

4th Cycle of the Universal Periodic Review of the Republic of Kazakhstan



**KAZAKHSTAN INTERNATIONAL BUREAU FOR
HUMAN RIGHTS AND THE RULE OF LAW**

**KAZAKHSTANI NGOS COALITION ON
UNIVERSAL PERIODIC REVIEW (UPR)**

Issue 1: Freedom of Religion and Belief

3rd UPR cycle – 9 recommendations

Implemented/partially implemented (1/3) - e.g., holding the Congress of leaders of world religions

Not Implemented (5), requiring specific actions, incl.:

- To simplify the registration of religious communities; ensure full implementation of FoRB in accordance with international standards;
- To review the legislation restricting freedom of assembly, expression and association, including Article 174 of the Criminal Code on inciting social, national, clan, racial, class, or religious discord;
- To adopt comprehensive anti-discrimination legislation that covers direct and indirect discrimination and all grounds of discrimination, including gender, disability, religion, ethnicity, sexual orientation and gender identity.

Issue 1: Freedom of Religion and Belief

Recommendations:

- Review Article 22 of the RK Constitution, which states that “everyone has the right to freedom of conscience.” This provision does not clarify the concept of “freedom of conscience.”
- Review the Law on Religious Activity and Religious Associations of 2011 and its subordinate acts to bring them into compliance with Articles 18 and 19 of the ICCPR.
- Introduce alternative military service.
- Develop and adopt anti-discrimination legislation.

Issue 2: Children's rights

3rd UPR cycle – about 40 recommendations:

Implemented (1) - recommendation regarding the ratification of the 3rd Optional Protocol to the Convention on the Rights of the Child.

The 3rd Optional Protocol was ratified by the Law of the Republic of Kazakhstan on 19 December 2023 (No. 47-VIII).

Issue 2: Children's rights

Partially implemented (38), incl. recommendations concerning fight against violence against children and the protection of children from sexual violence and early marriage

Measures have been taken to protect children's safety, but cruel treatment in families and closed children's institutions remains a systemic problem, i.e. discrimination, inadequate nutrition, poor sanitary, hygienic conditions and etc.

For 9 months of 2024 133 minors became victims of rape (data of the Committee on Legal Statistics and Special Records of the RK General Prosecutor's Office). Forcing minors into marriage exacerbates societal inequality, restricts freedom of self-determination, and places girls in vulnerable positions facing violence. In most cases, it leads to further human rights violations, including rights to health care and physical and mental integrity.

Issue 2: Children's rights

Not implemented (1) - recommendation to strengthen the mandate of the Children's Ombudsman for effective protection of children's rights implemented.

The RK Children's Rights Commissioner (established in 2016) and its regional representatives (since March 2022) function on a voluntary basis without adequate financial, technical and human resources. Regional commissioners were established by Government Order. Independence or autonomy is not even in the equation. The activities of the RK Children's Rights Commissioner is not in compliance with the UN CRC General Comment No. 2 and the Paris Principles.

Issue 2: Children's rights

Recommendations

- To bring the institution of the RK Children's Rights Commissioner in full compliance with the UN CRC General Comment No. 2 (2002) and the Paris Principles.
- To take measures to ensure compliance with the scope and quality requirements for social, cultural, medical services; and access to information based on language in closed children's institutions.
- To introduce an article in the RK Criminal Code establishing liability for forcing minors into marriage or entering into de facto marital relations with minors. To introduce a provision in the RK Administrative Code concerning the liability of parents who force their children to marry before reaching the age of marriage.
- To investigate cases of torture against minors during the Bloody January events 2022.

Issue 3: Women's rights

3rd UPR cycle – 52 recommendations

Implemented: on the right to choose an occupation (2); on freedom from slavery (6); on the right to protection from domestic violence and other cruel or degrading treatment (8).

Partially Implemented: on gender equality and on the right to protection from domestic violence and other cruel or degrading treatment.

Kazakhstan introduced a 30% quota for women on party electoral lists in 2019, but then added youth and people with disabilities. The gender quota was introduced only to formally comply with international standards and agreements. The criminalization of domestic violence has not led to changes in the RK Criminal Code.

Issue 3: Women's rights

Not implemented recommendations include gender equality, right to protection from domestic violence and other cruel or degrading treatment, protection against discrimination and the right to elect and be elected issues.

Legislation does not define the term “discrimination”

There are no transparent system for registration of new political forces and no political conditions for parties and candidates to compete; unequal access to the media; there is no impartiality of election commissions; and some election procedures are closed from observers.

Issue 3: Women's rights

Recommendations

- A separate anti-discrimination Law with a definition of “discrimination” should be adopted, prescribing institutions and procedures.
- Equal political conditions, equal access to media, impartiality of election commissions should be ensured for women candidates.
- Legislation should be adopted to combat sexual harassment in the workplace, the definition of "rape" in accordance with international standards should be introduced in the RK Criminal Code. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence No. 210 should be joined.

THANK YOU FOR YOUR ATTENTION!

