



**Optional Protocol to the
Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
7 April 2025

Original: English
English, French, Russian and
Spanish only

**Subcommittee on Prevention of Torture and Other Cruel,
Inhuman or Degrading Treatment or Punishment**

**Visit to Kazakhstan undertaken from 26 March to 1 April
2023: recommendations and observations addressed to the
State Party**

Report of the Subcommittee*, **

* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State Party on 3 January 2024. On 27 January 2025, the State Party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

** The annexes to the present document are being circulated in the language of submission only.



Contents

	<i>Page</i>
I. Introduction	3
II. National preventive mechanism	4
A. Legal framework: independence and structure	4
B. Resources and staffing	5
C. Visits and access	7
D. Cooperation and visibility.....	7
III. General observations on the situation of torture and ill-treatment	8
A. Context.....	8
B. Reprisals	9
IV. Implementation of the Subcommittee’s recommendations from 2016.....	9
A. Context.....	9
B. Legal, policy and institutional framework	10
C. Overarching issues	10
1. Definition of torture	11
2. Investigation of allegations of torture and ill-treatment	11
3. Complaints mechanism in places of deprivation of liberty	12
4. Fundamental legal safeguards	12
5. System of execution of sentences.....	13
6. Disciplinary regime	14
7. Pretrial detention (access and regime).....	14
8. Conditions of detention	15
9. Health care in the penitentiary system.....	16
10. Quarantine	17
11. Digitalization in the penitentiary system	18
V. Next steps	18
Annexes	
I. List of government officials, civil society organizations and others with whom the Subcommittee met.....	20
II. List of places of deprivation of liberty visited by the Subcommittee	21
III. List of places of deprivation of liberty visited by the national preventive mechanism and the Subcommittee (joint visit)	22

I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture carried out its second visit to Kazakhstan from 26 March to 1 April 2023.
2. The members of the Subcommittee conducting the visit were Jakub Czepek (head of delegation), Nika Kvaratskhelia, Zdenka Perović and Anica Tomšić. The Subcommittee was assisted by two human rights officers and one security officer from the Office of the United Nations High Commissioner for Human Rights, as well as four interpreters.
3. The first visit to Kazakhstan by the Subcommittee was undertaken from 20 to 29 September 2016, with a view to providing advisory assistance to the national preventive mechanism and assisting the State Party in fully implementing its obligations under the Optional Protocol. The Subcommittee's report on that visit¹ was transmitted confidentially to the State Party on 1 February 2017. On 18 January 2019, the State Party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.
4. The principal objectives of the Subcommittee's second visit were to follow up on its recommendations made in 2016 and to advise the State Party on further measures to strengthen the protection of persons deprived of their liberty from the risk of torture and ill-treatment. Owing to the short duration of the visit, the Subcommittee narrowed the scope of its visit to several specific issues raised in its previous recommendations that were pending implementation.
5. The Subcommittee delegation held meetings with representatives of the relevant government authorities and other State bodies and civil society organizations, as well as representatives of the United Nations (see annex I), and visited places of deprivation of liberty (see annex II). The meetings held with the Human Rights Commissioner and members of the national preventive mechanism permitted the delegation to discuss their mandate and working methods and to explore ways of strengthening and increasing their effectiveness. To better understand how the national preventive mechanism worked in practice, the delegation conducted a joint visit with the mechanism to a place of deprivation of liberty (see annex III). The visit was led by the mechanism. At the end of the joint visit, the delegation provided its confidential preliminary observations to the national preventive mechanism and the Human Rights Commissioner. The Subcommittee expresses its gratitude for the opportunity to have conducted a joint visit and discussed the common themes relating to the Optional Protocol and its preventive dimension.
6. At the end of its visit, the delegation presented its confidential preliminary observations orally to government authorities and officials.
7. The present report contains the Subcommittee's observations, findings and recommendations and, in accordance with article 16 (2) of the Optional Protocol, will remain confidential unless the authorities of Kazakhstan decide to make it public.
8. The Subcommittee wishes to express its appreciation to the authorities of Kazakhstan for their assistance and professionalism in the undertaking of the visit. However, it regrets the lack of access afforded to the delegation to the detainee transportation vehicles upon its arrival at remand detention centre No. 64 in Astana (see para. 64 below).
9. The Subcommittee wishes to express its gratitude to the United Nations Resident Coordinator in Kazakhstan and the United Nations Development Programme Country Office for the assistance provided prior to and during the visit.
10. **The State Party should distribute the present report to all relevant government authorities, departments and institutions, including but not limited to those to which it refers. The Subcommittee recommends that the authorities of Kazakhstan authorize the publication of the report, in accordance with article 16 (2) of the Optional Protocol.**

¹ CAT/OP/KAZ/1.

II. National preventive mechanism

A. Legal framework: independence and structure

11. Kazakhstan became a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 26 August 1998 and ratified the Optional Protocol on 26 October 2008. However, it made a declaration under article 24, which allowed for the postponement of the designation of the national preventive mechanism for three years. In 2013, the law on the amendments and additions to certain legislative acts of Kazakhstan on the establishment of a national preventive mechanism was adopted.

12. The Subcommittee welcomes the steps taken by the State Party since its last visit, in particular the adoption of the constitutional law on the Human Rights Commissioner on 5 November 2022.² The law mainly regulates the mandate and activities of the Office of the Commissioner in its capacity as the national human rights institution and gives the Commissioner stronger competence to coordinate the activities of the national preventive mechanism. The competencies of the national preventive mechanism, which continues to work as an “ombudsperson plus” model within the Office of the Human Rights Commissioner, however, are defined only marginally in article 9 of the constitutional law and the mechanism’s monitoring mandate continues to be covered by numerous pieces of legislation. In this regard, the Subcommittee welcomes the information received from the Commissioner about the possibility of drafting a separate law on the national preventive mechanism and looks forward to receiving further information in due course.

13. The Subcommittee notes that the national preventive mechanism exercises both preventive and reactive (responding to individual complaints) functions, while, by the very nature of the mechanism, it should serve only a preventive function.

14. The State Party should clearly separate the mandate of its national human rights institution from that of the national preventive mechanism or identify segregated mechanism functions within the institution that can be performed completely autonomously, in line with the guidelines of the Subcommittee on national preventive mechanisms³ and its additional guidance on organizational issues regarding national preventive mechanisms that form part of a national human rights institution.⁴ In this connection, the State Party should adopt further legislative changes with a view to assembling and unifying various pieces of legislation regulating the national preventive mechanism, through the adoption of either a separate law on the national preventive mechanism or a separate chapter in its constitutional law on the Human Rights Commissioner. It should consult representatives of civil society during the drafting process.

15. The Subcommittee notes that the Human Rights Commissioner is elected for a term of five years by the Parliament on the proposal of the President, rather than through a competence-based, transparent, pluralist and participatory process based on predetermined, objective and publicly accessible criteria.⁵ In the Subcommittee’s opinion, this may adversely affect the independence of the mechanism, considering the crucial role that the Commissioner plays in its establishment and functioning, as follows:

(a) With regard to the establishment of the mechanism, the Commissioner is mandated to ensure the creation of the Coordinating Council, a consultative and advisory body composed of 27 members (at the time of the visit) that ensures the effective coordination of the activities of the national preventive mechanism.⁶ The Commissioner acts as the Chair of the Coordinating Council.⁷ Its members are elected by a commission also established by

² Act No. 154-VII ZRK.

³ CAT/OP/12/5.

⁴ CAT/C/57/4 and CAT/C/57/4/Corr.1, annex, paras. 11–23.

⁵ Act No. 154-VII ZRK, art. 4.

⁶ Ibid., art. 9.

⁷ Ibid., art. 12. See also article 14 of order No. 1 of the Commissioner dated 20 January 2023, on approval of the regulations on the Coordinating Council.

the Commissioner,⁸ with the involvement of representatives of the relevant State bodies, among others. The Coordinating Council is also responsible for the selection of the members of the mechanism (the so-called participants) and several (not all) of its members also participate in the mechanism's activities;

(b) With regard to the functioning of the mechanism, the Commissioner is authorized to issue regulations on the Coordinating Council, the rules for the selection of participants in the national preventive mechanism, the rules for the creation of groups of the mechanism for preventive visits and guidelines for such preventive visits.⁹ Furthermore, the Commissioner submits annual reports on the activities, including those activities relating to the mechanism, to the President rather than to the Parliament.¹⁰

16. The State Party should strengthen the independence of the national preventive mechanism from the executive branch. It should revisit the selection process of the members of the Coordinating Council, which then selects the members of the mechanism, establish a transparent and competitive appointment procedure and consult with civil society organizations and other stakeholders with expertise in the field of torture and ill-treatment prevention prior to the selection of members of the Coordinating Council and of the mechanism. The State Party should ensure that candidates of different backgrounds may be considered for membership in the mechanism, in line with article 18 (2) of the Optional Protocol. **The Subcommittee recommends limiting the role of the Commissioner in the functioning and coordination of the activities of the mechanism to the minimum and enabling the mechanism to issue its own regulations, rules of procedure and guidelines. The Subcommittee also recommends that the mechanism's annual reports are submitted and discussed in the Parliament.**

17. Moreover, the Subcommittee notes that the law does not foresee the privileges and functional immunity of the staff of the Office of the Human Rights Commissioner, and more notably the staff and members of the national preventive mechanism, which is an important element for the independent exercise of their functions.

18. **The Subcommittee recommends that the State Party amend the legislation so as to specify that both the members and the staff of the national preventive mechanism enjoy such privileges and immunities as are necessary for the independent exercise of their functions.**¹¹

B. Resources and staffing

19. The Subcommittee welcomes the creation of a separate budget line for the national preventive mechanism, which is administered by the National Centre for Human Rights attached to the Office of the Commissioner. However, it notes with concern the information received that the budget allocated to the mechanism has been gradually decreasing since 2014 owing to the low expenditure rate. The Subcommittee learned that if additional financial resources are needed to carry out the mechanism's activities, a request could be submitted to the Ministry of Finance for consideration.

20. **The State Party should continue adjusting the budget assigned to the national preventive mechanism for its activities and needs and ensure that such funding is at a level that allows the mechanism to carry out its visiting programme, engage outside experts as and when appropriate and increase its human resources. It should provide the resources necessary to ensure that the mechanism is in a position to provide regular and continuous training to all its members, new and current, on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised, as well as on**

⁸ Act No. 154-VII ZRK, art. 12. See also article 6 of the regulations on the Coordination Council.

⁹ Act No. 154-VII ZRK, art. 7 (14).

¹⁰ Ibid., arts. 8 and 9 (2).

¹¹ CAT/OP/12/5, para. 26.

interviewing techniques, develop its monitoring methodology and exchange experiences with other national preventive mechanisms, in accordance with its own workplan.

21. The Subcommittee welcomes the increase in the number of members of the national preventive mechanism since its visit in 2016. It currently comprises 136 members, including lawyers, human rights defenders, social workers, doctors, teachers, journalists and psychologists. However, taking into consideration the number of places of deprivation of liberty that the mechanism is mandated to visit (see para. 29 below), the Subcommittee is concerned that the number of members is not sufficient to visit all places of deprivation of liberty regularly.

22. The Subcommittee recommends that the State Party allocate the human resources needed by the mechanism, as required by article 18 (3) of the Optional Protocol and the Subcommittee’s guidelines¹² and as set out in the national preventive mechanism assessment matrix.¹³ In particular, it should ensure that the mechanism is adequately represented in all regions of the country.

23. The Subcommittee notes that the members of the mechanism are elected for a period of two years, which is a positive development compared with the previous mandate of one year. However, in the Subcommittee’s opinion, a two-year period continues to be insufficient, as it does not allow the mechanism to build adequate institutional capacity, create an effective system of regular visits and ensure proper continuity of such activities. New members also lack the training necessary to assume their role properly.

24. The Subcommittee recommends extending the current two-year mandate of the members of the national preventive mechanism and to specify such period of office, together with the grounds for dismissal of members, in the legislation in order to ensure the independent and effective functioning of the mechanism and continuity in its activities. It should also ensure that new members receive appropriate training before assuming their roles.

25. The Subcommittee notes with concern that persons deemed as “incompetent” or “partially incapacitated” by the court and persons “registered with a psychiatrist and/or a narcologist” do not qualify as candidates for the mechanism.¹⁴

26. The State Party should review the criteria for participation in the activities of the mechanism in line with article 12 of the Convention on the Rights of Persons with Disabilities and with Committee on the Rights of Persons with Disabilities general comment No. 1 (2014) on equal recognition before the law, in which the Committee specifies that States parties must abolish discriminatory provisions allowing restrictions to the legal capacity of persons with disabilities on the basis of impairment.

27. The Subcommittee notes that, in addition to the 136 elected members of the mechanism, two staff members working for the Office of the Human Rights Commissioner are assigned to assist in the administration of the national preventive mechanism’s work. It regrets to note, however, that the position of the secretary assigned to the mechanism, who would administer its day-to-day functions and the operational planning of its activities, ensure regular communication with the members and coordinate the drafting of a consolidated annual visit report, has been vacant for a while. Currently, the members of the Coordinating Council are elected for four years¹⁵ to assume the aforesaid functions. They also prepare the consolidated annual visit report on a non-remunerated basis.¹⁶ It is, however, unclear to the Subcommittee what the criteria are for the selection of the drafters of the report from among the Coordinating Council members, and their experience and participation in the actual monitoring visits, as these are factors that might affect the selection of issues for the report, the quality of the information reported and the final recommendations provided to public authorities.

¹² CAT/OP/12/5, para. 11.

¹³ CAT/OP/1/Rev.1.

¹⁴ Article 3 of the regulations on the Coordination Council.

¹⁵ Article 11 of the regulations on the Coordination Council.

¹⁶ Article 13 (10), (11) and (13) of the regulations on the Coordination Council.

28. **The State Party should guarantee the effectiveness of its national preventive mechanism, in accordance with article 18 of the Optional Protocol, by expanding its permanent secretariat devoted entirely to assisting the mandate of the mechanism, with staff working full time and exclusively for it. In the Subcommittee’s opinion, the secretariat dedicated to the mechanism should be able to better define and implement its effective operational strategy and support the work of both the Coordinating Council and the national preventive mechanism as a whole. Moreover, all members of the Coordinating Council should be remunerated for the activities they undertake during their term, including the drafting of the annual visit report.**

C. Visits and access

29. The Subcommittee welcomes the extended mandate of the national preventive mechanism to visit 3,434 places of deprivation of liberty, including centres for asylum-seekers and refugees, social care homes, medical institutions for compulsory treatment and institutions providing special social services, including for children. Despite this positive development, the legislation related to the national preventive mechanism does not contain a comprehensive definition of “deprivation of liberty”, as highlighted by the Subcommittee in its previous recommendations.¹⁷ The mechanism’s visiting mandate continues to be covered by numerous pieces of legislation,¹⁸ depending on the nature of the place of deprivation of liberty. The legislation requires constant updating, which is both difficult and not transparent. As a result, some places of deprivation of liberty within the meaning of article 4 of the Optional Protocol might fall outside the mechanism’s visiting mandate. In addition, the Subcommittee notes with concern the information it received that the number of visits has been decreasing and the mechanism was not allowed to enter all places where persons were allegedly detained, from the very outset of their detention, during the state of emergency declared in the context of the events that took place in January 2022. Another issue of concern is the reported lack of access to detainee transportation vehicles, which are systematically used for the transportation of arrested and detained persons due to the vast size of the country.

30. **The State Party should include a comprehensive definition of deprivation of liberty and develop a non-exhaustive list of the types of places where persons are or might be deprived of their liberty, in accordance with article 4 of the Optional Protocol, ideally in one piece of legislation, and ensure that the mechanism has unhindered access to all places where persons are or may be deprived of their liberty, including detainee transportation vehicles, and that its access is granted also to all facilities during states of emergency.**

D. Cooperation and visibility

31. While welcoming the participation of civil society and other human rights actors and professional organizations in the mechanism’s activities, the Subcommittee regrets to note that articles 9 and 12 of Act No. 154-VII ZRK do not explicitly mention cooperation by the mechanism with civil society representatives.

32. **The Subcommittee recommends that a specific reference be made in articles 9 (on the national preventive mechanism) and 12 (on consultative and advisory bodies) of Act No. 154-VII ZRK with respect to cooperation with civil society actors and that such cooperation is clearly mentioned in any future legislation concerning the national preventive mechanism.**

33. The delegation notes that both the State authorities and the prison population are generally aware of the Human Rights Commissioner. However, there seems to be a blurred line between the mandate of the Office of the Commissioner in its capacity as the national human rights institution and as the national preventive mechanism. During its visit to the

¹⁷ CAT/OP/KAZ/1, paras. 22–24.

¹⁸ CAT/C/KAZ/RQ/4, para. 8.

places of deprivation of liberty, the delegation noted several information sheets listing the members of the Coordinating Council that were posted on the information boards accessible to detainees. However, it also noted that such information sheets did not contain any contact details for the mechanism or any explanation of its mandate and the procedure to follow, or any other useful information that the detainees could benefit from. In addition, some interviewees in the detention facilities considered the mechanism only as a tool to lodge a complaint, while others could not clearly distinguish the roles of the national preventive mechanism, the Public Prosecutor's Office and other visiting bodies.

34. **The State Party should ensure that the national preventive mechanism is recognized as a key component of the country's system for preventing torture and ill-treatment. The objective is to ensure that the mechanism is clearly distinguishable from other visiting bodies, including the Public Prosecutor's Office and the national human rights institution, and that its preventive mandate is understood.**

35. **The State Party should contribute to making the work of the mechanism more visible by, for example, organizing awareness-raising campaigns and other promotional activities for public authorities and the general public, including preparing material on its mandate and activities and distributing it in places of deprivation of liberty and among relevant public authorities, civil society, lawyers and members of the judiciary.**

III. General observations on the situation of torture and ill-treatment

A. Context

36. The Subcommittee welcomes the State Party's reiterated commitment to a zero-tolerance policy towards torture and notes the recent judicial, legal and institutional reforms that it has undertaken that are aimed at improving the situation and conditions of persons deprived of liberty. However, the risk factors for acts of ill-treatment, and possibly torture, taking place in places of deprivation of liberty remain a cause of concern from a preventive perspective. In this connection, the Subcommittee regrets to note that a general atmosphere of intimidation in the places of deprivation of liberty, as already highlighted in its 2016 report,¹⁹ remains. The delegation observed that detainees were fearful of freely and confidentially engaging with it in all places it visited, possibly owing to fear of reprisals. It noted that many persons it interviewed provided an almost identical narrative when talking about their individual situations. For example, many detainees cited articles from the Criminal Code and the Code of Criminal Procedure relating to their convictions and their rights. They opened their interviews with a statement that no torture was present in the establishment. However, in the course of the interviews, some detainees raised allegations of acts that could be qualified as ill-treatment. Some detainees placed in quarantine reported "welcome beatings" as well.

37. Furthermore, the delegation received information about the continued existence of inter-prisoner violence and the "subculture", an informal association of inmates who maintained their own rules and order in prisons, and the "informants or activists" who cooperated with prison guards to keep order in the prison blocks in exchange for favours and privileges.

38. The Subcommittee regrets to note that its concern from 2016 regarding the overemphasis on punishment and the cumulative effect of restrictions, as well as rigid discipline, in the penitentiary system remains applicable.

39. **The Subcommittee reiterates its recommendation²⁰ that the penitentiary system shift its focus from an excessively punitive approach to imprisonment towards rehabilitation and reintegration and that it bring the prison regime into compliance with rule 5 (1) of the United Nations Standard Minimum Rules for the Treatment of**

¹⁹ CAT/OP/KAZ/1, para. 33.

²⁰ Ibid., para. 36.

Prisoners (the Nelson Mandela Rules), which stipulates that prison regimes should seek to minimize differences between life inside and outside prisons that tend to lessen the responsibility of the prisoners or the respect due to their dignity as human beings. The Subcommittee recommends that the prison authorities develop their policy on managing inter-prisoner violence, including by training staff, with a focus on building and maintaining positive relations among prisoners, as well as between staff and prisoners.

B. Reprisals

40. Against the above-mentioned background, including the general atmosphere of fear and intimidation observed in places of deprivation of liberty, the Subcommittee is seriously concerned about the possibility of reprisals against the persons interviewed during the visit. The delegation highlighted this issue and reiterated the State's obligation to protect all persons deprived of liberty at risk of reprisals and other intimidation during its final talks with the Government at the conclusion of its visit, on 31 March 2023.

41. **The Subcommittee reiterates its recommendations made during its final talks with the State Party and in its 2016 report. It is obliged to emphasize that any form of intimidation or reprisals against persons deprived of their liberty constitutes a violation of the State Party's obligation to cooperate with the Subcommittee under the Optional Protocol. In accordance with article 15 of the Optional Protocol and the Subcommittee's policy on reprisals,²¹ the Subcommittee urges the State Party to ensure that there are no reprisals following the visit by the delegation or as a result of the complaint to the Subcommittee in accordance with paragraph 19 of the Guidelines against Intimidation or Reprisals.**

42. In view of the above, the Subcommittee wishes to raise serious concerns about the allegations of reprisals it received from an individual following its visit to the maximum security penitentiary establishment No. 29 in Karaganda, which were communicated to the State Party by the letter dated 27 September 2023 and to which the State Party responded on 1 November 2023. While the Subcommittee notes that these allegations are subject to its separate and pending procedure on reprisals, it is obliged to stress that any person who provides information or cooperates with national or international organizations cannot be punished or otherwise intimidated or penalized for having done so.

43. **The Subcommittee requests the State Party to include detailed information in its reply on what it has done to prevent reprisals from being taken against anyone who met with or was visited by the delegation or who provided information to it during the course of its visit and on measures taken to act upon such allegations, including access to an effective complaints mechanism in that regard.**

IV. Implementation of the Subcommittee's recommendations from 2016

A. Context

44. During its 2016 visit, the Subcommittee detected several shortcomings in the State Party's criminal justice system. Its 2023 visit revealed that many of those shortcomings remained unaddressed. In addition, the Subcommittee received reports from various sources indicating shortcomings in and the fragility of the criminal justice system that had emerged during the events of January 2022 and their impact on the situation of persons deprived of their liberty, as well as the allegations of torture and ill-treatment that had occurred in places of deprivation of liberty during and in the aftermath of those events. The Subcommittee notes that several investigations have been opened in this respect but regrets to note that, based on the information provided to the delegation during its visit, only a limited number has reached

²¹ CAT/OP/6/Rev.1.

the prosecution or adjudication stage. In this connection, it notes the Government's reiterated commitment to properly address the shortcomings and allegations of torture and ill-treatment during arrest, administrative detention, transfer and imprisonment in the context of the recommendations from 2016 as well as the events of January 2022.

B. Legal, policy and institutional framework

45. The Subcommittee notes with interest several legislative and policy measures adopted by the State Party aimed at improving its criminal justice system, including the amendments proposed to the Criminal Code, the Code of Criminal Procedure and the Criminal Execution Code through the approved bill of 17 March 2023 and the adoption of laws on the Human Rights Commissioner, the Public Prosecutor's Office and the Constitutional Court. It welcomes the adoption of the plan for priority action in the field of human rights in 2022, a declared zero-tolerance policy towards torture and the abolition of the death penalty. It notes the transfer of competence over health care in pretrial and penitentiary establishments from the Ministry of the Interior to the Ministry of Health. Moreover, it notes with interest the establishment of the Commissioner for Children's Rights in 2016 and the appointment of the Commissioner's regional representatives. However, it remains concerned about several identified shortcomings in the aforesaid legislative amendments, which are addressed in more detail below.

46. In addition, the Subcommittee notes with interest the efforts made by the State Party to digitalize its criminal justice system. In particular, it commends it for introducing an electronic format of criminal proceedings, which is aimed at ensuring transparency of procedural actions on the part of the investigating authorities and excluding the possibility of falsification of criminal case materials. It welcomes the information provided by the State Party that more than 500 offices of the criminal prosecution service have been equipped with video-recorded interrogation rooms. The Subcommittee notes the installation of 22,000 surveillance video cameras in all law enforcement agencies. In addition, it expresses appreciation for the information about the installation of 243 terminals in penitentiary facilities for filing appeals and complaints, among other things.

47. The Subcommittee notes the general trend in employing non-custodial measures and alternatives to detention, with the aim of decreasing the number of persons in places of deprivation of liberty, since its last visit in 2016, as well as efforts in constructing new establishments or renovating some of the existing facilities. It also notes the announced plans to ease the security regime in five out of six penitentiary establishments to a less severe regime. In this connection, it is concerned that one penitentiary colony for persons serving life sentences remains under an extremely strict regime.

48. **The Subcommittee reiterates its previous recommendations²² concerning persons sentenced to life imprisonment and urges the State Party to implement them with the aim of abolishing the practice of keeping prisoners serving life sentences separate from other prisoners serving long sentences.**

C. Overarching issues

49. While noting the numerous reforms mentioned above, the Subcommittee is concerned about the remaining challenges and structural problems with the State Party's legal and institutional framework. The most pressing ones, demanding urgent action, are set out below. These are closely linked to the issues that have not been addressed by the State Party thus far, including the lack of transfer of authority for pretrial detention and correctional facilities from the Ministry of the Interior to the Ministry of Justice, a highly punitive approach in the criminal justice system and the lack of effective mechanisms to address those problems.

²² CAT/OP/KAZ/1, paras. 121–123.

1. Definition of torture

50. The Subcommittee expresses appreciation for the information provided by the State Party about bill No. 212-VII ZRK, approved on 17 March 2023, which, among other things, amended article 146 of the Criminal Code concerning the crime of torture and introduced the crime of other forms of cruel, degrading, and inhuman treatment (hereinafter ill-treatment). However, it notes that the qualification of “severity” is lacking in the definition of torture. It also notes the information provided by the State Party about more severe sanctions foreseen under article 146. The Subcommittee remains concerned about the available penalties in the form of a fine or community service foreseen for crime of torture. Such penalties are not commensurate with the gravity of such a crime. Furthermore, the Subcommittee regrets to note that crimes of torture and ill-treatment are not specifically excluded from plea bargaining in article 67 of the Criminal Code and that article 72 thereof foresees the possibility of parole for the crime of torture, which might contribute to impunity.

51. The State Party should continue bringing the legal definition of torture contained in article 146 of the Criminal Code into conformity with article 1 of the Convention and ensure that penalties for torture and ill-treatment are appropriate to the gravity of the crime, as set out in article 4 (2) of the Convention. The State Party should also take legislative steps to exclude the possibility of plea bargaining and parole for crimes of torture and ill-treatment.

2. Investigation of allegations of torture and ill-treatment

52. The Subcommittee notes that, as of 1 January 2023, the Public Prosecutor’s Office has been assigned exclusive jurisdiction to investigate cases of torture (article 193 of the Code of Criminal Procedure) and welcomes the assignment of duty prosecutors to oversee compliance with the law in the territorial divisions of law enforcement agencies and institutions of the criminal executive system. However, law enforcement entities continue to be responsible for the investigation of cases of ill-treatment, including instances where complaints are lodged against police officers. This means that the detaining authority and investigating officials for acts of ill-treatment are under the authority of the Ministry of the Interior, which the Subcommittee continues to find problematic, as it explained in its previous visit report.²³ The Subcommittee notes the low number of cases of alleged torture and ill-treatment that have reached the prosecution and adjudication stages compared with the number of allegations reported.²⁴

53. Moreover, during its 2023 visit, the delegation received several allegations of physical ill-treatment, including kicking and beatings at the time of arrest and during the investigation phase, as well as allegations of psychological ill-treatment, including insults and denial of medical treatment or care in detention. In addition, it was informed about difficulties in or fear of filing complaints or grievances on such ill-treatment and about the lack of efficient and independent investigative mechanisms and judicial bodies to investigate and adjudicate such cases.

54. The Subcommittee recalls that the fight against impunity is an important means of preventing torture and ill-treatment and reminds the State Party that it must ensure that its competent authorities undertake prompt, thorough and independent investigations whenever there are reasonable grounds to believe that an act of torture or ill-treatment has been committed and that all investigations are free of any connection between the investigators and the alleged perpetrators. Furthermore, the State Party should continue its efforts to ensure that judges, prosecutors, health-care professionals and others working in areas relating to the documentation and investigation of torture and ill-treatment receive adequate training on the revised version of the Istanbul Protocol. It should further strengthen the specialized training

²³ Ibid., paras. 56 and 59.

²⁴ The State Party provided information that 90 per cent of approximately 3,880 cases of torture registered between 2018 and 2022 had been closed and that only 53 cases had been referred to a court, resulting in the conviction of 68 officials (CAT/C/KAZ/RQ/4, para. 191).

provided to prosecutors on the techniques for and methodology of gathering and evaluating evidence concerning acts of torture and ill-treatment.

3. Complaints mechanism in places of deprivation of liberty

55. The Subcommittee welcomes the installation of 243 terminals in places of deprivation of liberty (at the time of the visit) for detainees to file appeals and complaints to relevant authorities, including by means of video messages through 122 of the terminals. The delegation noted that complaints boxes had been placed in corridors of several of the establishments it visited. Furthermore, persons deprived of liberty can, in theory, lodge complaints concerning torture or ill-treatment directly with the Public Prosecutor's Office or the Human Rights Commissioner on site. They can also hand them over to the establishment's director (through the guards), who then transfers them to the appropriate public authorities. The delegation, however, received concerning information that sheds doubt on the effectiveness of the complaints mechanism. It heard that the terminals were usually not in operation and were only reactivated during visits of external oversight mechanisms. Moreover, many persons deprived of liberty did not know how to use the terminals. In addition, the transfer of complaints from the directors of the establishment to the Public Prosecutor was not considered an effective avenue, as it exposes the complainants to a higher risk of reprisals. Furthermore, such complaints are not properly registered and are often left unanswered. The Subcommittee continues to be concerned about the concentration of power in two institutions, the Ministry of the Interior and the Public Prosecutor's Office. Such a system does not allow for effective control, as was highlighted in the previous visit report.²⁵ Jurisdiction over all kinds of complaints, including on the rights of detainees, their treatment, a lack of care, acts of torture and ill-treatment and the investigation procedure, is concentrated in the Public Prosecutor's Office, which seems inappropriate. In addition, there is a general lack of trust in the complaints system and many detainees fear lodging a complaint owing to reprisals or intimidation. Lastly, the delegation observed the lack of an internal complaint mechanism in places of deprivation of liberty and the absence of a procedure for lodging and registering those complaints.

56. Firstly, the State Party should strengthen the effectiveness of independent complaints mechanisms and guarantee that they are operational and available in practice to persons deprived of their liberty to file complaints concerning acts of torture and ill-treatment. Such mechanisms should be available and accessible within all places of deprivation of liberty, information about them should be transparent and disseminated widely in several languages and neither the guards nor the director of the facility should play any role in collecting or transferring complaints. The State Party should ensure that an independent investigative body is established to investigate all such complaints. Secondly, the State Party should put in place internal and external complaints mechanisms that would effectively deal with detainees' requests and complaints concerning acts and omissions by the authorities responsible for their treatment that do not amount to torture or ill-treatment. In both cases, the State Party should ensure that the external and internal control mechanisms for such requests and complaints are in line with rules 56 and 57 of the Nelson Mandela Rules.

4. Fundamental legal safeguards

57. The Subcommittee observes the steps taken by the State Party to enhance legal safeguards during the initial stages of detention. It welcomes the installation of audio- and video-recording devices in the interrogation rooms of temporary detention isolation facilities and the ongoing equipment of police officers with body-worn cameras for use during arrests. It notes the rooms made available for online court hearings in such establishments. The delegation received several allegations about the following shortcomings that persist: (a) arrested persons are informed about their rights only verbally and this is allegedly recorded on video, which the delegation could not verify; (b) the information note about rights is available only on a board placed in the corridor and is not available in languages other than Kazakh and Russian; (c) although access to a lawyer has reportedly improved, the

²⁵ CAT/OP/KAZ/1, para. 35.

quality of the legal assistance remains of concern; (d) medical screenings are routinely conducted in the presence of a police officer and detainees transferred between facilities for interrogation purposes are not medically screened upon return, unless visible physical injuries are detected; and (e) even though electronic database systems are in place, the registers are not unified or interconnected and the police stations continue to keep incomplete and inconsistent individual records.

58. **The State Party should ensure that:**

(a) **All detainees are properly informed at the moment of apprehension of the reasons for their arrest and of their rights in a written form, in a language they understand, that they sign; all detainees have access to prompt, effective and quality legal aid representation; and all detainees have access to an independent medical examination and, additionally, if they so wish, to a medical examination by a doctor of their choice, as soon as possible after their arrest and transfer, with full respect for medical ethics and deontology;**

(b) **Its registration and filing systems concerning detainees are standardized, records are adequately kept, electronic registers are progressively established throughout the country and registers are harmonized. Information related to a particular person in detention should be traceable throughout such a system and should include the exact date and time of apprehension, the exact time of arrival at the facility, reasons for the arrest, the authority ordering the arrest, the identity of the arresting officer or officers, the date, time and reasons for transfer or release, precise information about where the person was held during the whole period of detention (e.g. cell number or office of the inspector in charge), the date, time and identity of the person notified of the detention or an unsuccessful attempt to make such a notification, including the signature of the officer who undertook the notification, the date and time of family visits, the date and time of requests for meetings with a lawyer and the date and time of such meetings, the date and time of requests for medical attention and/or visits by health professionals, the number of the doctor's report and the identity of the physician and the date and time of the detained person's first appearance before a judicial or other authority;**

(c) **The use of online hearings is fully in line with international standards. In this connection, the State Party is invited to consult the Office of the United Nations High Commissioner for Human Rights briefer on online hearings in justice systems.²⁶**

5. System of execution of sentences

59. The Subcommittee acknowledges the steps taken by the State Party to improve legislation on probation, to make increasing use of house arrest and to employ other non-custodial alternatives to detention, which have positively contributed to a gradual decrease in the prison population. It welcomes the formal prohibition of compulsory military parading in penitentiary facilities, even though the delegation received information that it was still practised in some prisons. The delegation observed that a rigid disciplinary regime and a highly punitive approach continued to be prevalent in the criminal justice system. Work opportunities are offered to prisoners, in particular in minimum security prisons. However, educational, cultural and recreational opportunities remain scarce or non-existent in all establishments. All of this, coupled with the lack of access to meaningful activities and adequate rehabilitation and reintegration programmes, leads the Subcommittee to conclude that its recommendations from 2016²⁷ have remained unaddressed.

60. **The Subcommittee therefore reiterates its previous recommendations²⁸ and encourages the State Party to adopt measures and strategies focused on adequate rehabilitation and reintegration rather than on an excessively punitive approach in the**

²⁶ See <https://www.ohchr.org/en/documents/tools-and-resources/line-hearings-justice-systems#:~:text=The%20briefer%20provides%20guidance%20on,on%20Civil%20and%20Political%20Rights>.

²⁷ CAT/OP/KAZ/1, paras. 36, 83, 102 and 108.

²⁸ Ibid.

criminal justice system. The Subcommittee recommends that the State Party broaden the work, educational, rehabilitation and recreational opportunities for all prisoners. Such opportunities facilitate the rehabilitation of prisoners and their future reintegration into society. The Subcommittee also recommends that remunerated work opportunities be made available to all detainees and prisoners.

6. Disciplinary regime

61. The Subcommittee is concerned about the legal framework regulating the imposition of disciplinary punishment in the form of solitary confinement for up to four months for a repeated breach of the established procedure for serving a sentence (articles 130 and 131 of the Criminal Executive Code). It is seriously concerned that minors in medium-security institutions can be placed in solitary confinement for up to 72 hours (article 154 of the Criminal Executive Code). Similarly, article 37 (4) of the law on the procedure and conditions for keeping persons in special institutions and special premises providing temporary isolation from society allows the placement in temporary isolation for up to 72 hours of minors who are suspected or accused of committing a crime. Moreover, article 134 (2) of the Criminal Executive Code prohibits visits, telephone calls, the purchase of food and basic necessities and the use of beds during the day, which is a matter of concern. The Subcommittee notes that disciplinary sanctions are to be imposed by reasoned decision of an official of the establishment no later than 10 days from the detection of the breach. However, disciplinary sanctions are to be enforced immediately. The Subcommittee is concerned about the lack of a real possibility for a detainee to appeal a disciplinary sanction.

62. At the time of the delegation's visit to two penitentiary facilities, no one was being held in the disciplinary isolation ward. The delegation could, however, assess the material conditions in the cells in that ward. The toilet facilities in the cells were poor. The steel folding beds were attached to the wall and the cells contained steel chairs and a table attached to the ground. Mattresses and bedding are reportedly provided to the inmates for the night only, as they are not allowed to sleep during the day.

63. The State Party should review and modify the maximum duration of solitary confinement so that it does not exceed the 15 consecutive days provided for in rule 44 of the Nelson Mandela Rules. It should also ensure that solitary confinement is used only as a last resort in exceptional cases, that it is accompanied by strict procedural safeguards, that it is subject to independent review, that detainees are afforded an opportunity to contest the decision to place them in solitary confinement prior to such a placement and that, once segregated, detainees are provided with a purposeful activity and meaningful human contact each day. Health-care personnel should visit persons placed in solitary confinement on a daily basis, in accordance with rule 46 of the Nelson Mandela Rules. The State Party should take all measures necessary to cease the immediate enforcement of disciplinary sanctions without providing any real possibility for detainees to contest them. With reference to rule 45 of the Nelson Mandela Rules and rule 67 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the State Party should ensure that children are never subject to solitary confinement, as it constitutes a form of ill-treatment. It should also ensure that material conditions in all solitary confinement cells comply with international standards.

7. Pretrial detention (access and regime)

64. The Subcommittee regrets that the delegation was denied access to two detainee transportation vehicles arriving at remand detention centre No. 64 in Astana that were transferring detainees. The officers accompanying the delegation promised that the persons detained in the cars could be interviewed once they had passed through the gate of the facility. However, the delegation had to go through security checks and, by the time it reached the entrance yard, the detainees had been removed from both vehicles and taken inside the facility. As a result, the delegation was unable to enter the vehicles or speak to the transported detainees.

65. The Subcommittee emphasizes that, according to article 4 of the Optional Protocol, the State Party is to allow it to visit any place under its jurisdiction or control where persons are or may be deprived of their liberty, either by virtue of an order given

by a public authority or at its instigation or with its consent or acquiescence. Therefore, the Subcommittee is to be allowed access to any place in which a person is deprived of liberty (in the sense of not being free to leave), or where a person might be deprived of liberty, including detainee transportation vehicles.

66. The strict regime and overemphasis on discipline was also observed in pretrial detention facilities, in line with the strictly punitive approach prevalent in the penitentiary system as a whole. Detainees continue bowing their heads and reciting the articles that they are accused of, and their heads are shaved. In the Subcommittee's view, such practices are contrary to the presumption of innocence and may be considered degrading treatment. They have no access to meaningful cultural or other recreational activities. Contact with the outside world, in particular with family members, is also limited, according to the detainees, and depends exclusively on permission being granted by the Public Prosecutor.

67. The Subcommittee reiterates its previous recommendations²⁹ and recommends that opportunities for paid work, exercise and educational, recreational and cultural activities be provided. The bowing of heads, the recital by detainees of the articles that they are accused of having violated and the forced shaving of heads should be discontinued. Limitations on contact with the family during pretrial detention should be justified and regularly reviewed, based on international standards.

8. Conditions of detention

68. The State Party has continued with its construction plans and the refurbishment of police stations and penitentiary establishments since the Subcommittee's last visit. However, the Subcommittee notes that several shortcomings detected in 2016 remain relevant, as described below.

69. In police stations, adult arrestees can be held for up to 48 hours. The delegation visited one new police station in which, despite many material improvements, including the installation of video cameras and electronic terminals for recording all movements of persons brought to the facility and the exact time spent there, the holding cells continued to fall short of international standards. The holding cells were small in size and lacked daylight. There was only a bench available to sit or sleep on, including for an overnight stay. No unimpeded access to water or toilets was available in the holding cells. The conditions of the temporary detention isolation facility visited by the delegation, in which persons can be held for up to 30 days and which is under the competence of the National Security Guard, were inadequate. The cells had only a small window with no natural light or proper ventilation. They often accommodated two people, and the toilet placed in the room was divided only by a waist-high partition. In addition, persons in police detention or temporary detention isolation facilities spend very limited, if any, time outdoors, which is concerning. No outside yard is available for detainees in such facilities.

70. The State Party should continue implementing its construction and refurbishment plans, in line with international standards, by ensuring that cells have sufficient daylight, ventilation and space. It should ensure that all persons in police detention and detention isolation facilities are afforded time outside their cells, including for exercise and to breathe fresh air, for a minimum of one hour daily.

71. The delegation was able to enter detainee transportation vehicles in the detention isolation facility of the National Security Guard. One of them contained four dark closed cubicles, made only for seating, with the option of handcuffing detainees to the seat or bar during transportation. No ventilation or light was available. The Subcommittee considers that such conditions fall short of a humane system of transportation.

72. The Subcommittee urges the State Party to ensure that detainees who are transferred between facilities are not subject to unnecessary physical hardship or restraint. Detainees should never be handcuffed to the seat or bar in the cubicles of detainee transportation vehicles. The State Party should also ensure the effective monitoring of the transfer and transportation of detainees.

²⁹ Ibid., paras. 76 and 79.

73. The delegation found no major improvements in the material conditions in remand and prison facilities since its last report, in which the Subcommittee had outlined several significant shortcomings. The delegation noted that material conditions in the dormitories of several establishments, in particular the remand centre, continued to be substandard, unhygienic and overcrowded. Cells accommodating numerous inmates had a toilet in the room, separated only by a waist-high partition, within view of the CCTV camera. According to the information received, showers are available once per week only. Sanitary facilities are poor and women have no access to proper and regular hygiene. The lack of privacy and health concerns were reported by women detainees as well. The conditions in all facilities visited, and in particular in maximum security prisons, were not adapted to persons with disabilities. Persons with physical, psychosocial and intellectual disabilities were all housed in one overcrowded block with one dormitory for about 30 persons, in deplorable conditions, with insufficient ventilation and inadequate sanitary facilities.

74. The State Party should continue renovating, improving and modernizing the material conditions of its pretrial and correctional facilities, with the aim of ensuring that prison conditions, irrespective of the prison regime, are in keeping with the Nelson Mandela Rules. It should ensure that women are detained in gender-sensitive conditions, with private access to proper hygiene and sanitary facilities. All remand and prison facilities should be adapted to the needs of persons with disabilities and should provide reasonable accommodation.

9. Health care in the penitentiary system

75. The Subcommittee welcomes the transfer of authority over the medical services and medical personnel from the Ministry of Internal Affairs to the Ministry of Health, in line with its previous recommendation.³⁰ Positive changes observed by the delegation included the move of detainees' medical files to outpatient clinics where they were accessible to medical professionals only. However, many challenges remain. For example, the delegation learned that a nurse or paramedic was available only during working hours in the establishments that it visited. No medical professional was present on the premises at all times. A doctor comes to the facility once per week or upon request, which seems insufficient, as it delays the provision of proper and urgent medical care and attention to persons with severe health conditions. The delegation received information about a deterioration in primary health care and sporadic access to appropriate medication. In addition, detainees reported that they could no longer receive medication in parcels from their family, which exacerbated their situation even further.

76. The State Party should strengthen the provision of medical services in all penitentiary facilities. It should ensure the allocation of human and material resources necessary for the proper medical and health care of detainees, in accordance with rules 24 to 35 of the Nelson Mandela Rules, and increase the hours during which medical professionals and on-duty doctors are present on the premises of the facilities. As a matter of priority, it is urged to provide appropriate medical assistance to detainees with severe health conditions.

77. Furthermore, the delegation observed the lack of an adequate and comprehensive approach to mental health care in the penitentiary system, including the absence of a strategy to identify suicide risks. It noted the prevalence of self-harm incidents in the establishments it visited. As with other persons deprived of their liberty, prisoners with disabilities, including intellectual or psychosocial disabilities, experience difficulties in accessing appropriate health services, including regular access to a psychologist or psychiatrist. The delegation was unable to meet any psychiatrists during its visit. It spoke to one psychologist who treated detainees in group and individual therapy (reportedly seeing about 15–20 inmates individually per day and about 50 inmates in group therapy, when this takes place), which seems too high a workload. The Subcommittee is concerned that psychologists are staff of the penitentiary institutions under the Ministry of Internal Affairs. They work with detainees

³⁰ Ibid., para. 88. See also [CAT/C/KAZ/CO/3](#), para. 17 (c).

while wearing their official uniforms, which might be dissuasive to the rehabilitative objective of such therapies.

78. The State Party should develop a proper strategy on the provision of mental health care in places of detention, adopt measures to identify suicide risks and provide psychological assistance to persons at risk of suicide and those who have already attempted suicide. It should urgently undertake a review of the mental health of persons deprived of their liberty in all prison facilities, provide them with suitable care, including in-patient treatment, and with reasonable accommodation and support, as required, and increase the number of psychiatrists, psychologists, occupational therapists and social assistants in the penitentiary system. In this connection, the Subcommittee recommends that mental health professionals be provided with adequate training on international human rights standards, in particular the Convention on the Rights of Persons with Disabilities. A proper case-management and confidential medical records system should be established and maintained for all patients and such records should contain the details of any medical treatment provided and of any free and informed consent given in that regard.

79. The medical screenings conducted upon arrival at a facility are systematically in the presence of a guard. The delegation could verify the existence of electronic registers of medical exams, such as X-rays, the detection of infectious diseases, including tuberculosis, and prescriptions of medication on several premises. However, it was unable to verify the existence of the register of injuries documented by medical personnel upon admission to the facility or after transfer between facilities, as such registers were unavailable.

80. The Subcommittee recommends that all medical examinations are always conducted out of the hearing and sight of guards, unless the doctor concerned explicitly requests otherwise; even then, they should be out of the hearing of those officers. It also recommends that, in the course of examining a person upon admission to a place of deprivation of liberty or providing medical care to the detainee thereafter, health-care professionals document any signs of torture or ill-treatment and report such cases to the competent medical, administrative or judicial authority, in line with rule 34 of the Nelson Mandela Rules and with the Istanbul Protocol. It therefore further recommends that the State Party integrate the Istanbul Protocol, as revised, and the Nelson Mandela Rules into the training curriculum, including continuous training activities, for health-care professionals. Moreover, medical professionals should properly document and register injuries and immediately bring them to the attention of a prosecutor whenever findings or allegations may indicate torture or ill-treatment.

10. Quarantine

81. The quarantine regime has not changed since the Subcommittee's last visit. Detainees are placed in quarantine for 15 days upon arrival at a pretrial or prison facility, often in overcrowded cells or large dormitories. They must wait until a doctor comes to the facility (usually once per week) for their medical examination. The delegation was alarmed by the absence of screening and assessment of detainees in need of psychosocial, psychological or psychiatric care. Some establishments visited by the delegation had an adjacent courtyard that allowed persons in quarantine to have access to fresh air, but this was the exception rather than the rule. When the delegation arrived, detainees were studying criminal legislation or watching television, with no access to meaningful activities. They were not allowed to rest on their beds during the day. Some detainees complained of "welcome beatings" and that they had to clean sanitary facilities and other common areas as part of their daily activities and discipline.

82. The State Party should review its system of quarantine and improve the material conditions of quarantine wards, conduct medical assessments immediately upon arrival at a facility to shorten quarantine time to the minimum for persons without known medical issues, and facilitate regular access to fresh air and some recreational activities. In addition, it should strengthen the screening and assessment of persons in need of psychological or psychiatric assistance.

11. Digitalization in the penitentiary system

83. The Subcommittee notes the information it received from the State Party about the plans to install “continuous video surveillance” in penitentiary colonies and law enforcement agencies as a means to combat torture. It expresses appreciation for the State Party’s efforts to implement the recommendation of the Committee against Torture³¹ to record all interrogations and equip places of deprivation of liberty with video- and audio-recording devices. However, the Subcommittee is obliged to clarify the following: it is necessary to equip interrogation rooms and common areas of all places of deprivation of liberty, including police stations, detention isolation facilities, remand centres and prisons, with video cameras. While video cameras in cells might be justified to reduce the risk of suicide or violence among prisoners, they should not be placed in all cells and dormitories, including toilet areas, as this may infringe on detainees’ right to privacy. During its visit, the delegation noted that video (and on some occasions also audio) cameras were installed in all the cells and dormitories of all establishments. The Subcommittee is concerned that the abuse of such surveillance makes it impossible for it and the national preventive mechanism to carry out their preventive mandates. The rooms dedicated to medical exams, family visits and meetings with lawyers, among others, were also under video surveillance. Furthermore, the delegation received concerning information from women detainees that they were being observed on camera while using toilets or changing clothes. During its interview with the administration of a facility, the delegation could see camera footage of a naked detainee in his cell, as it was fully covered by CCTV, including the sanitary area.

84. **The Subcommittee reiterates its previous recommendation³² to guarantee that video surveillance in all places of deprivation of liberty does not intrude on the privacy of detainees, in particular women, or violate their right to confidential communication with their lawyer, doctor or family members. Where such cameras in cells may be justified, that is, to reduce the risk of suicide, they should be employed only for the time strictly necessary and proper safeguards should be put in place so as to guarantee the right to privacy of the detainees.**

V. Next steps

85. **The Subcommittee requests that a reply to the present report be provided within six months from the date of its transmission to the Permanent Mission of Kazakhstan to the United Nations Office and other international organizations in Geneva. The reply should respond directly to all the recommendations and requests for further information made in the report, giving a full account of action that has already been taken or is planned (including timescales) in order to implement the recommendations. It should include details concerning the implementation of institution-specific recommendations and concerning general policy and practice.³³**

86. The Subcommittee recalls that prevention of torture and ill-treatment is a continuing and wide-ranging obligation. It therefore requests that Kazakhstan inform it of any legislative, regulatory, policy or other relevant developments relating to the treatment of persons deprived of their liberty and regarding the national preventive mechanism.

87. The Subcommittee recommends that the State Party distribute the present report to all relevant government departments and institutions. It also recommends that the State Party make the report public, as doing so is in itself a preventive measure, and requests that it be notified of the State Party’s decision in that regard.

88. The Subcommittee considers both its visit and the present report to form part of an ongoing process of dialogue. The Subcommittee looks forward to assisting

³¹ CAT/C/KAZ/CO/3, para. 7 (b).

³² CAT/OP/KAZ/1, para. 86.

³³ The reply should also conform to the guidelines concerning documentation to be submitted to the United Nations human rights treaty bodies established by the General Assembly. See letters sent to permanent missions on 8 May 2014.

Kazakhstan in fulfilling its obligations under the Optional Protocol by providing further advice and technical assistance in order to achieve the common goal of prevention of torture and ill-treatment in places of deprivation of liberty. The Subcommittee believes that the most efficient and effective way of developing the dialogue would be for it to meet (online) with the national authorities responsible for the implementation of the Subcommittee's recommendations within six months of receiving the reply to the present report, in accordance with article 12 (d) of the Optional Protocol.

Annex I

List of government officials, civil society organizations and others with whom the Subcommittee met¹

Ministry of Foreign Affairs

Ministry of the Interior

Ministry of Justice

Ministry of Defence

Ministry of Education

Ministry of Labour and Social Protection of the Population

Ministry of Health Care

National Security Committee

Prosecutor General's Office

Anti-Corruption Agency

Constitutional court

National preventive mechanism

Human Rights Commissioner

National Centre for Human Rights

Coordination Council

National preventive mechanism

Civil society organizations

Kazakhstan International Bureau for Human Rights and the Rule of Law

Kazakhstan NGO Coalition against Torture

Others

United Nations country team

¹ The interlocutors are listed only by their respective institutions and/or organizations.

Annex II

List of places of deprivation of liberty visited by the Subcommittee

Prisons

Remand detention centre No. 64 in Astana

Minimum security penitentiary establishment No. 3 in Astana

Maximum security penitentiary establishment No. 29 in Karaganda

Police stations and temporary detention isolation facilities

Temporary detention isolation facility under the competence of the National Security Guard

Police station in Astana (police station of Saryarka District, police department of Astana)

Annex III

List of places of deprivation of liberty visited by the national preventive mechanism and the Subcommittee (joint visit)

Temporary detention isolation facility in Astana
