

Kazakhstan International Bureau for Human Rights and the Rule of Law is one of the largest human rights institutions in Central Asia focused on the promotion and protection of political rights and civil freedoms. Bureau coordinates activity of the Kazakhstani NGOs' Coalition on Universal Periodic Review (UPR), aimed at promotion of implementation of the UN Human Rights Council recommendations to Kazakhstan within UPR, since Coalition's establishment in 2009.

Since 2010 the national consultations on UPR and ICCPR issues are held on permanent basis with RK Foreign and Justice Ministries.

In my statement I will raise three topics - **freedom of religion and belief, children's rights and women's rights.**

## 1. Freedom of Religion and Belief

During the 3rd cycle, Kazakhstan received 9 recommendations.

**One recommendation has been implemented, three recommendations have been partially implemented** (a conduct of the Congress of leaders of world religions).

**Five recommendations requiring specific actions have not been implemented.**

### Current challenges:

Religious activity without registration is prohibited. Registration requires 50 people, all religious literature and items must undergo examination and can only be distributed in religious buildings or designated places. A person cannot preach religion without being registered as a missionary. National legislation is vaguely formulated and contains discriminatory provisions. Articles 18 and 19 of the ICCPR are violated due to the national law on religion. Religious people face persecution.

### Recommendations:

1. **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."**
2. **Review the Law on Religious Activity and Religious Associations of 2011 and its bylaws.**
3. **Introduce alternative military service.**
4. **Develop and adopt a set of legislative, administrative and organizational steps to develop and adopt comprehensive anti-discrimination legislation, create effective anti-discrimination institutions, mechanisms and procedures with a view to eliminating all forms of discrimination and promoting equality for all. Anti-discrimination legislation should prohibit all forms of discrimination on all grounds enshrined in international law in all areas of life regulated by law, ensure effective enforcement of the law and prescribe affirmative action to eliminate all forms of discrimination.**

## 2. Children's rights

Following the third cycle of the Universal Periodic Review, approximately 40 recommendations concerning children's rights were provided to Kazakhstan.

**The recommendation** regarding the ratification of the 3rd Optional Protocol to the Convention on the Rights of the Child **has been implemented.**

**Recommendations** concerning the fight against violence against children and protection of children from sexual violence and early marriage **have been partially implemented.**

**The recommendation to strengthen the mandate of the Children's Ombudsman has not been implemented.**

**Current challenges:**

The Children's Rights Commissioner of the Republic of Kazakhstan (established in 2016) and regional children's rights commissioners (since March 2022) continue to 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 Children's Rights Commissioner in Kazakhstan on a voluntary basis, without full compliance with the UN CRC General Comment No. 2 and the Paris Principles, cannot independently and effectively protect children's rights.

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 and hygienic conditions in closed children's institutions, which constitutes degrading treatment of minors

According to the Committee on Legal Statistics and Special Records of the General Prosecutor's Office of the Republic of Kazakhstan, in just 9 months of 2024, 133 minors became victims of rape. 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

**Recommendations:**

- 1. To bring the institution of the RK Children Ombudsman into full compliance with the UN CRC General Comment No. 2 and the Paris Principles.**
  - 2. 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 by, among others, introducing necessary amendments to the legislation in-force, by establishing proper control over closed children institutions on behalf of the public and NGOs, and etc.**
  - 3. 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.**
  - 4. To investigate cases of torture against minors during the Bloody January events.**
- 3. Women's rights in the Republic of Kazakhstan.**

**After the 3<sup>rd</sup> UPR cycle, Kazakhstan has received 42 recommendations.**

**Implemented** recommendations include: two recommendations **on the right to choose an occupation**; six recommendations **on freedom from slavery**; eight recommendations - **on the right to protection from domestic violence and other cruel or degrading treatment.**

**Partially implemented** recommendations include recommendations **on gender equality and on the right to protection from domestic violence and other cruel treatment.**

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

**Positive developments:**

Kazakhstan cancelled a list of 213 types of work restricted in relation to women.

On 5 July 2024, the RK law “On Combating Human Trafficking” was adopted to provide protection and social support to citizens who became victims of human trafficking

**Challenges:** The RK 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; they have unequal access to the media; there is no impartiality of election commissions; voters are coerced to vote, and some election procedures are closed from observers.

Kazakhstan introduced a 30 per cent quota for women on party electoral lists in 2019, but then added youth, and in 2022 added people with disabilities. The gender quota in Kazakhstan was introduced only to formally comply with international standards and agreements. And to date, participation has fallen by 10 per cent because of this.

The criminalisation of domestic violence has not led to changes in the RK Criminal Code, which, as a consequence, increases the time taken to consider a case and issue a judgement, which creates risks for the victims.

**Recommendations:**

- 1. A separate anti-discrimination Law with a definition of “discrimination” should be adopted, prescribing institutions and procedures.**
- 2. To guarantee equal political conditions, equal access to media, impartiality of election commissions should be ensured for women candidates.**
- 3. Guarantee in law and in practice combating against sexual harassment in the workplace; to introduce the definition of "rape" in the RK Criminal Code in accordance with international standards.**
- 4. To join the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence No. 210.**