



Human Rights Council
Working Group on the Universal Periodic Review
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Compilation on Kazakhstan

Report of 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 periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The United Nations country team noted that Kazakhstan had continued engaging actively with United Nations human rights mechanisms. Since 2014, it had hosted several visits from special procedure mandate holders,³ including the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism who visited Kazakhstan from 10 to 17 May 2019.⁴

3. A number of treaty bodies welcomed the ratification by Kazakhstan in 2015 of the Convention on the Rights of Persons with Disabilities.⁵ The Special Rapporteur on the rights of persons with disabilities encouraged Kazakhstan to ratify the Optional Protocol to that Convention⁶ and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.⁷

4. Kazakhstan was encouraged to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,⁸ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights,⁹ and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.¹⁰ Kazakhstan was also recommended to ensure that appropriate procedures were in place to give full effect to the decisions on individual communications adopted by the United Nations treaty bodies,¹¹ and to recognize as soon as possible the competence of the Committee on Enforced Disappearances to receive and consider individual and inter-State communications.¹² The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Kazakhstan accede to the



Convention relating to the Status of Stateless Persons, of 1954, and the Convention on the Reduction of Statelessness, of 1961.¹³

5. According to the United Nations country team, the 2017 amendments to the Constitution no longer provided for direct application of international treaties ratified by Kazakhstan. Instead, secondary legislation would determine the application of international treaties.¹⁴ The Committee on Economic, Social and Cultural Rights was concerned about the impact of the amendments on the protective role of the Covenant.¹⁵

6. Kazakhstan made annual contributions to the Office of the United Nations High Commissioner for Human Rights (OHCHR) during the reporting period, in 2015, 2017 and 2018.¹⁶

III. National human rights framework¹⁷

7. The United Nations country team noted that the B status of the Ombudsperson remained unchanged.¹⁸ Several treaty bodies recommended that Kazakhstan bring the Ombudsperson institution into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by further strengthening its independence and providing it with adequate financial and human resources.¹⁹ The country team noted the establishment in 2016 of the institution of the Ombudsperson on the Rights of the Child. The appointee acted on a pro bono basis while performing in parallel her primary functions as a Member of Parliament.²⁰

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

A. Cross-cutting issues

1. Equality and non-discrimination²¹

8. The Committee on Economic, Social and Cultural Rights was concerned that neither the Constitution nor domestic legislation explicitly prohibited some of the existing grounds of discrimination, such as gender identity and sexual orientation. It was also concerned about the lack of tailored legal protection of lesbian, gay, bisexual and transgender persons against attacks and harassment.²² The Human Rights Committee raised similar concerns.²³ Both committees recommended that Kazakhstan explicitly list sexual orientation and gender identity among the prohibited grounds of discrimination.²⁴

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

9. The Committee on Economic, Social and Cultural Rights recommended that Kazakhstan finalize and adopt the National Action Plan on Business and Human Rights and continue to further develop and implement the regulatory framework for companies operating in the country and those domiciled under its jurisdiction and acting abroad.²⁵

10. In 2015, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that the Government ensure that all entities – foreign, domestic and State-owned, both large and small – complied with laws to protect people and the environment from hazardous substances, while also increasing efforts to combat corruption.²⁶ He also called on the Government to protect those who lived in environmentally high-risk areas²⁷ and to mainstream human rights into the management of chemicals and wastes.²⁸ The Committee on the Rights of the Child urged Kazakhstan to address environmental hazards that affected the health of children living in close proximity to the Aral Sea and Semipalatinsk.²⁹

3. Human rights and counter-terrorism

11. The Special Rapporteur on terrorism noted that despite the 2017 amendments to counter-terrorism and extremism legislation, much of the domestic law regulating a range of terrorism-related offences was broad and ambiguously worded. She expressed serious concern about the use of the term “extremism” in national law and practice³⁰ and about laws and practices on counter-terrorism and on extremism being used to target, marginalize and criminalize the work of civil society.³¹ The Human Rights Committee raised similar concerns.³²

12. The Special Rapporteur highlighted the profound lacunae with regard to terrorism trials, and also some extremism cases, whereby trials were covered by specific rules and specific practices relating to State security, as well as the use by the investigating authorities of psychological pressure on the accused with a view to obtaining a confession of guilt at the outset of the investigation.³³ The Human Rights Committee recommended that Kazakhstan ensure that the rights to a fair trial and to access to justice were respected in all prosecutions for “extremism”.³⁴

13. The Special Rapporteur commended the Government for the return of hundreds of women and children from conflict areas, with several repatriation operations having taken place in 2019.³⁵

B. Civil and political rights

1. Right to life, liberty and security of person³⁶

14. In 2016, the Human Rights Committee was concerned that the 2015 Criminal Code maintained the death penalty for 17 types of crime.³⁷ It recommended that Kazakhstan retain its moratorium on the death penalty and review the list of capital crimes with a view to limiting them to the most serious crimes only. It should also give due consideration to the legal abolition of the death penalty.³⁸

15. The Special Rapporteur on terrorism was encouraged by the country’s declared commitment to a zero-tolerance policy vis-à-vis torture and ill-treatment.³⁹ The Committee against Torture and the Human Rights Committee recommended that Kazakhstan review its legislation with a view to bringing its definition of torture into accordance with internationally accepted standards.⁴⁰ The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted the authorities’ indications that a review of the definition of torture in the Criminal Code was under way.⁴¹

16. While welcoming the abolition of the statute of limitations for the crime of torture and the elimination of amnesties for persons convicted of torture, some treaty bodies were concerned about the reported high rates and persistent allegations of torture and ill-treatment.⁴² The high number of claims of torture dismissed at threshold due to the allegedly excessive evidentiary standard required to pursue an investigation,⁴³ the low number of persons convicted for having committed torture and the extremely lenient sentences were also noted as concerns.⁴⁴

17. It was recommended to Kazakhstan that, in practice, all arrested persons be immediately informed of the reasons for their arrest, and their rights as detainees,⁴⁵ in a language they understood,⁴⁶ and that persons deprived of liberty be able to immediately inform a family member or other next of kin of their detention⁴⁷ and have access to a lawyer.⁴⁸

18. The Subcommittee on Prevention of Torture welcomed the considerable reduction in the number of persons deprived of their liberty and the parallel overall improvement in conditions of detention.⁴⁹ However, it found that there was a general atmosphere of intimidation and repression in the places of deprivation of liberty it visited.⁵⁰

19. It was recommended to Kazakhstan that the mandate of the Human Rights Commissioner be separated from that of the national preventive mechanism⁵¹ and that funding be provided for the effective functioning of the mechanism,⁵² with extension of its mandate to all places where persons may be deprived of liberty, irrespective of the nature of

the place of deprivation of liberty.⁵³ The Subcommittee on Prevention of Torture was greatly concerned about reported cases of criminal prosecution against members of the national preventive mechanism for work carried out under its mandate.⁵⁴

2. Administration of justice, including impunity, and the rule of law⁵⁵

20. The United Nations country team reported that there had been important legislative changes in the area of criminal justice, which had included a reduction of the duration of police custody from 72 hours to a maximum of 48 hours prior to judicial approval of restraint measures (except in relation to “grave” and “terrorist” crimes) under the 2017 law modernizing the procedural bases for law enforcement activity.⁵⁶

21. The Human Rights Committee was concerned that independence of the judiciary was not sufficiently secured under the law and in practice.⁵⁷ It recommended that Kazakhstan eradicate all forms of undue interference with the judiciary by the executive branch and investigate such allegations effectively as well as strengthen efforts to combat corruption in the judiciary.⁵⁸ The Committee also recommended that Kazakhstan ensure that any restrictions or limitations on fair trial guarantees that were imposed to protect State secrets were fully compliant with the country’s obligations under the Covenant.⁵⁹

22. The Committee on Economic, Social and Cultural Rights was concerned about the persisting high level of corruption⁶⁰ and recommended that Kazakhstan continue and further intensify its efforts to combat corruption.⁶¹

23. Concerns were raised by the Special Rapporteur on the independence of judges and lawyers in the course of drafting and discussing the 2018 law on professional activities of lawyers and legal aid, namely concerning its potential interference with the independence of the legal profession and ultimately with the quality of legal aid.⁶² The Special Rapporteur recommended that Kazakhstan protect the independence of the legal profession, and ensure that lawyers were in a position to discharge their professional functions without intervention or interference of any sort.⁶³

3. Fundamental freedoms⁶⁴

24. In 2015, the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted that under the Law on Religious Activity and Religious Associations, of 2011, religious groups were required to re-register within a specified time frame in order to obtain the status of a registered religious association at the national, regional or local levels. Only Sunni Muslims, the Russian Orthodox Church and the Catholic Church had been registered at the national level, while other communities had been recognized in particular regional or local territories only. In the absence of registration, religious groups were banned from exercising any collective religious functions. Members, meanwhile, might face administrative sanctions if they routinely practised their rituals, even in private homes.⁶⁵ The Human Rights Committee and the Special Rapporteur on freedom of religion or belief raised similar concerns.⁶⁶ In 2014, the Special Rapporteur on freedom of religion recommended reforms of the 2011 Law on Religious Activity and Religious Associations based on an understanding that registration should be in the service of freedom of religion or belief prior to – and independent of – any specific acts of administrative approval.⁶⁷

25. The Special Rapporteur on freedom of peaceful assembly and of association was concerned about article 174 of the 2015 Criminal Code, on incitement of social, national, family, racial, class or religious discord. The Code did not strictly define what was meant by “incitement of discord”, which might leave the term open for arbitrary interpretation.⁶⁸ Recently, the Special Rapporteur on terrorism noted that article 174 was the article most commonly used against civil society activists, and against religious organizations specifically, and that it failed to provide genuine protection to individuals from minority groups.⁶⁹ She noted several emblematic incidents that had suggested overly broad application of criminal punishment for displaying dissenting opinion.⁷⁰ A number of special procedure mandate holders raised concerns over such cases.⁷¹

26. The Human Rights Committee recommended that Kazakhstan consider decriminalizing defamation, repeal or otherwise revise the other legal provisions limiting freedom of expression, including provisions on insult, and refrain from using its criminal

provisions and other regulations as tools to suppress the expression of dissenting opinions.⁷² The United Nations Educational, Scientific and Cultural Organization (UNESCO) made similar recommendations.⁷³

27. The Human Rights Committee was also concerned about the blocking of social media, blogs, news sites and other Internet-based resources on national security grounds, including by using Law No. 200-V of 23 April 2014, which entrusted the Prosecutor General or his deputies with the ability to shut down or suspend a network or means of communication and access to Internet resources without a court order.⁷⁴ UNESCO noted that amendments in 2017 to media legislation required journalists to obtain consent from an individual and (or) legal entity or their representatives to publicize in the mass media personal and family secrets protected by law.⁷⁵ The United Nations country team noted similar concerns expressed by media and non-governmental organizations (NGOs), including the concern that the law introduced a notion of propaganda.⁷⁶

28. OHCHR stated that on 9 and 10 June 2019, at least 1,000 arrests of peaceful protesters had reportedly taken place in Nur-Sultan, Almaty and Shymkent, with 550 individuals being charged and penalized for “participating in an unauthorized assembly” – an administrative offence in the country.⁷⁷ In 2016, United Nations human rights experts called on the Government to protect the rights to freedom of peaceful assembly and freedom of expression, after mass arrests, detentions and criminal prosecutions had followed demonstrations over proposed land reforms across the country.⁷⁸ The United Nations country team noted similar reports by the media.⁷⁹ The Special Rapporteur on freedom of peaceful assembly and of association encouraged the authorities to consider a complete overhaul of its approach to regulating peaceful assemblies, starting by repealing the requirement of prior authorization and by allowing assemblies to take place in areas other than the designated “protest spaces”.⁸⁰

29. The United Nations country team noted that civil society organizations frequently reported substantial challenges regarding increased legal obligations for NGOs, such as requirements to report to State authorities on their work and funding.⁸¹ The Committee on Economic, Social and Cultural Rights was concerned at information that some human rights NGOs had faced difficulty in registering.⁸²

30. Under the 2015 Criminal Code, individuals identified as leaders of public associations might be subject to a separate category of offences with aggravated penalties. However, the definition of “leader” was so vaguely worded that civil society representatives feared that any member of a public association might be deemed a leader. The Special Rapporteur on freedom of peaceful assembly and of association urged the authorities to repeal any laws that discriminated against individuals on the basis of their affiliation with an association carrying out peaceful activities.⁸³

4. Prohibition of all forms of slavery⁸⁴

31. Two treaty bodies reported that only a small fraction of criminal cases on trafficking were opened under article 128 of the Criminal Code on trafficking in persons, that in many cases perpetrators were charged with crimes carrying less serious punishments, and that some perpetrators went unprosecuted. Low rates of reporting, indictments and prosecutions were also mentioned as concerns.⁸⁵

32. In 2015, the Committee on the Rights of the Child was seriously concerned about the reports that large numbers of children were trafficked from, to and within the country and most victims remained unidentified.⁸⁶ It was recommended that the Government strengthen its existing victim identification mechanisms and address corruption in law enforcement activities related to trafficking.⁸⁷

33. The Human Rights Committee was also concerned about reports of domestic servitude; of forced and bonded labour, particularly of migrant workers in the tobacco, cotton and construction industries; and of abuse of migrant workers, which included poor and hazardous working conditions, delayed payment and the confiscation of identity documents.⁸⁸ The Committee recommended that Kazakhstan ensure that all forms of slavery and slavery-like practices, including domestic servitude, forced and bonded labour and forced marriage, were specifically defined and criminalized in national legislation.⁸⁹

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁹⁰

34. The Special Rapporteur on freedom of peaceful assembly and of association noted that the legal framework regulating strikes was more focused on limiting strikes than on facilitating the exercise of the right to freedom of association.⁹¹ Kazakhstan was recommended to amend its legislation, including article 402 of the Criminal Code and section 177 of the Labour Code, to ensure that workers could exercise their right to strike, without undue restrictions.⁹²

35. The Committee on Economic, Social and Cultural Rights was concerned at the incidence of arrests and convictions of trade union leaders in connection with their activities and at reports of assaults, intimidation and harassment against trade union activists.⁹³ The United Nations country team noted the concerns expressed by civil society over the further deteriorated situation with the right of everyone to form trade unions and with trade union activism.⁹⁴ The Human Rights Committee and the Special Rapporteur on freedom of peaceful assembly and of association were concerned that the 2014 law on trade unions imposed the mandatory affiliation of trade unions to regional or sectorial federations.⁹⁵ The latter recommended revision of the law on trade unions to bring it into line with international standards.⁹⁶

36. The International Labour Organization (ILO) Committee of Experts recalled its previous concern that Confederation of Independent Trade Unions of Kazakhstan affiliates had been denied registration and/or reregistration, which had ultimately led to the Confederation's liquidation. The Committee of Experts requested the Government to engage with social partners to review the difficulties identified by trade unions seeking registration, with a view to finding appropriate measures to ensure the right of workers to establish organizations without previous authorization.⁹⁷

2. Right to social security

37. The Committee on Economic, Social and Cultural Rights was concerned at the overall low level of public expenditure on social services as a ratio of gross domestic product, including on health care and education.⁹⁸ The Committee also noted that the country's social security system did not cover all of the relevant population groups, in particular workers in the informal economy, self-employed workers, non-nationals and irregular migrant workers⁹⁹ and recommended that Kazakhstan develop a universal social security system, with a view to covering all segments of its population.¹⁰⁰

3. Right to an adequate standard of living¹⁰¹

38. The United Nations country team noted that since March 2018, Kazakhstan had been implementing the Five Social Initiatives, which included affordable housing and income tax reduction for the low paid. The country team commended the implementation of economic and social rights which had been undertaken in an attempt to leave no one behind.¹⁰²

39. The Committee on the Rights of the Child was concerned that, despite some improvements, significant numbers of children in the country continued to live in poverty, particularly children living in rural areas, large households, young families, single-parent families, families with persons with disabilities and migrant families.¹⁰³

40. The Committee on Economic, Social and Cultural Rights recommended that Kazakhstan provide affordable social housing to disadvantaged and marginalized individuals and families, such as migrant workers and persons living in rural areas.¹⁰⁴

4. Right to health¹⁰⁵

41. The Committee on the Rights of the Child recommended that Kazakhstan provide equal access to quality health-care services throughout the country in both urban and rural areas.¹⁰⁶

42. The United Nations country team noted that Kazakhstan did not have comprehensive sexuality education that mainstreamed healthy lifestyles among young people. It encouraged the Government to establish youth education resources that were user-friendly and targeted at young women with quality information on health, reproduction and sexuality.¹⁰⁷ Despite having decreased in recent years, the adolescent pregnancy rate and abortion rates in the country remained high.¹⁰⁸

43. UNESCO and the United Nations country team reported high and increasing rates of HIV infections¹⁰⁹ and of stigma and discrimination against persons living with HIV.¹¹⁰

44. The Committee on Economic, Social and Cultural Rights recommended that the Government intensify its efforts with regard to preventing drug abuse, and strengthen harm reduction programmes and provide appropriate health care. It also recommended considering decriminalization of drug use.¹¹¹

45. The United Nations country team noted that suicide rates, including among adolescents, were some of the highest in the world.¹¹² The Committee on the Rights of the Child recommended that Kazakhstan strengthen its efforts to prevent suicides and suicidal behaviour among its adolescents and adopt mental health programmes to address the specific needs of adolescents who were prone to suicidal behaviour.¹¹³

5. Right to education¹¹⁴

46. The Committee on Economic, Social and Cultural Rights recognized the efforts by Kazakhstan to ensure universal access to education and to improve its quality, but was concerned that a significant number of children did not have access to early education and that there were strong regional disparities in access to education and in the quality of education.¹¹⁵ The Committee on the Rights of the Child and UNESCO noted their concern that the children of asylum seekers, refugees and migrants who did not possess valid registration and documents were not accepted in schools.¹¹⁶ The Committee on Economic, Social and Cultural Rights raised similar concerns with regard to children of unregistered migrants.¹¹⁷ It recommended that Kazakhstan strengthen public education and increase the enrolment rates at all levels of education.¹¹⁸

47. The Special Rapporteur on disability noted that while Kazakhstan was continuously increasing its investments in education, children with disabilities still had limited access to inclusive and quality education.¹¹⁹ She was concerned that nothing had been done to ensure inclusion in the mainstream education system of children with sensory impairments.¹²⁰ UNESCO noted the persistent challenges related to the lack of pedagogical and psychological assistance in schools to implement inclusive education.¹²¹ Kazakhstan was recommended to ensure inclusive education for all children with disabilities, including by allocating resources for the provision of reasonable accommodation and through additional professional training for teachers.¹²²

D. Rights of specific persons or groups

1. Women¹²³

48. The Committee on Economic, Social and Cultural Rights appreciated the Family and Gender Policy Concept 2030,¹²⁴ but noted that gender stereotypes continued to persist in society, negatively affecting women's status in the family and in public life, as well as their access to economic, social and cultural rights.¹²⁵

49. The United Nations country team noted that there had been expressions of political will to achieve women's representation in political decision-making and encouraged the Government to formally adopt special temporary measures to accelerate substantive equality of women and men.¹²⁶ The Committee on Economic, Social and Cultural Rights made similar recommendations.¹²⁷ According to the country team, the level of women in senior decision-making positions in the Government had not increased; only 1 out of 16 Cabinet posts was held by a woman. There were no women regional governors.¹²⁸

50. The same Committee noted the slight increase in women's wages in 2017, but remained concerned at the persistent wage gap between men and women.¹²⁹ The United Nations country team noted that the pay gap was around 32 per cent.¹³⁰

51. The United Nations country team referred to a study conducted by Kazakhstan on the prevalence of violence against women, which concluded that a large proportion of women experienced physical, sexual and psychological violence by an intimate partner.¹³¹ Several treaty bodies were also concerned by the persistence of domestic violence in the country.¹³² Beatings and light injuries to health, including in cases of domestic violence, had been decriminalized in 2017¹³³ and were now punished under administrative law.¹³⁴ The country team and the Committee on Economic, Social and Cultural Rights called upon Kazakhstan to criminalize all forms of violence against women.¹³⁵

2. Children¹³⁶

52. The United Nations country team noted that nearly 3 children in 10 had experienced physical punishment in the household. The newly adopted law on amendments to legislative acts on child protection organizations put legal responsibility on health and social protection services to report cases of violence against children to the police, allowing a cross-sectoral response to violence. However, the legislation did not explicitly prohibit corporal punishment of children in the home, in some types of alternative care institutions and in day care.¹³⁷ The Committee on the Rights of the Child raised similar concerns¹³⁸ and recommended, inter alia, the introduction of mechanisms, especially in care institutions, in institutions for children with disabilities and in schools, to enable children to report any form of violence in a confidential manner.¹³⁹

53. The Committee on the Rights of the Child was concerned that a number of girls continued to be subjected to early and forced marriage, especially in the rural areas of the Akmola, Mangistau and South Kazakhstan regions, and about the continuing practice of "bride kidnapping" in rural areas, which could involve the ill-treatment and the marriage of young girls without their consent.¹⁴⁰ UNESCO and the United Nations country team raised similar concerns.¹⁴¹

54. The same Committee noted with appreciation that the 2014 amendments to the Criminal Code and the Code of Administrative Offences had strengthened the liability for sexual or economic exploitation of children and had increased liability for not fulfilling or improperly fulfilling parental responsibilities.¹⁴² The Committee on Economic, Social and Cultural Rights was concerned that child labour by migrant and Kazakh children persisted, including on tobacco, cotton and agricultural farms.¹⁴³

55. The United Nations country team noted that several legislative acts addressing the rights of children in conflict with the law, and of child victims and witnesses of crimes, had been adopted and that national legislation had been brought closer to international standards. An international principle of detention, that it should be for "the shortest appropriate period of time", had been introduced. The length of police custody for children in conflict with the law, before being brought before a judge, had been reduced from 72 to 24 hours. The country team encouraged Kazakhstan to adopt a single law that comprehensively regulated children's rights, including justice for children.¹⁴⁴

56. The Subcommittee on Prevention of Torture welcomed the many efforts to reduce the number of children in detention as well as improvements in regard to their rehabilitation and education.¹⁴⁵ The Subcommittee recommended that further measures be taken to ensure that life in detention prepared children for life in the community.¹⁴⁶

57. The Committee on the Rights of the Child and the United Nations country team were concerned about the age limit pertaining to a child's expression of his or her views which was set at 10 years of age in national legislation¹⁴⁷ and recommended that such age limit be abolished.¹⁴⁸

3. Persons with disabilities¹⁴⁹

58. The Committee on Economic, Social and Cultural Rights was concerned that persons with disabilities, including children with disabilities, continued to face

discrimination and inequality in many areas of life.¹⁵⁰ The Special Rapporteur on disability noted that relevant national laws referred to persons with disabilities as “invalids”, which perpetuated a negative social perception of persons with disabilities.¹⁵¹

59. The Special Rapporteur noted the amendments to the Law on Social Protection of Persons with Disabilities and to other general legislative acts, but stated that not all provisions conflicting with the Convention on the Rights of Persons with Disabilities had been addressed.¹⁵² A section of the comprehensive Kazakhstan 2050 national development strategy was dedicated to persons with disabilities, a fact which reflected the Government’s commitment to improving their situation.¹⁵³

60. With regard to accessibility, the Special Rapporteur stated that an assessment of public and private buildings open to the general public had found that 77.4 per cent of them had been brought into compliance with the minimum accessibility standards.¹⁵⁴ The law on architecture, constructions and urban planning had been supplemented with new provisions to ensure that all new buildings, public and private, were made accessible from the outset.¹⁵⁵ Sign language had not been recognized as an official language and nor was it taught in universities, while access to interpretation remained very limited.¹⁵⁶

61. The Committee on Economic, Social and Cultural Rights was concerned by the situation of children with disabilities in orphanages for children with physical and mental disabilities, which were reportedly overcrowded, unsanitary and understaffed.¹⁵⁷ The Special Rapporteur had received allegations of violence against and abuse and degrading treatment of persons placed in institutions, in particular girls and women with disabilities.¹⁵⁸ She noted that the country had not yet developed an official deinstitutionalization strategy.¹⁵⁹ She urged the Government to introduce a moratorium on new admissions to institutions and to reallocate existing resources away from residential institutions and towards the provision of support services in the community.¹⁶⁰

62. The Special Rapporteur noted that a mandatory quota on hiring persons with disabilities in public and private enterprises, ranging from 2 to 4 per cent, had been introduced in 2016. In addition, subsidies for the provision of reasonable accommodation for persons with disabilities had been introduced in 2018.¹⁶¹ Nevertheless, persons with disabilities remained largely excluded from employment. The Special Rapporteur encouraged the Government to render the labour market and working environments inclusive of and fully accessible to all workers with disabilities.¹⁶²

63. The Special Rapporteur urged the State to initiate a comprehensive legislative reform aimed at eliminating the outdated guardianship system and developing systems of support for the exercise of legal capacity.¹⁶³ She urged Kazakhstan to abolish the legal provisions allowing for persons with disabilities to be detained and to be subjected to non-consensual interventions, and also urged the country to ensure that all health-care interventions were provided on the basis of free and informed consent.¹⁶⁴

4. Migrants, refugees and asylum seekers¹⁶⁵

64. The United Nations country team noted that the 2017–2021 Migration Policy Concept outlined the country’s migration objectives. However, irregular migrants, including undocumented migrants, were not duly reflected in national legislation. They often worked without labour contracts and a clear definition of their duties, and therefore had no social guarantees. This could often lead to delays in payment, or to non-payment of wages or non-payment for overtime work.¹⁶⁶ The Committee on Economic, Social and Cultural Rights raised similar concerns.¹⁶⁷

65. The United Nations country team reported that while regular immigrants and stateless persons had the right to receive free medical assistance in the case of acute conditions listed by the Government, irregular and undocumented migrants did not have access to the health-care system beyond emergency treatment.¹⁶⁸

66. UNHCR commended Kazakhstan for having taken active steps to facilitate refugees’ local integration through its easing of the requirements and procedures for acquiring permanent resident status.¹⁶⁹ UNHCR noted with concern that the absence of a practical

mechanism for referring asylum seekers from the border authorities to the competent State agency within Kazakh territory might lead to instances of refoulement.¹⁷⁰

67. The Committee against Torture and UNHCR were particularly concerned about instances of forcible return of asylum seekers before they had submitted a formal asylum application or before a final decision on their asylum application had been issued.¹⁷¹ UNHCR also noted instances where asylum seekers had not been allowed access to Kazakh territory.¹⁷²

68. UNHCR recommended that Kazakhstan adopt legislation and take practical measures to ensure that failed asylum seekers and all persons who were not formally recognized as refugees, but nonetheless were unable to return to their country of origin due to other compelling reasons, such as ongoing armed conflict, circumstances of generalized violence or serious disturbance to public order, were allowed to stay in the country until it was safe for them to return.¹⁷³

69. The Committee on the Rights of the Child was concerned that the special needs and rights of children were not reflected in the country's asylum procedures and that there was no law or regulation addressing the treatment of unaccompanied and separated children.¹⁷⁴

5. Stateless persons

70. The United Nations country team reported that the March 2017 amendments to the Constitution provided for deprivation of nationality upon a court verdict of having committed terrorist crimes and caused severe harm to vital interests of Kazakhstan. The subsequent law of 11 July 2017 introduced deprivation of nationality as an additional measure of punishment into 21 articles of the Criminal Code.¹⁷⁵

71. UNHCR noted that the Law on Citizenship did not provide safeguards against statelessness at birth, in cases where children's foreign parents were not able to transmit their nationality to them,¹⁷⁶ and recommended that Kazakhstan ensure that the Law on Citizenship provided adequate safeguards against statelessness at birth as well as during the acquisition or renunciation of citizenship.¹⁷⁷

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Kazakhstan will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/KZIndex.aspx.
- ² For relevant recommendations, see A/HRC/28/10, paras. 124.2, 125.1–125.8, 125.35–125.36, 125.76, 126.1–126.19 and 126.51.
- ³ United Nations country team submission for the universal periodic review of Kazakhstan, para. 4.
- ⁴ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.
- ⁵ E/C.12/KAZ/CO/2, para. 12; CCPR/C/KAZ/CO/2, para. 4; and CRC/C/KAZ/CO/4, para. 3 (a). See also A/HRC/29/25/Add.2, para. 10.
- ⁶ A/HRC/37/56/Add.2, para. 15.
- ⁷ *Ibid.*, para. 16.
- ⁸ CRC/C/KAZ/CO/4, para. 66.
- ⁹ E/C.12/KAZ/CO/2, para. 52; and A/HRC/30/40/Add.1, para. 100.
- ¹⁰ CCPR/C/KAZ/CO/2, para. 16.
- ¹¹ *Ibid.*, para. 6; and CAT/C/KAZ/CO/3, paras. 22 (b) and 16 (g).
- ¹² CED/C/KAZ/CO/1, para. 8.
- ¹³ UNHCR submission for the universal periodic review of Kazakhstan, p. 4.
- ¹⁴ United Nations country team submission, para. 5.
- ¹⁵ E/C.12/KAZ/CO/2, para. 4.
- ¹⁶ OHCHR, *OHCHR Report 2018*, pp. 77 and 94; OHCHR, *OHCHR Report 2017*, pp. 79, 83 and 86; and OHCHR, *OHCHR Report 2015*, pp. 61, 65 and 68.
- ¹⁷ For relevant recommendations, see A/HRC/28/10, paras. 124.1, 124.4–124.6, 124.47, 125.10–125.26, 125.28–125.30, 125.33–125.34, 125.54, 125.74, 125.78, 125.93 and 125.96.
- ¹⁸ United Nations country team submission, para. 7.
- ¹⁹ E/C.12/KAZ/CO/2, para. 7; CCPR/C/KAZ/CO/2, para. 8; and CED/C/KAZ/CO/1, para. 10.
- ²⁰ United Nations country team submission, p. 3. See also CRC/C/KAZ/CO/4, para. 17.

- 21 For relevant recommendations, see A/HRC/28/10, paras. 124.3, 124.42–124.43, 125.31, 125.37, 125.77 and 126.21–126.24.
- 22 E/C.12/KAZ/CO/2, para. 10.
- 23 CCPR/C/KAZ/CO/2, para. 9.
- 24 *Ibid.*, para. 10; and E/C.12/KAZ/CO/2, para. 11.
- 25 E/C.12/KAZ/CO/2, para. 17. See also CRC/C/KAZ/CO/4, para. 18.
- 26 A/HRC/30/40/Add.1, para. 87.
- 27 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=15804&LangID=E.
- 28 A/HRC/30/40/Add.1, para. 82.
- 29 CRC/C/KAZ/CO/4, para. 49.
- 30 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.
- 31 *Ibid.*
- 32 CCPR/C/KAZ/CO/2, para. 13.
- 33 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.
- 34 CCPR/C/KAZ/CO/2, para. 14.
- 35 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.
- 36 For relevant recommendations, see A/HRC/28/10, paras. 124.16–124.19, 124.41, 124.44–124.45, 125.48–125.50, 125.72–125.73, 126.27 and 126.32.
- 37 CCPR/C/KAZ/CO/2, para. 15.
- 38 *Ibid.*, para. 16.
- 39 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E. See also CAT/OP/KAZ/1, para. 34.
- 40 CAT/C/KAZ/CO/3, para. 24; and CCPR/C/KAZ/CO/2, para. 22. See also CCPR/C/KAZ/CO/2/Add.2, paras. 2–10.
- 41 CAT/OP/KAZ/1, para. 38.
- 42 CAT/C/KAZ/CO/3, para. 7; and CCPR/C/KAZ/CO/2, para. 23. See also CAT/C/61/D/661/2015 and CCPR/C/119/D/2146/2012.
- 43 CCPR/C/KAZ/CO/2, para. 23. See also CAT/C/61/D/661/2015 and CCPR/C/119/D/2146/2012.
- 44 CAT/C/KAZ/CO/3, para. 9. See also CCPR/C/KAZ/CO/2/Add.2, paras. 29–30.
- 45 CCPR/C/KAZ/CO/2, para. 28; CAT/C/KAZ/CO/3, para. 12 (e); and CAT/OP/KAZ/1, para. 44.
- 46 CAT/OP/KAZ/1, para. 44.
- 47 CAT/OP/KAZ/1, para. 46; and CAT/C/KAZ/CO/3, para. 12 (f).
- 48 CED/C/KAZ/CO/1, para. 20; and CAT/C/KAZ/CO/3, para. 12 (e). See also Working Group on Arbitrary Detention opinion No. 67/2018; and CCPR/C/121/D/2645/2015.
- 49 CAT/OP/KAZ/1, para. 33. See also CAT/OP/KAZ/1, paras. 71, 84 and 112; and CCPR/C/KAZ/CO/2, para. 31.
- 50 CAT/OP/KAZ/1, para. 33. See also CCPR/C/115/D/2304/2013.
- 51 CAT/OP/KAZ/1, para. 18. See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.
- 52 CAT/OP/KAZ/1, paras. 21 and 24.
- 53 CAT/C/KAZ/CO/3, para. 13; and CED/C/KAZ/CO/1, para. 24. See also CAT/OP/KAZ/1, para. 22; CCPR/C/KAZ/CO/2, para. 32; and CAT/C/KAZ/CO/3/Add.2, paras. 32–39.
- 54 CAT/OP/KAZ/1, para. 26.
- 55 For relevant recommendations, see A/HRC/28/10, paras. 124.12–124.13, 124.15, 124.38, 125.53 and 125.55–125.56.
- 56 United Nations country team submission, para. 21. See also CCPR/C/KAZ/CO/2, para. 26; CAT/OP/KAZ/1, para. 55; and CAT/C/KAZ/CO/3/Add.2, paras. 40–48.
- 57 CCPR/C/KAZ/CO/2, para. 37.
- 58 *Ibid.*, para. 38.
- 59 *Ibid.*, para. 40. See also CCPR/C/119/D/2125/2011.
- 60 E/C.12/KAZ/CO/2, para. 21.
- 61 *Ibid.*, para. 22.
- 62 See www.ohchr.org/Documents/Issues/IJudiciary/Communications/OL-KAZ-17-01-18.pdf. See also the United Nations country team submission, para. 22.
- 63 See www.ohchr.org/Documents/Issues/IJudiciary/Communications/OL-KAZ-17-01-18.pdf.
- 64 For relevant recommendations, see A/HRC/28/10, paras. 124.21–124.40, 124.46 and 126.28–126.48.
- 65 A/HRC/29/25/Add.2, para. 47. See also Working Group on Arbitrary Detention opinion No. 62/2017.
- 66 A/HRC/28/66/Add.1, paras. 28–29; and CCPR/C/KAZ/CO/2, para. 47.
- 67 A/HRC/28/66/Add.1, para. 69 (d).
- 68 A/HRC/29/25/Add.2, para. 25.
- 69 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E. See also the United Nations country team submission, para. 35; and CCPR/C/KAZ/CO/2, para. 49.
- 70 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.
- 71 *Ibid.* See also Working Group on Arbitrary Detention opinion No. 16/2017 and CCPR/C/120/D/2158/2012.
- 72 CCPR/C/KAZ/CO/2, para. 50.
- 73 UNESCO submission for the universal periodic review of Kazakhstan, para. 11.

- 74 CCPR/C/KAZ/CO/2, para. 49. See also A/HRC/29/25/Add.2, para. 57.
- 75 UNESCO submission, para. 5.
- 76 United Nations country team submission, para. 35.
- 77 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24691&LangID=E. See also CCPR/C/KAZ/CO/2, para. 51.
- 78 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=19951&LangID=E. See also CCPR/C/124/D/2441/2014, CCPR/C/125/D/2308/2013 and CCPR/C/125/D/2309/2013.
- 79 United Nations country team submission, para. 36.
- 80 A/HRC/29/25/Add.2, para. 66.
- 81 United Nations country team submission, para. 41. See also CCPR/C/KAZ/CO/2/Add.2, paras. 47–53.
- 82 E/C.12/KAZ/CO/2, para. 8.
- 83 A/HRC/29/25/Add.2, para. 43.
- 84 For relevant recommendations, see A/HRC/28/10, paras. 124.37 and 125.62–125.67.
- 85 CAT/C/KAZ/CO/3, para. 21; and CCPR/C/KAZ/CO/2, para. 33.
- 86 CRC/C/KAZ/CO/4, para. 58.
- 87 CCPR/C/KAZ/CO/2, para. 34. See also CRC/C/KAZ/CO/4, para. 59.
- 88 CCPR/C/KAZ/CO/2, para. 35.
- 89 *Ibid.*, para. 36.
- 90 For relevant recommendations, see A/HRC/28/10, paras. 124.31, 125.27, 125.57, 125.80, 125.82, 125.91 and 126.29.
- 91 A/HRC/29/25/Add.2, para. 36.
- 92 E/C.12/KAZ/CO/2, para. 28. See also CCPR/C/KAZ/CO/2, para. 53; and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963821.
- 93 E/C.12/KAZ/CO/2, para. 32. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963821.
- 94 United Nations country team submission, para. 38.
- 95 CCPR/C/KAZ/CO/2, para. 53; and A/HRC/29/25/Add.2, para. 34. See also CCPR/C/KAZ/CO/2/Add.2, paras. 32–46.
- 96 A/HRC/29/25/Add.2, para. 34; and see www.ilo.org/dyn/normlex/en/f?p=1000:13101:0::NO:13101:P13101_COMMENT_ID:3963821.
- 97 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963821. See also A/HRC/29/25/Add.2, para. 35.
- 98 E/C.12/KAZ/CO/2, para. 19.
- 99 *Ibid.*, para. 34.
- 100 *Ibid.*, para. 35.
- 101 For relevant recommendations, see A/HRC/28/10, paras. 125.41, 125.81 and 125.95.
- 102 United Nations country team submission, para. 3.
- 103 CRC/C/KAZ/CO/4, para. 50.
- 104 E/C.12/KAZ/CO/2, para. 43.
- 105 For relevant recommendations, see A/HRC/28/10, paras. 125.83–125.87.
- 106 CRC/C/KAZ/CO/4, para. 43.
- 107 United Nations country team submission, para. 25. See also CRC/C/KAZ/CO/4, para. 47.
- 108 United Nations country team submission, paras. 26 and 28; and UNESCO submission, para. 9. See also CRC/C/KAZ/CO/4, para. 46.
- 109 United Nations country team submission, para. 26; and UNESCO submission, para. 9.
- 110 United Nations country team submission, para. 29; and UNESCO submission, para. 9.
- 111 E/C.12/KAZ/CO/2, para. 47.
- 112 United Nations country team submission, para. 29.
- 113 CRC/C/KAZ/CO/4, para. 45.
- 114 For relevant recommendations, see A/HRC/28/10, paras. 124.32 and 125.88–125.89.
- 115 E/C.12/KAZ/CO/2, para. 48.
- 116 CRC/C/KAZ/CO/4, para. 52; and UNESCO submission, para. 9.
- 117 E/C.12/KAZ/CO/2, para. 48.
- 118 *Ibid.*, para. 49.
- 119 A/HRC/37/56/Add.2, para. 76.
- 120 *Ibid.*, para. 80.
- 121 UNESCO submission, para. 9.
- 122 E/C.12/KAZ/CO/2, para. 49 (d). See also A/HRC/37/56/Add.2, para. 82; and CRC/C/KAZ/CO/4, para. 41.
- 123 For relevant recommendations, see A/HRC/28/10, paras. 124.7–124.11, 124.20, 124.35–124.36, 125.38–125.40, 125.52, 125.58–125.61, 125.75 and 125.79.
- 124 E/C.12/KAZ/CO/2, para. 3. See also United Nations country team submission, para. 6.
- 125 E/C.12/KAZ/CO/2, para. 14. See also CEDAW/C/61/D/45/2012.
- 126 United Nations country team submission, para. 9.
- 127 E/C.12/KAZ/CO/2, para. 15.
- 128 United Nations country team submission, para. 10.

- 129 E/C.12/KAZ/CO/2, paras. 25–26.
- 130 United Nations country team submission, para. 11.
- 131 Ibid., para. 13.
- 132 E/C.12/KAZ/CO/2, para. 36; CCPR/C/KAZ/CO/2, para. 11; and CAT/C/KAZ/CO/3, para. 20.
- 133 United Nations country team submission, para. 15; and E/C.12/KAZ/CO/2, para. 36.
- 134 E/C.12/KAZ/CO/2, para. 36.
- 135 United Nations country team submission, para. 15; and E/C.12/KAZ/CO/2, para. 37. See also CEDAW/C/KAZ/CO/3-4/Add.1, paras. 8–29.
- 136 For relevant recommendations, see A/HRC/28/10, paras. 125.32 and 125.51.
- 137 United Nations country team submission, para. 23.
- 138 CRC/C/KAZ/CO/4, para. 28.
- 139 Ibid., para. 31.
- 140 Ibid., para. 34.
- 141 UNESCO submission, para. 9; and United Nations country team submission, para. 18.
- 142 CRC/C/KAZ/CO/4, para. 4 (a).
- 143 E/C.12/KAZ/CO/2, para. 38. See also CCPR/C/KAZ/CO/2, para. 35.
- 144 United Nations country team submission, para. 24.
- 145 CAT/OP/KAZ/1, para. 131. See also CRC/C/KAZ/CO/4, para. 60.
- 146 CAT/OP/KAZ/1, para. 133.
- 147 CRC/C/KAZ/CO/4, para. 24; and United Nations country team submission, para. 24.
- 148 CRC/C/KAZ/CO/4, para. 25.
- 149 For relevant recommendations, see A/HRC/28/10, paras. 125.90–125.92.
- 150 E/C.12/KAZ/CO/2, para. 12. See also A/HRC/37/56/Add.2, para. 37.
- 151 A/HRC/37/56/Add.2, para. 38.
- 152 Ibid., para. 20.
- 153 Ibid., para. 21.
- 154 Ibid., para. 47.
- 155 Ibid., para. 49.
- 156 Ibid., para. 51.
- 157 E/C.12/KAZ/CO/2, para. 40.
- 158 A/HRC/37/56/Add.2, para. 69.
- 159 Ibid., para. 70.
- 160 Ibid., para. 73.
- 161 Ibid., para. 86.
- 162 Ibid., para. 88.
- 163 Ibid., para. 91.
- 164 Ibid., para. 97. See also E/C.12/KAZ/CO/2, para. 44.
- 165 For relevant recommendations, see A/HRC/28/10, paras. 124.14, 124.33–124.34 and 126.49–126.50.
- 166 United Nations country team submission, para. 33.
- 167 E/C.12/KAZ/CO/2, para. 29.
- 168 United Nations country team submission, para. 34.
- 169 UNHCR submission, p. 1.
- 170 Ibid., p. 2. See also CAT/C/55/D/554/2013.
- 171 CAT/C/KAZ/CO/3, para. 16; and UNHCR submission, p. 2.
- 172 UNHCR submission, p. 2.
- 173 Ibid., p. 3.
- 174 CRC/C/KAZ/CO/4, para. 54.
- 175 United Nations country team submission, para. 5. See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24637&LangID=E.
- 176 UNHCR submission, p. 3.
- 177 Ibid., p. 4.