhstan		
<b>7. Human right to life and public order</b>				
7.1.	Introduction of certain elements of the service model of the police (within the framework of the draft law "On amending and supplementing some legislation of the Republic of Kazakhstan on the activities of the state field and internal affairs")	law	until the end of 2021	Interior Ministry
7.2.	Construction of precincts and modular police posts, taking into account the introduction of the principle of "police walking accessibility"	information about the construction of police stations	2021-2023	Interior Ministry
<b>8. Improving the effectiveness of interaction with non-governmental organizations</b>				
8.1.	Transforming the grant funding mechanism for non-profit organizations to increase support for civic initiatives	Draft Government Restoration Act	until the end of 2022	MIOR, MF, MNE, NCHR (as agreed)
<b>9. Human rights in the area of criminal justice, execution and prevention of torture and ill-treatment</b>				
9.1.	Making changes and additions to the Criminal, Criminal Procedure and Criminal-Executive Codes of the Republic of Kazakhstan in terms of: - granting a stay of sentence in	draft law	2022	Ministry of Internal Affairs, GP (according to the agreement), Sun (according to the agreement), MON, MOH, NCHR (according to

	<p>case of serious illness of the convict; - immediate enforcement of the court's order to release or replace a more lenient form of punishment due to a serious illness; - extension of the stay of the child with the mother after reaching the age of three, if released to the end of the term or parole the removal, the replacement of the unserved part of the sentence with a more lenient form of punishment, within a year; - providing video recordings of interrogations, as well as court sessions; - clarifying the definition of "torture" and introducing the definition of "abuse" (social institutions with children and persons with disabilities); - ensuring the separation of previously convicted from first-time convicts by abolishing emergency security institutions</p>			the agreement)
9.2.	<p>Gradual transfer of the functions of medical support of convicted and investigative detainees from the system of the Ministry of Internal Affairs of the Republic of Kazakhstan to the Ministry of Health of the Republic of Kazakhstan</p>	Decree Project Of the Act	July 2021 until the end of 2021	Ministry of Internal Affairs, MOH, MF, MNE, GP (by agreement), NCHR (according to the agreement)

9.3.	Providing channels of communication of the institutions of the penal-executive system to bring video data to higher and supervisory bodies, as well as further connection to the National Video Monitoring System in order to ensure the safety of convicts and minimize offenses	providing access to secure channels of communication to penal-executive institutions	2021-2023	ICRIAP, Interior Ministry, MF, MNE, KNB (according to the agreement)
9.4.	Adoption of the Amnesty Act	law	until the end of 2021	Interior Ministry, GP (according to the agreement), MF, MNE, NCHR (according to the agreement)
9.5.	Changes in the legislation providing for the expansion of conditions for the employment of convicts and their social adaptation (within the framework of the draft law "On amending and amending some legislation of the Republic of Kazakhstan on public procurement"), and the resolution of the Government of Kazakhstan on February 18, 2016 No. 79.	Government's law	until the end of 2021	Interior Ministry, MF, MJ, MNE, GP (by agreement), APC (by agreement), APC (according to the agreement), MON, MIOR, MTSN, MIF, MIR, NPP "Atameken" (by agreement), NCHR (according to the agreement)
9.6.	Updating the normative ruling of the Supreme Court of Kazakhstan on June 25, 2015 No. 4 "On certain issues of criminal punishment" in terms of imposing an additional punishment in the form of deprivation of the right to engage in certain activities	regulatory ruling	until the end of 2021	Sun (according to the agreement), GP (by agreement), MIOR, MJ, NCHR (according to the agreement)

9.7.	Updating the supreme court's regulation of December 28, 2009 No. 7 "On the application of criminal and criminal procedure laws on the observance of personal freedom and the sanctity of human dignity, countering torture, violence, other cruel or degrading forms of treatment and punishment" in accordance with the Compensation Fund Act, the Optional Protocol to the Convention against Torture and the Istanbul Protocol	regulatory ruling	until the end of 2021	Sun (according to the agreement), GP (by agreement), MIOR, MJ, NCHR (according to the agreement)
9.8.	To work out a mechanism for reviewing the requests and implementation of the decisions of un treaty bodies, whose competence has been recognized by the Republic of Kazakhstan, including the legal regulation of this mechanism	drafting a legal act	June 2022	WE, GP (according to the agreement), the Armed Forces (according to the agreement), the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the MJOR, the MON, the MTSS
9.9.	Development of a centralized automated database of the penal system	economic opinion on the budget investment project of the state planning authority	until the end of 2021	Interior Ministry, MF, MNE, ICRIAP, NCHR (according to the agreement)

\*\*\*