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Kazakhstan

Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.[1] It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with human rights mechanisms

2. The Committee against Torture, the Committee on the Rights of Persons with Disabilities, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the United Nations country team and the Office of the United Nations High Commissioner for Refugees (UNHCR) encouraged Kazakhstan to ratify the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.[2]

3. The Committee on the Elimination of Racial Discrimination recommended that Kazakhstan ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[3]

4. The Committee on the Rights of Persons with Disabilities encouraged Kazakhstan to expedite the ratification and implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.[4]

5. The United Nations country team referred to the need to implement the recommendations from the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and from the Subcommittee on Prevention of Torture, who visited Kazakhstan in 2019 and 2024, respectively, and offered support to Kazakhstan in that regard.[5]

6. The United Nations country team recommended that Kazakhstan ratify and align its legislation with the International Labour Organization Violence and Harassment Convention, 2019 (No. 190).[6]

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7. UNESCO encouraged Kazakhstan to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.[7]

8. The Committee on the Elimination of Discrimination against Women indicated that, according to the 2017 amendments to article 4 of the Constitution, international treaties ratified by Kazakhstan were no longer directly applicable. It recommended ensuring the applicability of the Convention on the Elimination of All Forms of Discrimination against Women and that it could be invoked in all types of court proceedings.[8] The United Nations country team expressed similar views.[9]

9. The Committee on the Elimination of Discrimination against Women recommended accelerating the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.[10]

10. The United Nations High Commissioner for Human Rights visited Kazakhstan in March 2023.[11]

11. Kazakhstan contributed financially to Office of the United Nations High Commissioner for Human Rights during the period 2019–2024.[12]

III. National human rights framework

1. Constitutional and legislative framework

12. The United Nations country team reported that the death penalty had been abolished through a referendum held on 5 June 2022.[13]

13. The United Nations country team and the United Nations High Commissioner for Human Rights welcomed the re-establishment of the Constitutional Court as the supreme body of constitutional control.[14]

14. Although articles 120 and 122 of the Criminal Code addressed rape, the United Nations country team and the Committee on the Elimination of Discrimination against Women expressed concern because the definition of rape was not aligned with international standards, as it included only female survivors under 16 years old, based on violence rather than the lack of consent.[15] The Committee recommended revising the Criminal Code to base the definition of rape on the absence of consent and align it with the Convention on the Elimination of All Forms of Discrimination against Women and the Committee's jurisprudence under the Optional Protocol.[16]

2. Institutional infrastructure and policy measures

15. The Committee against Torture and the United Nations country team commended the opening of offices of the Commissioner for Human Rights in all regions in 2022.[17] The United Nations country team, the Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women recommended that Kazakhstan make that institution fully compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and ensure its independence.[18] The Committee on the Rights of Persons with Disabilities recommended providing the Human Rights Commissioner with a broad mandate and independence to address discrimination and other human rights violations against persons with disabilities, and with the human, technical and financial resources necessary to perform the functions of the mandate across Kazakhstan.[19]

16. The Committee against Torture noted with appreciation the expansion of the monitoring mandate of the national preventive mechanism but expressed concern that the visiting mandate of the mechanism was covered by various pieces of legislation. It noted that the mechanism did not enjoy full operational autonomy from the Office of the Human Rights Commissioner, since the latter coordinated its activities and the special visits conducted by the mechanism to places of deprivation of liberty required the Commissioner's approval. The Committee considered that Kazakhstan should strengthen the capacity of the mechanism by including a comprehensive list of places of deprivation of liberty in its legislation and by ensuring that military barracks and military schools fell under its monitoring mandate. It

highlighted the need to strengthen the follow-up to the implementation of the mechanism's recommendations and ensure that they were implemented efficiently. It indicated that Kazakhstan should ensure the full autonomy of the mechanism from the Office of the Human Rights Commissioner.[20]

17. The United Nations country team reported that Kazakhstan had established two new institutions: the Ombudsperson for Children's Rights and the Commissioner for the Rights of Socially Vulnerable Categories of the Population, in February 2016 and 2023, respectively. However, it stressed that, because they were operating on a pro bono basis, both institutions faced challenges due to limited human and financial resources, hindering the effective fulfilment of their mandates.[21] The Committee on the Rights of Persons with Disabilities recommended ensuring that the mandate of the Commissioner for the Rights of Socially Vulnerable Categories of the Population included preventing and combating discrimination on the basis of disability in all areas of life and at the national and local levels.[22]

18. The same Committee welcomed the adoption of the action plan on human rights and the rule of law in 2023.[23]

IV. Promotion and protection of human rights

A. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

19. The Committee on the Elimination of Discrimination against Women expressed concern because the current definition of discrimination did not include intersecting forms of discrimination.[24] The United Nations country team, the Committee on the Elimination of Racial Discrimination, the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Discrimination against Women recommended adopting comprehensive anti-discrimination legislation, including all grounds of discrimination.[25] The Committee on the Elimination of Racial Discrimination recommended prohibiting incitement to violence against any group of persons based on race, colour, descent, or national or ethnic origin.[26]

20. The same Committee expressed concern that racist hate speech against ethnic minorities was increasing and contributed to ethnic violence in Kazakhstan. It recommended improving and increasing measures to monitor, combat, investigate and prosecute racist hate speech incidents on the Internet and social media, while ensuring that such measures were balanced with the right to freedom of expression.[27]

2. Right to life, liberty and security of person, and freedom from torture

21. The Committee against Torture noted with interest the approval of the bill that distinguished the crime of torture from other forms of cruel, degrading or inhuman treatment. However, it recommended that Kazakhstan bring the legal definition of torture contained in article 146 of the Criminal Code and other relevant pieces of legislation into line with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, namely by including the elements that distinguished the crime of torture from other forms of ill-treatment and by adjusting the wording of the exclusion clause relating to "lawful sanctions" to minimize the possibility of it being misinterpreted. It also recommended that Kazakhstan ensure that penalties for torture and ill-treatment were appropriate to the gravity of the crime and to take legislative steps to exclude the possibility of plea bargaining and parole for crimes of torture and ill-treatment.[28]

22. The Subcommittee on Prevention of Torture stated that Kazakhstan must take further action to protect detainees from torture and ill-treatment and ensure that its national preventive mechanism played an effective and crucial role.[29] The Committee against Torture expressed concern because many persons deprived of their liberty found it difficult or were reluctant to lodge complaints about torture or ill-treatment using the electronic terminals

installed in all 79 prisons owing to their proximity to the administration's offices or constant video surveillance. It recommended that Kazakhstan strengthen the existing complaints mechanisms by ensuring confidential and unhindered access to them and ensure that complainants were protected against any intimidation or reprisals.[30] The Special Rapporteur on terrorism recommended that investigations into allegations of torture be launched ex officio.[31]

23. The Committee against Torture expressed concern about reports suggesting that some complaints of torture might not be entered in the Unified Register of Pretrial Investigations and that law enforcement agencies continued to investigate cases of ill-treatment despite the amendment made in 2022 to article 193 of the Code of Criminal Procedure that conferred exclusive competence for investigation of torture cases to the Prosecutor's Office. It recommended that Kazakhstan ensure that all complaints indicating torture or ill-treatment were properly entered in the Unified Register of Pretrial Investigations and ensure prompt, impartial and effective investigation by an independent body, such as the Prosecutor's Office. It also recommended that Kazakhstan take all measures necessary to ensure that there was no institutional or hierarchical relationship between the body's investigators and the suspected perpetrators of such offences.[32]

24. The same Committee noted the adoption of the law on the Victims' Compensation Fund. However, it expressed concern about the lack of comprehensive redress and rehabilitation assistance afforded to victims of torture. It recommended that Kazakhstan establish a comprehensive programme under which victims of torture obtained redress and had an enforceable right to fair and adequate compensation, in addition to the compensation obtained from the Fund.[33]

25. The same Committee expressed serious concern about violence based on sexual orientation and gender identity inflicted on persons deprived of liberty. It expressed concern about reports of persisting inter-prisoner violence and high rates of suicide and self-harm among prisoners. It recommended that Kazakhstan ensure that all allegations of violence against detainees, including violence based on sexual orientation and gender identity, were thoroughly investigated and that suspected offenders were prosecuted and, if convicted, punished appropriately; ensure that all deaths in custody were investigated in a prompt and impartial manner by an independent body; investigate any potential involvement of police and prison staff in the death of persons in custody, and, where warranted, appropriately punish the guilty parties and award fair and adequate compensation to the families; and strengthen measures for preventing and reducing violence among persons deprived of liberty.[34]

26. The same Committee expressed concern about overcrowding and poor conditions in some prisons and remand centres. It recommended easing overcrowding in detention centres by making greater use of non-custodial measures and continuing to improve existing prison facilities and material conditions to bring them into line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).[35]

27. The same Committee expressed deep concern that, under articles 130 and 131 of the Penal Enforcement Code, solitary confinement could be imposed for up to four months as a disciplinary sanction. Furthermore, solitary confinement was frequently used in practice. In addition, under article 154 of the Criminal Executive Code, juveniles could be subjected to temporary isolation for up to 72 hours. The Committee urged Kazakhstan to bring articles 130 and 131 of the Penal Enforcement Code and practice on solitary confinement into line with international standards, particularly the Nelson Mandela Rules, and to use solitary confinement only in exceptional cases as a last resort, for as short a time as possible (no more than 15 days) and subject to independent review, and only upon authorization by a competent official. It stated that Kazakhstan should respect the prohibition of the imposition of solitary confinement and similar measures on minors and bring article 154 of the Criminal Executive Code into line with the international standards.[36]

28. Several sources expressed concern about the human rights violations during the January 2022 events.[37] The Committee against Torture urged Kazakhstan to ensure that all acts of torture and ill-treatment that had occurred during the events of January 2022 were promptly investigated in an independent and impartial manner and that the suspected

perpetrators were duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts and to ensure that the burden of proof that torture or ill-treatment had been committed lay with the public authorities rather than the victims.[38] The United Nations country team recommended ensuring accountability for cases of torture and ill-treatment and taking robust measures to eradicate torture and ill-treatment and to effectively investigate, prosecute and punish such acts.[39]

3. Human rights and counter-terrorism

29. The Special Rapporteur on terrorism considered that the domestic law, in particular the Criminal Code, regulating offences of terrorism remained overly broad and ambiguously worded. She expressed serious concern about the use of the term "extremism" in national law and practice relevant to the application of articles 174, 179 and 405, among others, of the Criminal Code to the activities of civil society activists and religious minorities. She concluded that the broad formulation of the concepts of "extremism", "inciting social or class hatred" and "religious hatred or enmity" in national law were used to unduly restrict freedoms of religion, expression, assembly and association. She recommended reviewing and substantially narrowing down the definition of terrorism in the Criminal Code to comport with best international practice. She expressed concern at the regime of administrative supervision applied to individuals who had served sentences for terrorism and extremism offences.[40] The Government of Kazakhstan provided comments on several of those points.[41]

30. The same Special Rapporteur added that civil society activists and opposition leaders were often subjected to further limitations on their fundamental freedoms on security-related grounds after the initial sentences of deprivation or restriction of liberty had been completed.[42]

4. Administration of justice, including impunity, and the rule of law

31. The Committee against Torture recommended that Kazakhstan transfer the authority for pretrial detention and correctional facilities away from the Ministry of Internal Affairs to the Ministry of Justice.[43]

32. The Committee on the Rights of Persons with Disabilities recommended repealing legislation that restricted the right of persons with disabilities to participate in judicial and administrative proceedings and ensuring the availability of legal aid in all areas of Kazakhstan. It also recommended ensuring access to affordable legal aid for children with disabilities of any type and establishing procedures for them to express their views in the determination of the best interests of the child.[44]

33. The United Nations country team reported that Kazakhstan had implemented the Automated Court Case Distribution System to enhance transparency and combat corruption. Judges and court staff were required to promptly report any attempts to interfere with the automated distribution of cases to designated officials responsible for court security and corruption prevention.[45]

34. The Special Rapporteur on terrorism expressed concern about the overreliance on "judicial experts" in both pretrial and trial phases of extremism and terrorism procedures and about the lack of access to independent lawyers for defendants until their trial. She recommended protecting the right to a fair trial in all terrorism and extremism cases and making such trials open and transparent.[46]

5. Fundamental freedoms and the right to participate in public and political life

35. The United Nations country team reported that, in June 2020, Kazakhstan had enacted a new law on peaceful assemblies, without the meaningful engagement of civil society organizations. It recommended removing restrictive measures hindering the exercise of freedom of assembly in law and in practice.[47]

36. The Committee on the Elimination of Discrimination against Women expressed concern about the overall limited cooperation of Kazakhstan with civil society.[48] The United Nations country team recommended that Kazakhstan ensure the meaningful participation of civil society organizations in political and legislative discussions at all levels.

It also recommended guaranteeing an enabling environment for civil society activities, activist groups and human rights defenders of LGBTIQ+ communities.[49] UNESCO made a similar recommendation.[50]

37. Although recognizing the 2023 and 2024 legislation on online platforms and mass media as steps forward for safeguarding freedom of expression, the United Nations country team noted with concern that the new legislation introduced censorship mechanisms and required online publications to register and maintain a physical presence in Kazakhstan. It recommended revising the mass media legislation to comply with international human rights standards.[51]

6. Right to marriage and family life

38. The Committee on the Rights of Persons with Disabilities expressed concern about the severe restrictions on marriage for persons with intellectual and/or psychosocial disabilities in the Code on Marriage and Family and the denial of parental rights to persons with intellectual and/or psychosocial disabilities. It recommended repealing the provisions in the Code on Marriage and Family restricting the right of persons with disabilities to marry.[52]

7. Prohibition of all forms of slavery, including trafficking in persons

39. The United Nations country team acknowledged the formulation of the national action plan on combating trafficking in persons for the period 2024–2026.[53]

40. It underlined that article 128 of the Criminal Code, addressing trafficking in persons, lacked full reference to the means of committing that crime as outlined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. As a new law on combating trafficking in persons was under discussion by Parliament, the United Nations country team recommended aligning the national legislation with that Protocol to effectively combat trafficking and ensure the protection of victims.[54]

41. The Committee on the Elimination of Discrimination against Women recommended building the capacity of the judiciary and law enforcement officers to identify, refer and protect victims of trafficking at an early stage, effectively investigating and prosecuting trafficking cases and imposing on perpetrators sentences commensurate with the gravity of the crime. It also recommended that Kazakhstan ensure access to integrated support, rehabilitation and reintegration programmes for victims of trafficking.[55]

8. Right to work and to just and favourable conditions of work

42. The Committee on the Elimination of Discrimination against Women expressed concern about discrimination in employment and sexual harassment in the workplace, exacerbated by persistent gender stereotypes. It recommended ensuring that the prohibition of discrimination in the workplace under article 6 (2) of the Labour Code covered indirect discrimination and could be effectively enforced in the public and private sectors, and strengthening the role of the Ethics Commissioner in protecting women from discrimination and sexual harassment.[56]

43. The Committee on the Rights of Persons with Disabilities recommended promoting access to employment in the open labour market for persons with disabilities and in all sectors of the economy.[57]

9. Right to social security

44. The Committee on the Elimination of Discrimination against Women recommended ensuring access to social protection schemes for all women and reviewing the national social protection and housing scheme to reduce feminized poverty.[58] The Committee on the Rights of Persons with Disabilities recommended recognizing the right of persons with disabilities and of parents of children with disabilities to have access to the regular pension system and the savings pension scheme.[59] UNHCR recommended that Kazakhstan amend the national legislation to ensure that refugees and asylum-seekers had access to the State’s social security programmes.[60]

10. Right to an adequate standard of living

45. The United Nations country team highlighted the significant strides made by Kazakhstan to improve the standard of living of its population but pointed to the considerable regional disparities in poverty rates. It recommended addressing regional disparities in poverty rates, with a focus on different vulnerable groups.[61]

11. Right to health

46. The United Nations country team commended the efforts of Kazakhstan to ensure high-quality healthcare and services, striving for universal health coverage despite regional disparities. It recommended further improving access to universal healthcare through evidence-based approaches and in coordination with vulnerable groups and non-governmental organizations.[62]

47. The Committee on the Elimination of Discrimination against Women expressed concern about the high prevalence of early pregnancy and the high abortion rate among girls aged 15–18 years in Kazakhstan. It recommended providing free or subsidized contraceptives to vulnerable groups in urban and rural areas, reducing from 18 to 16 years the age required to have access to health services without parental consent and improving the quality and accessibility of health services provided for young people.[63]

48. The Committee on the Rights of Persons with Disabilities recommended providing persons with disabilities with accessible sexual and reproductive health services[64] and the Committee on the Elimination of Discrimination against Women recommended, with regard to women with disabilities, criminalizing forced sterilization and forced abortion.[65]

12. Right to education

49. Despite the amendments made, in 2022, to the Constitution and to the Law on Education, UNESCO recommended that Kazakhstan enshrine the right to education for all and at all levels of education within the Constitution and its legislation. It also recommended guaranteeing in its legislation at least 12 years of free primary and secondary education for all.[66]

50. UNESCO highlighted the lack of a formal school curriculum on comprehensive sexuality education at all levels of schooling.[67] While acknowledging some progress, the United Nations country team and UNESCO recommended that Kazakhstan take further steps to implement comprehensive sexuality education.[68]

51. The Committee on the Rights of Persons with Disabilities expressed concern about children with disabilities continuing to be enrolled in special education schools, in special classrooms in schools or in homeschooling. It recommended that Kazakhstan thoroughly review its approach to inclusive education and guarantee quality inclusive education for all children regardless of impairment, take effective measures to end segregated educational settings, remove existing integration practices in education and homeschooling based on disability, and ensure accessibility of the learning environment. It also recommended ending segregated educational institutions and replacing them with fully inclusive educational settings in mainstream schools and effectively preventing children with disabilities from dropping out.[69] UNESCO recommended continuing efforts to ensure the right to inclusive education for all, with a specific focus on students with disabilities and students living in rural areas.[70]

13. Development, the environment, and business and human rights

52. The United Nations country team recommended that Kazakhstan take concrete measures to ensure the meaningful participation of women, youth and persons with disabilities in strategic environmental decision-making processes.[71]

B. Rights of specific persons or groups

1. Women

53. The Committee against Torture expressed concern that domestic violence was not criminalized as a separate offence.[72] The United Nations country team reported that new legislation, introduced in 2024, reinstated criminal penalties only for two offences, namely "assault" and "intentional infliction of light bodily harm" against vulnerable individuals who were financially or otherwise dependent on the perpetrator in the context of domestic violence. It highlighted the need to criminalize all aspects of gender-based violence and to introduce age-specific and victim-centred protection measures and recommended aligning national legislation with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.[73] The Committee on the Elimination of Discrimination against Women recommended that Kazakhstan strengthen the availability and accessibility of long-term shelters, medical and psychological care and legal assistance for women victims of gender-based violence.[74]

54. The Committee on the Rights of Persons with Disabilities expressed concern about the risks of gender-based violence for women and girls with disabilities living in residential institutions. It recommended that Kazakhstan accelerate measures to protect women with disabilities living in institutions from all forms of gender-based violence, including forced abortion and forced sterilization.[75]

2. Children

55. The United Nations country team recommended that Kazakhstan strengthen the national child protection system to enhance the prevention, detection and response to child abuse with a robust, multisectoral, victim-centred support system for child survivors. It also recommended enhancing the national childcare reform by providing family- and community-based care, bolstering social services for vulnerable families and children and implementing gatekeeping mechanisms to prevent family separation and reduce the number of institutionalized children.[76]

56. The Committee on the Rights of Persons with Disabilities expressed concern about reports of children with disabilities in day-care centres and in special social service centres for children being subjected to psychological, physical and sexual abuse, labour exploitation and physical restraints. It recommended that Kazakhstan take immediate measures to end all forms of violence against children with disabilities still living in residential and day-care institutions and ensure that perpetrators were prosecuted.[77]

57. UNESCO underlined that the Law on Marriage and Family of 2011 (amended in 2014) established the minimum age of marriage for both sexes at 18 years, with an exception for persons aged 16 or 17 years to marry with the consent of their legal guardians.[78] The Committee on the Elimination of Discrimination against Women expressed concern about the high prevalence of child marriage, especially unregistered religious marriages.[79]

58. UNESCO recommended that Kazakhstan amend its legislation to ensure that the minimum age of marriage was 18 years without exception.[80] The Committee on the Elimination of Discrimination against Women recommended preventing and eliminating child and/or forced marriage and bride kidnapping through coordinated action by the competent authorities, civil society, schools and religious and community leaders. It also recommended ensuring that cases of child and/or forced marriage were effectively investigated and that perpetrators were prosecuted and adequately punished.[81]

3. Persons with disabilities

59. The Committee on the Rights of Persons with Disabilities noted with concern the widespread attitudinal barriers faced by persons with disabilities in the public and private sectors.[82]

60. The same Committee expressed concern about legislation in Kazakhstan, including article 26 of the Civil Code, restricting the legal capacity of persons with disabilities based on impairment and about persons with disabilities being subjected to guardianship. It

recommended initiating a comprehensive legislative reform aimed at recognizing the legal capacity of all persons with disabilities and abolishing the guardianship enshrined in the Civil Code.[83]

61. The same Committee recommended that Kazakhstan ensure that the implementation of the national plan to ensure the rights and improve the quality of life of persons with disabilities up to 2025 included targeted programmes for persons with disabilities living in rural areas, migrant, asylum-seeking and refugee persons with disabilities and persons with disabilities belonging to ethnic minorities.[84]

62. The same Committee also recommended that Kazakhstan develop a comprehensive strategy to shift from the medical model to the human rights model of disability in legislation, public policies and at the institutional level. It further recommended reviewing and amending provisions in the Social Code, the Rules for Conducting Medical and Social Expertise and the process of early identification of children with disabilities, conducting a comprehensive review of national laws, including the Criminal Code, the Civil Code, the Code on Public Health and the Healthcare System and secondary legislation with a view to harmonizing them with the Convention and, in particular, repealing ableist legal provisions and derogatory terminology.[85]

63. The same Committee expressed concern about the lack of measures in legislation and policies to protect persons with disabilities against violence. It recommended that Kazakhstan mainstream the rights of persons with disabilities in legislation, policies and strategies to combat violence, abuse and exploitation, and provide effective protection from violence, abuse and exploitation to all persons with disabilities in the private and public spheres.[86]

64. The Committee against Torture expressed serious concern about legislation that enabled the forced hospitalization of persons with disabilities and about the lack of access to effective complaints mechanisms in such closed institutions. It recommended that Kazakhstan avoid involuntary admissions to closed institutions on medical grounds and ensure that such admissions were undertaken only when strictly necessary and solely when accompanied by adequate procedural and substantive safeguards; develop a public policy aimed at averting the institutionalization of children; and investigate promptly, thoroughly and impartially all allegations of human rights abuses in State residential institutions for children.[87]

65. The Committee on the Rights of Persons with Disabilities expressed concern about legislation allowing for involuntary committal and psychiatric treatment of persons with intellectual and/or psychosocial disabilities in psychiatric facilities. It recommended that Kazakhstan recognize involuntary hospitalization of persons with disabilities as a prohibited form of discrimination on the grounds of impairment, amounting to arbitrary deprivation of liberty, and review and repeal legislation that permitted institutionalization based on impairment.[88]

4. Indigenous Peoples and minorities

66. The Committee on the Elimination of Racial Discrimination expressed concern about existing tensions between ethnic groups and repeated incidents of inter-ethnic violence in Kazakhstan. It recommended creating opportunities for open dialogue among various ethnic groups and allowing for public discussions on ethnic tensions and conflicts, increasing and strengthening measures to promote inter-ethnic harmony and tolerance and overcome prejudices and negative stereotypes, and strengthening the legal and political power of the Assembly of People of Kazakhstan.[89]

67. The same Committee expressed concern about an official discourse that made a distinction between autochthonous ethnic Kazakhs and other ethnic groups, which were referred to as “guests”. It recommended that Kazakhstan not promote such a discourse that divided and led to feelings of exclusion among ethnic groups and ensure fair and equitable representation of ethnic minorities in public decision-making bodies and in the civil service.[90]

5. Lesbian, gay, bisexual, transgender and intersex persons

68. The Committee against Torture recommended that Kazakhstan adopt specific legislative and other measures to criminalize and prevent violence based on gender identity and sexual orientation, promptly, thoroughly and effectively investigate all allegations of violence, hold perpetrators accountable and ensure that victims obtained adequate redress and had access to adequate medical and psychosocial support.[91]

69. The same Committee recommended that Kazakhstan revoke the requirement of mandatory reassignment surgery contained in the Family and Marriage Code and the requirement of a diagnosis of a psychiatric condition for the legal recognition of gender.[92]

70. Several special procedure mandate holders requested Kazakhstan to reject the petition calling for legislation that would violate freedoms of expression, peaceful assembly and association based on sexual orientation and gender identity. They considered the petition to be contrary to the country's Administrative Procedural Code, the International Covenant on Civil and Political Rights and a recommendation accepted during the universal periodic review.[93]

6. Migrants, refugees and asylum-seekers

71. Despite the pledges announced by Kazakhstan at the Global Refugee Forum in December 2023, UNHCR highlighted the absence of a well-established formal referral mechanism. UNHCR recommended that Kazakhstan establish an accessible asylum and referral procedure at all border points, international airports, transit zones and detention centres and ensure that all persons whose applications for asylum had been rejected had the right to lodge an effective appeal with suspensive effect on expulsion/extradition.[94]

72. The United Nations country team welcomed the efforts made by Kazakhstan to implement the National Migration Concept 2023–2027. However, it indicated that refugees were considered temporary residents, which limited their access to social protection, healthcare, residency and naturalization. It recommended amending the national legislation to ensure that refugees and asylum-seekers had access to the State health insurance system and social security, including disability benefits.[95]

73. UNCHR stressed that refugees received only a one-year temporary residency, subject to annual renewal, and that refugees were facing increasing difficulties in extending their temporary residence status. Furthermore, asylum-seekers' certificates were not accepted as valid documents for employment contracts and refugees and asylum-seekers were ineligible for public allowances and social benefits or to apply for citizenship. UNHCR recommended amending the Law on the Legal Status of Foreigners to qualify refugees as permanently residing foreigners and/or allow refugees to retain refugee status when applying for a residence permit and amending the relevant laws to enable recognized refugees to apply for naturalization.[96]

74. Several sources expressed concern that the relevant provisions of the Criminal Code and the Code of Administrative Offences regulating expulsion and deportation for illegal crossing of the State border or violation of migration legislation did not contain provisions on the prevention of refoulement.[97] UNHCR recommended that Kazakhstan guarantee the right of every person to seek asylum in the country, ensure that no person was expelled, extradited, removed, pushed back or in any other way returned to a country where they would be in danger of being persecuted, and adhere to and ensure the appropriate implementation of the principle of non-refoulement.[98]

75. The Committee on the Rights of Persons with Disabilities and UNHCR expressed concern about substantial gaps in the protection of refugees with disabilities. They recommended that Kazakhstan review and amend its laws to guarantee access to social protection, education and healthcare for refugees with disabilities.[99] The Committee also recommended adopting legislation to ensure that migrant children and adults with disabilities obtained legal recognition of their disabilities and access social protection.[100]

7. Stateless persons

76. UNHCR highlighted that the Law on Citizenship prohibited citizens from holding dual nationality and required foreigners to renounce their nationality without having acquired or having received assurances that they would acquire the nationality of Kazakhstan, which increased the likelihood of statelessness.[101] The Committee on the Elimination of Racial Discrimination recommended that Kazakhstan review and amend the Law on Citizenship to ensure that the application thereof did not result in statelessness.[102]

Notes

[1] A/HRC/43/10, A/HRC/43/10/Add.1 and A/HRC/43/2.
[2] CAT/C/KAZ/CO/4, para. 36; CRPD/C/KAZ/CO/1, para. 40 (d); CERD/C/KAZ/CO/8-10, para. 42 (d); CEDAW/C/KAZ/CO/5, para. 48 (c) (v); United Nations country team submission for the universal periodic review of Kazakhstan, para. 3; and UNHCR submission for the universal periodic review of Kazakhstan, p. 7. See also https://www.ohchr.org/en/statements/2023/03/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit.
[3] CERD/C/KAZ/CO/8-10, para. 45.
[4] CRPD/C/KAZ/CO/1, para. 64.
[5] United Nations country team submission, para. 4.
[6] Ibid., para. 32.
[7] UNESCO submission for the universal periodic review of Kazakhstan, para. 41.
[8] CEDAW/C/KAZ/CO/5, paras. 9 (a) and 10.
[9] United Nations country team submission, paras. 7 and 8.
[10] CEDAW/C/KAZ/CO/5, para. 26 (k).
[11] See https://www.ohchr.org/en/statements/2023/03/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit.
[12] See OHCHR, *United Nations Human Rights Report 2019*, *United Nations Human Rights Report 2020*, *United Nations Human Rights Report 2021*,*United Nations Human Rights Report* 2022 and *United Nations Human Rights Report 2023*; and https://www.ohchr.org/sites/default/files/documents/aboutus/fundingbudget/voluntarycontributions2024.pdf.
[13] United Nations country team submission, para. 1.
[14] Ibid., para. 10; and see https://www.ohchr.org/en/statements/2023/03/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit.
[15] United Nations country team submission, paras. 27–29; and CEDAW/C/KAZ/CO/5, para. 25 (b).
[16] CEDAW/C/KAZ/CO/5, para. 26 (b).
[17] CAT/C/KAZ/CO/4, para. 7 (a); and United Nations country team submission, para. 12.
[18] United Nations country team submission, para. 15; CERD/C/KAZ/CO/8-10, para. 14; and CEDAW/C/KAZ/CO/5, para. 20 (a). See also CCPR/C/KAZ/QPR/3, para. 3.
[19] CRPD/C/KAZ/CO/1, para. 12 (d).
[20] CAT/C/KAZ/CO/4, paras. 15 and 16. See also United Nations country team submission, para. 95.
[21] United Nations country team submission, para. 14.
[22] CRPD/C/KAZ/CO/1, para. 12 (e).
[23] Ibid., para. 5.
[24] CEDAW/C/KAZ/CO/5, para. 11 (a).
[25] United Nations country team submission, para. 20; CERD/C/KAZ/CO/8-10, paras. 8 and 12; CRPD/C/KAZ/CO/1, para. 12 (a); and CEDAW/C/KAZ/CO/5, para. 12 (a). See also CCPR/C/KAZ/QPR/3, paras. 6 and 7.
[26] CERD/C/KAZ/CO/8-10, para. 20 (a).
[27] Ibid., paras. 17 and 18 (a).
[28] CAT/C/KAZ/CO/4, paras. 9 and 10. See also A/HRC/43/46/Add.1, paras. 30–33; A/HRC/43/46/Add.2; CRPD/C/KAZ/CO/1, paras. 33 and 34; and see https://www.ohchr.org/en/statements/2023/03/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit.
[29] See https://www.ohchr.org/en/press-releases/2023/04/kazakhstan-needs-strengthen-effective-torture-prevention-measures-un-torture.
[30] CAT/C/KAZ/CO/4, paras. 29 and 30. See also A/HRC/43/46/Add.1, para. 32.
[31] A/HRC/43/46/Add.1, para. 60 (f).
[32] CAT/C/KAZ/CO/4, paras. 19 (a) and (b) and 20 (a) and (b). See also United Nations country team submission, para. 92.
[33] CAT/C/KAZ/CO/4, paras. 33 and 34. See also A/HRC/43/46/Add.1, para. 33.
[34] CAT/C/KAZ/CO/4, paras. 23 and 24 (a)–(c) and (g). See also CCPR/C/KAZ/QPR/3, para. 13.

[35] CAT/C/KAZ/CO/4, paras. 21–22 (a) and (b). See also CCPR/C/KAZ/QPR/3, para. 16; and A/HRC/43/46/Add.1, paras. 34–37 and 60 (g).
[36] CAT/C/KAZ/CO/4, paras. 25 and 26.
[37] Ibid., paras. 13 and 14; United Nations country team submission, paras. 86–95; CCPR/C/KAZ/QPR/3, para. 14; see https://www.ohchr.org/en/press-releases/2022/01/kazakhstan-un-experts-condemn-lethal-force-against-protesters-misuse-term; and see https://www.ohchr.org/en/press-releases/2022/01/kazakhstan-unrest-bachelet-urges-peaceful-resolution-grievances.
[38] CAT/C/KAZ/CO/4, para. 14 (a). See also CCPR/C/KAZ/QPR/3, paras. 23 and 24; and CRPD/C/KAZ/CO/1, paras. 44 and 45.
[39] United Nations country team submission para. 95. See also https://www.ohchr.org/en/statements/2023/03/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit.
[40] A/HRC/43/46/Add.1, paras. 14, 15, 18 and 60 (a). See also https://www.ohchr.org/en/press-releases/2019/06/un-human-rights-office-calls-kazakhstan-respect-freedoms-peaceful-assembly.
[41] See A/HRC/43/46/Add.2.
[42] A/HRC/43/46/Add.1, para. 17. See also A/HRC/43/46/Add.2.
[43] CAT/C/KAZ/CO/4, para. 18. See also United Nations country team submission, para. 93.
[44] CRPD/C/KAZ/CO/1, para. 30 (a) and (d).
[45] United Nations country team submission, para. 11. See also CCPR/C/KAZ/QPR/3, paras. 4, 17, 18 and 21.
[46] A/HRC/43/46/Add.1, paras. 39, 40 and 60 (d).
[47] United Nations country team submission, paras. 56 and 59. See also CCPR/C/KAZ/QPR/3, paras. 14 and 15; and CEDAW/C/KAZ/CO/5 para. 18 (b).
[48] CEDAW/C/KAZ/CO/5, para. 17.
[49] United Nations country team submission, paras. 6 and 20. See also CCPR/C/KAZ/QPR/3, para. 25; A/HRC/43/46/Add.1, para. 16; and CEDAW/C/KAZ/CO/5, para. 18.
[50] UNESCO submission, para. 41.
[51] United Nations country team submission, paras. 33–35. See also CERD/C/KAZ/CO/8-10, paras. 15 and 16; and see https://www.ohchr.org/en/statements/2023/03/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit.
[52] CRPD/C/KAZ/CO/1, paras. 49 (a) and (c) and 50 (a).
[53] United Nations country team submission, para. 41. See also CAT/C/KAZ/CO/4, para. 7 (b); and CEDAW/C/KAZ/CO/5, para. 5.
[54] United Nations country team submission, paras. 39, 40 and 44. See also CCPR/C/KAZ/QPR/3, para. 19; and CERD/C/KAZ/CO/8-10, paras. 37 and 38.
[55] CEDAW/C/KAZ/CO/5, para. 28 (a)–(c).
[56] Ibid., paras. 37 (a) and 38 (a) and (b).
[57] CRPD/C/KAZ/CO/1, para. 58 (a). See also CEDAW/C/KAZ/CO/5, para. 48 (a) (i).
[58] CEDAW/C/KAZ/CO/5, para. 42 (a) and (b).
[59] CRPD/C/KAZ/CO/1, para. 60 (d).
[60] UNHCR submission, pp. 5 and 6.
[61] United Nations country team submission, paras. 83 and 85.
[62] Ibid., paras. 45 and 50.
[63] CEDAW/C/KAZ/CO/5, paras. 39 (a) and 40 (a), (c) and (d).
[64] CRPD/C/KAZ/CO/1, para. 54 (a). See also United Nations country team submission, para. 18.
[65] CEDAW/C/KAZ/CO/5, para. 48 (a) (vi).
[66] UNESCO submission, paras. 2, 27 and 29.
[67] Ibid., para. 18.
[68] United Nations country team submission, para. 64; and UNESCO submission, para. 35.
[69] CRPD/C/KAZ/CO/1 paras. 51 (a) and 52 (a)–(c). See also United Nations country team submission, paras. 61–64.
[70] UNESCO submission, para. 33.
[71] United Nations country team submission, para. 82.
[72] CAT/C/KAZ/CO/4, para. 37. See also CEDAW/C/KAZ/CO/5, para. 25 (a); and https://www.ohchr.org/en/statements/2023/03/un-high-commissioner-human-rights-volker-turk-concludes-his-official-visit.
[73] United Nations country team submission, paras. 21, 23 and 26.
[74] CEDAW/C/KAZ/CO/5, para. 26 (g).
[75] CRPD/C/KAZ/CO/1, paras. 33 (d), and 34 (d). See also CEDAW/C/KAZ/CO/5, para. 26 (i).
[76] United Nations country team submission, paras. 26 and 66.
[77] CRPD/C/KAZ/CO/1, paras. 33 (e) and 34 (f). See also United Nations country team submission, para. 65.

[78] UNESCO submission, para. 4.
[79] CEDAW/C/KAZ/CO/5, para. 45 (b).
[80] UNESCO submission, para. 30.
[81] CEDAW/C/KAZ/CO/5, paras. 24 (c) and 46 (b).
[82] CRPD/C/KAZ/CO/1, para. 7 (d).
[83] Ibid., paras. 27 (a) and 28 (a).
[84] Ibid., para. 8 (d). See also CEDAW/C/KAZ/CO/5, para. 5; and UNESCO submission, para. 10.
[85] CRPD/C/KAZ/CO/1, paras. 8 (c) and (e). See also United Nations country team submission, paras. 67–72 and 85.
[86] CRPD/C/KAZ/CO/1, paras. 35 (b) and 36 (a).
[87] CAT/C/KAZ/CO/4, paras. 31 and 32 (a), (b) and (d).
[88] CRPD/C/KAZ/CO/1, paras. 31 (a) and 32 (a).
[89] CERD/C/KAZ/CO/8-10, paras. 21 and 22 (a), (b) and (d).
[90] Ibid., paras. 27, 28 and 30.
[91] CAT/C/KAZ/CO/4, para. 38.
[92] Ibid., para. 42. See also United Nations country team submission, paras. 19 and 20; and CEDAW/C/KAZ/CO/5, para. 48.
[93] See https://www.ohchr.org/en/press-releases/2024/07/kazakhstan-reject-rights-violating-petition-say-un-experts. See also A/HRC/43/46/Add.1, para. 16.
[94] UNHCR submission, pp. 1, 3 and 4.
[95] United Nations country team submission, paras. 36, 37 and 44.
[96] UNHCR submission, pp. 1 and 3–5.
[97] CAT/C/KAZ/CO/4 para. 35; United Nations country team submission, para. 38; UNHCR submission, p. 3; CCPR/C/KAZ/QPR/3, para. 20; CERD/C/KAZ/CO/8-10, para. 40 (a); CRPD/C/KAZ/CO/1, para. 40 (e); and A/HRC/43/46/Add.1, para. 51.
[98] UNHCR submission, p. 4.
[99] CRPD/C/KAZ/CO/1, paras. 25 and 26; and UNHCR submission, pp. 4 and 5.
[100] CRPD/C/KAZ/CO/1, para. 40 (a).
[101] UNHCR submission, p. 2. See also A/HRC/43/46/Add.1, para. 52.
[102] CERD/C/KAZ/CO/8-10, para. 42 (b). See also CEDAW/C/KAZ/CO/5, para. 34.