



# International Covenant on Civil and Political Rights

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Human Rights Committee

## Third periodic report submitted by Kazakhstan under article 40 of the Covenant, due in 2024\*, \*\*

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\* The present document is being issued without formal editing.  
\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CCPR/C/KAZ/QPR/3).



## Replies to the list of issues (CCPR/C/KAZ/QPR/3)

### **A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

#### **Reply to the issues raised in paragraph 1**

1. Kazakhstan is continuing to implement a package of political reforms that reflect its ongoing commitment to safeguarding human rights and freedoms and building a democratic society.

2. On 5 June 2022, at the initiative of the country's President, a referendum on amendments to the Constitution was held. These were the most significant changes to the Constitution of Kazakhstan since its adoption in 1995. Amendments were made to 33 articles of the Constitution, with the support of 77.18 per cent of those who voted. They included: the transition from a super-presidential form of government to a presidential republic with a strong parliament; the expansion of parliamentary powers; the simplification of the registration procedure for political parties; the modernization of the electoral process; the complete abolition of the death penalty; and the revival of the Constitutional Court.

3. From 2020 to 2022, when party lists were drawn up and seats in the Majilis, the lower house of Parliament, were distributed, persons with disabilities were included, along with women and young people, in the categories benefiting from quotas (persons from those categories had to constitute not less than 30 per cent of all candidates on party lists and 30 per cent of all persons granted seats obtained by the parties). The threshold for political parties to enter the lower house of Parliament has been reduced from 7 to 5 per cent, which will enhance political competition and allow the widest possible range of public opinion to be taken into account in the formulation of State policy. Direct elections have been introduced for administrative heads (*akim*) of district centres, villages, settlements and rural areas. On 5 November 2023, elections of administrative heads of districts and provincial centres were held for the first time, as a pilot, in 45 local administrative units. Such elections will be held everywhere from 2025 onwards. Candidates for election will be able to nominate themselves or be nominated by political parties by collecting signatures from at least 1 per cent of the total number of voters. The option "None of the above" has been introduced on ballot papers at all levels.

4. At the initiative of the Head of State, the Policy Framework for a Just Kazakhstan is being implemented. The new State strategy and policy are founded on three main, interrelated principles: a just State, a just economy and a just society. On 14 June 2022, at the initiative of the President, the National Kurultai, a new public platform attached to the Office of the President, was established, replacing the National Council of Public Trust.

5. The Act on Issues related to Voluntary Associations and the Social Protection of Persons Employed in Jobs with Harmful Working Conditions was adopted on 21 December 2023, with the aim of reducing from 10 to 3 the number of initiators required for registration of a voluntary association.

6. The Public Oversight Act was adopted on 2 October 2023, along with amendments to create a single legitimate body for receiving online petitions. The Act defines basic concepts in the area of public oversight, the actors carrying it out, the entities subject to it, and their rights and obligations. It describes approved forms of public oversight and standards for reviewing the outcome of such oversight, and it regulates the conditions for participation in public oversight.

7. The Constitutional Acts on the Constitutional Court, the Human Rights Commissioner and the Procurator's Office were adopted on 5 November 2022, opening up new opportunities for citizens to protect and restore violated economic, social and cultural rights and to prevent such violations. Citizens, the Procurator General and the Human Rights Commissioner will be able to submit appeals to the Constitutional Court.

8. To facilitate citizens' access to justice, the judicial system has been optimized through the transition to a three-tier court system (first instance, appeal and cassation).

9. The introduction of electronic court proceedings (full audio and video recording of all court proceedings, and mobile videoconferencing with courts), streamlining of court procedures and reduction of bureaucracy in the courts has allowed Kazakhstan to rise to sixty-fifth out of 142 countries in the Rule of Law Index (2023).

10. In September 2019, a national plan was approved providing for measures to increase penalties for violence, human trafficking and other crimes against the person, especially when committed against children and women; fight corruption; introduce a system of administrative justice to ensure a level playing field for citizens in legal disputes with State bodies; adopt a policy framework for the development of civil society; strengthen the mandate of citizen councils; and improve the legislation on rallies.

11. A comprehensive package of practical measures in the field of human rights is being implemented through two government plans, namely, the Plan of Priority Measures in the Field of Human Rights, of 11 June 2021, and the Plan of Further Measures in the Field of Human Rights and the Rule of Law, of 28 April 2022, which incorporate issues related to safeguarding the right to life, public order and freedom of association and expression and increasing the effectiveness of cooperation with non-governmental organizations (NGOs), among others.

12. The Plan of Action on Human Rights and the Rule of Law was approved by a presidential decree of 8 December 2023. The plan provides for the implementation of measures aimed, *inter alia*, at eliminating discrimination against women; ensuring the rights to freedom of association, to work, to labour protection and to trade union activity; respecting the rights of migrants, stateless persons and refugees; observing human rights in business activities, in the criminal justice system and in the enforcement of sentences; and preventing torture and ill-treatment.

13. On 1 July 2023, the Social Code came into force, providing for new approaches in the social protection and social security system. The Government has approved the Policy Framework for Social Development until 2030. It envisages the establishment, by 2025, of an integrated model of social services and social assistance, aimed at preventing social disadvantage.

14. On 25 January 2022, the President signed Decree No. 1037, which regulates the procedure for interaction with the United Nations human rights treaty bodies and the special procedures of the Human Rights Council, including the procedure for preparing and submitting responses to individual communications and to recommendations by the special procedures and for initiating their visits to Kazakhstan.

15. During the seventy-sixth session of the General Assembly in New York, Kazakhstan was elected a member of the Human Rights Council for 2022–2024, in recognition of its role as an active and responsible participant in the process of promoting international rules and standards for the protection of human rights and freedoms. In October 2023, the Council unanimously adopted the country's resolution on children's rights in the field of education.

16. On 24 June 2022, the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, entered into force for Kazakhstan. On 8 June 2022, the term "death penalty" was removed from the Constitution.

17. On 7 June 2023, Kazakhstan ratified the Optional Protocol to the Convention on the Rights of Persons with Disabilities. Pursuant to a law of 19 December 2023, Kazakhstan ratified the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

18. The Safe Labour Policy Framework for the period 2024–2030 was adopted, providing for the strengthening of legal requirements in this field. It envisages modernization of the national occupational safety system on the basis of a risk-oriented approach, provision of economic incentives for risk reduction measures at workplaces, development of professional competencies and scientific potential, and increased effectiveness of oversight and monitoring in the field of occupational safety.

19. In order to promote the development of an inclusive society, ensure respect for the rights of persons with disabilities and expand opportunities for them, it is planned to adopt, by the end of 2024, an inclusive policy framework for the period up to 2030.

20. A joint order was adopted on 1 February 2022 to define the internal procedure for the consideration in Kazakhstan of enquiries from and Views of the human rights treaty bodies recognized by the Republic.

21. The Ministry of Foreign Affairs, upon receipt of a note verbale from the United Nations High Commissioner for Human Rights, through the diplomatic channel, notifies the Office of the Procurator General and the Ministry of Justice and sets procedural deadlines for the consideration of individual communications and Views. The Office of the Procurator General, after reviewing the relevant materials, undertakes a legal analysis for compliance with the law, focusing on the issues raised in the enquiry or Views.

22. Taking into account the provisions of the joint order, following the submission of the legal analysis by the Office of the Procurator General, the Ministry of Justice holds a meeting of an interdepartmental working group, at which the issues raised in the Views are comprehensively considered by the State bodies concerned, resulting in a collegial decision on the action to be taken on the treaty body Views.

23. The legislation provides for the review of cases in the light of newly discovered or new circumstances (Code of Criminal Procedure, art. 499, and Code of Civil Procedure, art. 455).

24. A Victims Compensation Fund has been in existence since 1 July 2020. Article 6 of the Victims Compensation Fund Act provides for compensation for three categories of victim of 124 offences under 46 articles of the Criminal Code. The first category comprises minors who are victims of sexual violence and persons recognized as victims of offences related to trafficking in persons or torture (22 offences); the amount of compensation is 30 times the monthly calculation index (103,500 tenge (T)). The second category consists of persons who have suffered serious harm to health or have been infected with HIV/AIDS (42 offences); the amount of compensation is 40 times the monthly calculation index (T 138,000). The third category comprises persons vested with the rights of the victim in the event of the victim's death (60 offences); the amount of compensation is 50 times the monthly calculation index (T 172,500).

25. Over the course of 2023, the total number of victims who received compensation was 348 (compared with 262 persons in 2020, 944 persons in 2021 and 1,058 persons in 2022); they received compensation totalling T 49,456,000 (compared with T 33,545,000 in 2020, T 122,163,000 in 2021 and T 143,442,000 in 2022).

## **B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee**

### **Constitutional and legal framework within which the Covenant is implemented**

#### **Reply to the issues raised in paragraph 2**

26. The provisions of international treaties and other obligations of the Republic, along with the regulatory decisions of the Supreme Court, also constitute applicable law in the Republic. The principle whereby precedence is given to international treaties ratified by Kazakhstan is set forth in the Constitution and other laws. Regulatory acts, including international treaties, concerning the rights, freedoms and duties of citizens, must be officially published (Constitution, art. 4).

27. Judicial power is exercised in the name of the Republic; its purpose is to ensure the protection of the rights, freedoms and legitimate interests of citizens and the implementation of international treaties (Constitution, art. 76).

28. As part of the action taken to ensure the implementation of the Covenant, the Supreme Court adopted Regulatory Decision No. 1 of 10 July 2008 on the application of the provisions

of international treaties, which clarifies that a court's misapplication of the provisions of international treaties may constitute grounds for setting aside or amending a judicial act and that, where necessary, courts must be guided by the provisions of the Covenant.

29. The Constitution guarantees the right of everyone to judicial protection of their rights and freedoms, the equality of all persons before the law and the courts, and the right to receive properly qualified legal assistance, which is provided free of charge in the cases envisaged by law. Payment for such legal assistance is made by the State (State-guaranteed free legal assistance) (arts. 13 and 14).

30. The provision of comprehensive social and legal assistance by lawyers and legal advisers on a pro bono basis has been provided for since 1 January 2019.

31. Under a law adopted on 20 June 2022, the range of persons eligible for State-guaranteed free legal assistance was significantly expanded, with the inclusion of: persons claiming compensation for harm suffered owing to the death of a breadwinner; persons claiming compensation for harm to health connected with work or resulting from a criminal offence; victims of sexual violence, trafficking in persons, acts of terrorism or torture, for the purpose of upholding and protecting their rights and legitimate interests connected to this status or situation; veterans of the Great Patriotic War and persons of equivalent status in terms of entitlements, as well as veterans of combat operations in the territory of other States, conscripts, persons with category I or II disabilities and old-age pensioners, in matters not related to business activities; large families, in matters not related to business activities; and persons (families) with a per capita average monthly income below the poverty line, in matters not related to business activities (Advocacy and Legal Assistance Act, art. 26). This amendment was aimed at ensuring the provision of State-guaranteed free legal assistance to persons who genuinely find themselves in difficult circumstances.

32. Since June 2021, lawyers' prerogatives in proceedings have been expanded. They have the right to request information, documents and items necessary for the provision of legal assistance.

33. Legal assistance is provided on a professional basis by 6,033 lawyers and 15,025 legal advisers. In the period 2020–2023, 630,879 citizens were provided with State-guaranteed free legal assistance. About T 8 billion is allocated annually from the budget for the provision of such assistance.

34. On the website of the e-Zan Komegi consolidated electronic legal assistance system, citizens can get free online legal advice. The Legal Information Service of the Ministry of Justice provides free consultations to members of the public on all legal issues, including the clarification of civil and political rights, and helps explain current legislation (via the 119 national helpline, available 24 hours a day, and the 1414 Single Point of Contact line).

35. On 1 July 2021, when the Code of Administrative Procedure came into force, the institution of administrative justice was introduced. Everyone has the right to appeal, under the established procedure, to an administrative body, an official or a court for the protection of violated or contested rights, freedoms or legitimate interests. The right to appeal to an administrative body, an official or a court may not be waived. Citizens can submit an electronic appeal to a State body in an accessible format through the e-Otinish information system, with the possibility of tracking the status of the appeal's consideration; they can also file a claim in court, send questions to senior administrators through their blogs or make appointments with them for a personal meeting.

36. The courts apply the Covenant in their work, including by basing their decisions on its provisions. According to the Supreme Court, in the period 2020–2023 the Republic's courts considered 25,487 civil cases (including 175 in 2023), 6,443 criminal cases (including 273 in 2023) and 41,668 cases concerning administrative offences (including 509 in 2023) in which the Covenant was applied.

37. In 2020–2023, the Republic's courts issued 34,910 judicial acts (including 797 in 2023) in which reference was made to the Covenant: 17,177 decisions in civil cases (including 118 in 2023), 5,533 judgments in criminal cases (including 257 in 2023) and 12,200 rulings in cases involving administrative offences (including 422 in 2023).

38. For example, a court in Akmola Province considered an application filed by the Police Department in Kokshetau seeking the expulsion from the Republic of a foreign national, citizen A. In considering the civil case, the court applied article 13 of the Covenant, which recognizes the right of every person to submit the reasons against his or her expulsion and to have his or her case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority. By a decision of 27 February 2023, which has become final, the court denied the application.

39. Measures are taken on an ongoing basis to train and enhance the professional skills of law enforcement officers, judges, civil servants and lawyers, including in respect of the study and application of international human rights norms and standards. The study of human rights conventions, including the Covenant, and awareness-raising activities concerning their application are integrated into the teaching programmes of educational institutions and professional development courses.

40. In 2020–2023, 33 training seminars were held for judges at the Academy of Justice under the Supreme Court on such themes as “International institutions and mechanisms for the protection of human rights: the nine treaty bodies, their functions and powers (work with handouts)”.

41. The Law Enforcement Agencies Academy under the Office of the Procurator General has organized 30 training events on the Republic’s international obligations, including under the Covenant, on the prevention and investigation of torture and ill-treatment, the presumption of innocence and other topics.

42. According to data from the National Bar Association, during the reporting period, eight training events were organized with the participation of lawyers, as well as a series of seminars on the application of international law in the protection of civil and political rights and of international standards on the independence of the legal profession.

43. Legal information for citizens is available on the e-government portal, the official websites of the President and the Prime Minister, the websites of the Supreme Court, the Office of the Procurator General, ministries and departments. The text of the Covenant is available in an accessible format in the Adilet legal information system.

### **Reply to the issues raised in paragraph 3**

44. Kazakhstan has taken measures that have brought it much closer to the goal of bringing the national human rights institution into compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The post of Human Rights Commissioner was established in September 2002. Since 2017, in accordance with amendments to the Constitution, the Commissioner has been elected solely by the Senate, the upper house of Parliament, for a five-year term. A new article on the constitutional status of the Commissioner, article 83-1, was added to the Constitution on the basis of the outcome of a national referendum held in 2022.

45. The Human Rights Commissioner is tasked with facilitating the restoration of violated human and civil rights and freedoms and promoting those rights and freedoms. Every citizen has the right to appeal to the Commissioner if his or her rights and freedoms have been violated.

46. The purpose of the Constitutional Act on the Human Rights Commissioner of 5 November 2022 is to enshrine the constitutional status of the Commissioner as a guarantor of the realization of human and civil rights and to strengthen the capacity of the Commissioner to defend human rights.

47. In exercising his or her powers, the Human Rights Commissioner acts independently and does not report to any State bodies or officials. The Commissioner has immunity from criminal and administrative prosecution. While in office, the Commissioner may not be arrested, compelled to appear before the investigating authorities or the courts, subjected to court-imposed administrative penalties or prosecuted under the criminal law without the agreement of the Senate, except in cases where the Commissioner is arrested at the scene of an offence or has committed serious offences (Constitution, art. 83-1).

48. It has been made an offence to interfere with or obstruct the lawful activity of the Human Rights Commissioner. The Commissioner has the right to attend joint and separate sittings of the houses of Parliament.

49. The Act has established new provisions to enhance the protection of human and civil rights and freedoms. The Human Rights Commissioner has the right to apply to the Constitutional Court on issues related to the constitutionality of laws and regulations that affect the human and civil rights and freedoms enshrined in the Constitution; to submit to the President, the houses of Parliament and the Government and relevant State bodies proposals for improving legislation and practice in the field of human rights and freedoms, in accordance with the tasks assigned to him or her under the Constitutional Act; to file legal actions to protect the rights and freedoms of the public at large and, in the case of massive and gross violations, to petition the courts for leave to apply to the Constitutional Court; to visit organizations providing special services and institutions of the penal correction system without hindrance; and to make film, photographic and video recordings and conduct interviews, including with the use of audio and video equipment, with the consent of persons held in organizations and institutions providing special social services and carrying out temporary detention or enforcing penalties.

50. Posts of representative of the Human Rights Commissioner have been established in all provinces, cities of national status and the capital, thus contributing to the enhancement of the legal protection of citizens in the regions (Constitutional Act, art. 19). The representatives exercise powers on behalf of the Commissioner in line with their functional responsibilities and as instructed by him or her within the relevant local administrative unit.

51. The National Human Rights Centre provides information and analysis and institutional, legal and other support for the work of the Human Rights Commissioner.

52. Since the adoption of a separate law on the Human Rights Commissioner and the granting of constitutional status to the Commissioner, the staffing level of the Commissioner's Office has been increased to 105 and regional offices have been opened. Women constitute 70 per cent of the total number of employees. Every year, the national budget includes a separate budget programme providing the resources needed to support the activities of the Commissioner's Office, its representatives and the National Human Rights Centre.

53. In 2020–2023, the Human Rights Commissioner received 12,777 communications concerning civil and political rights (compared with 1,201 in 2020, 1,855 in 2021, 3,948 in 2022 and 5,773 in 2023).

54. The Commissioner's recommendations and petitions must be considered within 15 working days of the date of receipt, and the outcome of such consideration reported to the Commissioner under the procedure established by law. An important step towards ensuring greater financial independence for the national preventive mechanism was to make the National Human Rights Centre the administrator of the relevant budget programme from December 2022.

### **Anti-corruption measures**

#### **Reply to the issues raised in paragraph 4**

55. Kazakhstan aims to achieve a fundamental shift in public perceptions entailing the rejection by the population of any form of corruption. Active cooperation in this area with foreign and international partners is ongoing. In 2020, the process for the accession of Kazakhstan to the Group of States against Corruption (GRECO) was completed and, on 25 March 2022, following its first visit to Kazakhstan, GRECO adopted a country report containing 27 recommendations to improve the country's anti-corruption system. Many of the recommendations are in line with the country's Anti-Corruption Policy Framework. In September 2023, the report on the implementation of the recommendations of the joint first and second evaluations rounds was sent to the GRECO secretariat.

56. An independent anti-corruption authority, the Agency for Combating Corruption (Anti-Corruption Service), which is subordinate and accountable to the President, has been established.

57. The Anti-Corruption Policy Framework for 2022–2026 and the action plan for its implementation were approved by presidential decree on 2 February 2022. The reforms laid out in the action plan constitute the areas of focus for the anti-corruption agenda in the medium term. The implementation of the Framework is monitored by the Agency and the progress made in that regard is reviewed by the Presidential Commission on Anti-Corruption Issues. A tab has been created on the Agency’s website, where anyone who wishes to do so can read the report on the implementation of the Framework and the action plan and post their suggestions and wishes. In 2023, some 17,000 information and awareness-raising events were held to foster a culture of anti-corruption in society, during which more than 2.2 million citizens were informed about the provisions of anti-corruption legislation and ways of taking part in anti-corruption efforts.

58. The national anti-corruption report is published annually in order to inform the public about the results of the implementation of the country’s anti-corruption policy. It presents the legislative and practical measures taken in the areas of anti-corruption education, prevention of corruption and accountability.

59. A number of important legislative amendments have been adopted in recent years. The practice of conducting anti-corruption expert assessments has been fully rolled out: all draft laws and regulations now pass through an “anti-corruption filter”.

60. Since 2019, managers have been held personally liable for corruption on the part of their subordinates and for the weakness of preventive efforts. Political officials are required to resign if one of their staff is found to be corrupt. A total of 15 political appointees to the civil service have been dismissed and 694 senior managers (243 career civil servants, 362 senior officers in the military, police and security forces, 66 top managers in the quasi-governmental sector and 23 political appointees) have been disciplined.

61. In January 2021, universal declaration of income and property by civil servants and persons equivalent to them, as well as their spouses, was introduced. Since 1 January 2023, employees of government agencies and quasi-governmental entities have filed declarations and, since 2024, managers, founders and shareholders of corporations and their spouses have been required to do so, along with individual entrepreneurs and their spouses. Accountability for corruption in the quasi-governmental sector has been strengthened, as has the work of their compliance services.

62. The system of incentives for citizens who report corruption cases has been improved. Over the past three years, 327 citizens have been rewarded for reporting corruption with sums totalling more than T 106 million. Citizens can report a corruption offence through the Agency’s consolidated call centre on the toll-free 24-hour number 1424 or by writing a letter to the Agency.

63. The criminal law provisions in respect of individuals who accept or offer bribes have been made as stringent as possible. The penalty for that type of offence is imprisonment for up to 15 years. Criminal liability has been introduced for employees of law enforcement agencies and special bodies who incite an offence. Penalties for corruption are harsher in the case of employees of law enforcement agencies, judges, individuals who offer bribes and their intermediaries. A lifetime ban on employment in the civil service for those convicted of corruption has been introduced. Civil servants are now prohibited from holding accounts in foreign banks. Exemption from criminal liability for a corruption offence as part of a settlement is precluded. There is no statute of limitations for corruption offences. Also, those convicted of serious or especially serious corruption offences may not receive suspended sentences and are not eligible for parole or the option of serving their sentences immediately in minimum security institutions (so-called “open prisons”). A complete ban has been introduced on the giving and receiving of gifts by officials. Close relatives are restricted from working together in State organizations.

64. Thanks to systematic preventive work and the transition to three-tiered criminal proceedings, the number of corruption cases recorded in Kazakhstan fell by 29 per cent. While, in 2020, the courts handled 856 cases, in 2023 the figure was 604.

65. According to Supreme Court data for 2020–2023, the Republic’s courts considered and handed down judgments in 2,343 corruption cases (including 520 in 2023). In 2020–2023, 3,554 persons were convicted in corruption cases (including 916 in 2023), among them 18 judges, 17 prosecutorial staff, 31 heads of local authorities and 2 deputies (including 2 judges, 3 prosecutorial staff, 7 heads of local authorities and 1 deputy in 2023).

### **Fight against impunity and past human rights violations**

#### **Reply to the issues raised in paragraph 5**

66. The investigation into the mass disorder in Zhanaozen was carried out by an inter-agency task force from the Office of the Procurator General and the Ministry of Internal Affairs on instructions from the President. The investigation was thorough; it involved more than 1,500 witnesses and established the chronology of events.

67. As a result of the investigation, five police officers, who had unlawfully used their weapons against participants in the disorder, were convicted of abuse of authority and received sentences of varying lengths.

68. The majority of observers from international organizations and the authorities who took part in the investigation confirmed that Kazakhstan had ensured a transparent investigation process; no instances of torture or ill-treatment of those arrested were established.

69. In keeping with its efforts to ensure transparency, Kazakhstan involved a public commission in the review of the events in Zhanaozen. The commission included representatives of political parties, NGOs and the media, as well as doctors, economists and lawyers.

70. As part of its work, the public commission, with the participation of media representatives, conducted unimpeded visits to temporary holding facilities in Zhanaozen and Aktau. Representatives of Penal Reform International (PRI), an international voluntary association, as well as a delegation consisting of representatives of the PRI regional office in Central Asia and the Public Monitoring Commission, also freely visited those facilities.

71. Based on the results of the inquiries, interviews with the detainees and familiarization with their conditions of detention in the cells, it was concluded that they had not been subjected to torture or any other unlawful investigation methods.

72. The trials were conducted in an open and transparent manner. Relatives of the defendants, international observers and representatives of voluntary organizations were present. The court hearings were attended by staff of the Delegation of the European Union to the Republic of Kazakhstan, which points to the international transparency of the proceedings.

73. The courts considered the cases objectively, comprehensively and thoroughly. Not a single argument of the defence was left unaddressed. All evidence and motions submitted by the participants in the trial were considered in accordance with the requirements of the law of criminal procedure.

74. The claims made by the defendants and their counsel concerning the use of unauthorized investigation methods did not go unheeded. Their motion was granted by the court, which ordered checks to be carried out by the provincial procurator’s office. These checks did not corroborate the claims.

### **Non-discrimination**

#### **Reply to the issues raised in paragraph 6**

75. In accordance with article 14 of the Constitution, everyone is equal before the law and the courts. No one may be subjected to discrimination of any kind on grounds of origin, social

or financial status, occupation, sex, race, ethnicity, language, attitude towards religion, opinions, place of residence or on any other grounds.

76. Discrimination, including on grounds of sex, is criminalized (Criminal Code, art. 145). No one may be discriminated against, including on grounds of sex, in criminal, administrative or civil proceedings.

77. The Act on State Guarantees of Equal Rights and Equal Opportunities for Men and Women defines the concept of “discrimination on grounds of sex” as “any restriction or infringement of a person’s rights and freedoms, as well as denigration of his or her dignity, on grounds of sex”.

78. Article 13 of the Constitution enshrines the right of everyone to legal protection of their rights and freedoms and to recognition as a person before the law and the right to defend their rights and freedoms, by all lawful means, including self-defence.

79. In order to effectively protect privacy, the penalties for disseminating confidential personal or family information have been increased (Criminal Code, art. 147).

80. Victims of discrimination are entitled to have their rights protected. Various mechanisms are in place affording accessible and effective remedies:

- Application to the law enforcement agencies – in the event of discrimination, victims can contact the police for assistance and protection of their rights (filing of a report, gathering of evidence and conduct of an investigation)
- Application to oversight bodies, such as ombudsmen, human rights commissions, specialized committees and experts, who can assist victims of discrimination in defending their rights
- Participation in public campaigns and engagement of civil society through the media, social networks and protest actions
- Application to the courts – victims of discrimination can take legal action to obtain justice and compensation for damage arising from violations of their rights

81. Victims can also seek help from lawyers, advisers and other experts in the field.

82. Paragraph 24 of the Plan of Action on Human Rights and the Rule of Law, approved by Presidential Decree No. 409 of 8 December 2023, provides for: the establishment in 2024 of a standing working group on anti-discrimination legislation and on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination, and/or the creation of a separate unit within the National Human Rights Centre for issues related to the elimination of all forms of discrimination.

83. In the period 2018–2022, no criminal cases brought under article 145 of the Criminal Code were considered by the courts.

84. In 2023, the courts considered one criminal case against five persons brought under article 145 of the Criminal Code; the case was sent back to the procurator’s office.

85. In 2022, the Human Rights Commissioner received 11 complaints of discrimination: 4 on grounds of sex, 4 on grounds of ethnicity and 1 complaint each of discrimination on grounds of religion, social status, and sexual orientation and gender identity.

86. In 2023, the Human Rights Commissioner received eight complaints of discrimination: one on grounds of sex, three on grounds of ethnicity and five on grounds of religion.

87. In all cases, applicants were provided with a written response or their complaints were sent to the competent authorities.

88. In Kazakhstan, policies on HIV prevention, treatment and diagnosis are tailored to the lesbian, gay, bisexual and transgender community; services are publicly funded.

89. Legislation provides for prevention to be carried out among lesbian, gay, bisexual and transgender persons: provision of preventive means (syringes, condoms), dissemination of information materials and access to rapid tests paid for by the State. Testing in Kazakhstan

is widely available, to both the general public and lesbian, gay, bisexual and transgender persons.

90. For people who inject drugs, sex workers and men and transgender women who have sex with men in Kazakhstan, a comprehensive package of 12 types of assistance recommended by the World Health Organization (WHO) has been introduced (involving counselling, testing, provision of antiretroviral therapy, treatment for tuberculosis, needle exchange, condom distribution, information and education, post-exposure and pre-exposure prophylaxis, among other measures). A programme of maintenance substitution (methadone) therapy is being introduced in pilot provinces.

91. Representatives of lesbian, gay, bisexual and transgender persons are involved in decision-making, have the opportunity to make recommendations for legislative changes, participate in various studies and legal reviews, monitor rights violations and take part in the preparation of shadow reports to United Nations committees.

92. In the Republic, biobehavioural surveys of lesbian, gay, bisexual and transgender persons (people who inject drugs, sex workers and men who have sex with men) are conducted on a regular basis to monitor the spread of HIV. The five-year HIV prevalence rate in the population of people who inject drugs remains at between 8.3 and 8.5 per cent. HIV prevalence among sex workers fell from 1.9 to 1.3 per cent. In the men who have sex with men group, there was an increase from 3.2 to 6.9 per cent.

93. Comprehensive prevention and medical and social services are provided in accordance with WHO/Joint United Nations Programme on HIV/AIDS (UNAIDS) recommendations in 132 drop-in centres and 29 “friendly offices”.

94. To further expand the prevention services provided, in 2023 the Road Map for the Implementation of HIV Prevention Measures for 2023–2026 was approved by Ministry of Health Order No. 155 of 16 March 2023. The Road Map includes measures to improve legislation on HIV, with a focus on key populations. It provides, among other measures, for training of doctors of all specialisms, including prison medicine, through advanced training cycles and for the development of a plan to address stigma and discrimination through community efforts.

#### **Reply to the issues raised in paragraph 7**

95. Kazakhstan is implementing a deliberate policy of protecting human rights while ensuring the personal safety of every citizen in society, in strict compliance with constitutional principles and guarantees. The Government continues to pursue a measured and balanced non-discrimination policy founded on the aim of upholding constitutional guarantees in a sustainable way and promoting tolerance and a non-conflictual society.

96. Sex reassignment is currently governed by the country’s legislation (Code on Public Health and the Healthcare System, art. 156).

97. Persons with sex identity disorders who have reached the age of 21 and have dispositive capacity, with the exception of those with mental or behavioural disorders (diseases), have the right to change their sex.

98. The procedures for conducting medical examinations and performing sex changes for persons with sex identity disorders are determined by the appropriate authorities.

99. The existing laws and regulations are in line with international standards and conventions on human rights and gender identity.

100. Thus, medical transition is started when the personality is formed and when all systems are mature, the most important of which are the nervous and endocrine systems.

101. Kazakhstan has adopted and is implementing the following special gender-oriented laws: the Act on State Guarantees of Equal Rights and Equal Opportunities for Men and Women and the Domestic Violence Prevention Act. The Family and Gender Policy Framework for the period up to 2030, which came into effect on 6 December 2016 pursuant to a presidential decree, takes account of international and national development priorities.

102. The current wording of articles 121–123 of the Criminal Code is in conformity with the demands of society, national interests and standards of ethics and morality and also meets international human rights protection standards.

103. The human and civil rights and freedoms enshrined in the Constitution are reflected in the principles of justice embodied in the Constitutional Act on the Judicial System and the Status of Judges.

104. The Constitution guarantees the right of everyone to judicial protection of their rights and freedoms and the equality of all persons before the law and the courts (arts. 13 and 14). The Advocacy and Legal Assistance Act provides for the right to receive properly qualified legal assistance, which is provided free of charge in the cases envisaged by law with payment made by the State.

105. The Ministry of Culture and Information, together with interested State bodies, has developed a main media plan and a supplementary media plan. The responsible State bodies are continuing to implement the media plans.

106. In general, the measures taken are producing positive results, and the public is being provided with appropriate information on the protection of human rights in the State.

### **Gender equality**

#### **Reply to the issues raised in paragraph 8**

107. In the years since gaining independence, Kazakhstan has made significant progress in advancing gender equality issues. A national gender policy model is being developed, and a legal framework for the protection of women's rights has been established. In 2015, Kazakhstan endorsed the Sustainable Development Goals, Goal 5 of which, "Achieve gender equality and empower all women and girls", has been integrated into strategic government programmes.

108. The Republic's gender policy is reflected in the Family and Gender Policy Framework for the period up to 2030. This document is aimed at achieving specific target indicators to ensure equal rights and opportunities for men and women and overcoming all forms and manifestations of discrimination on grounds of sex. On 1 April 2022, the above-mentioned Policy Framework was brought up to date and an updated implementation plan was adopted.

109. The main emphasis of the plan is on ensuring maximum support for women's economic and political advancement, increasing to 30 per cent the proportion of women in leadership positions in government agencies and the quasi-governmental sector, preventing violence against women and children, promoting gender education and supporting motherhood and childhood. NGOs and international organizations are actively involved in the implementation of the Policy Framework. There are about 500 NGOs in the country dealing with family and gender issues.

110. An important initiative to strengthen the role of women in the country's socioeconomic development is the opening of women's entrepreneurship development centres in all regions. The centres operate within the framework of the National Entrepreneurship Development Project 2021–2025 and provide a channel for the provision of non-financial support to women entrepreneurs and women with entrepreneurial initiative, who can receive a number of services aimed at boosting start-ups and increasing the economic activity of existing businesses and take part in training programmes and events.

111. Work to strengthen protection against all forms and manifestations of discrimination on grounds of sex and to create the necessary conditions for the full realization of the rights of women and men in all areas of working, public and private life is also being carried out at the legislative level.

112. On 12 October 2021, a law was passed to remove restrictions on the employment of women from the Labour Code. The abolition of the restrictions will increase employment opportunities for women by ensuring their access to any job of their choosing, including in the fields of industry (oil and gas, mining, manufacturing), transport and construction, in the light of changes in technology, automation of production and modernization of equipment.

113. The law establishes the right of employees to decent working conditions, as well as employers' liability for discrimination involving failure to provide equal working conditions.

114. A 30 per cent quota has been introduced for women, young people and persons with disabilities on party electoral lists, which will facilitate their more active participation in the sociopolitical life of the country.

115. Today, the proportion of women among civil servants is 55.4 per cent. The proportion of female managers is 39.2 per cent.

116. Women constitute a stable majority of civil servants in the court system – 67 per cent – and hold 56.4 per cent of senior positions. The 28 female Supreme Court judges represent 46.7 per cent of the total. Of the 449 judges in the Republic's provincial courts, 204 (45.4 per cent) are women. In the district courts, there are 1,036 women judges administering justice (55.8 per cent of the total).

117. Women constitute 45.7 per cent of the 449 judges in the Republic's provincial courts. In the district courts, there are 1,019 women judges administering justice (54.7 per cent of the total). The women occupy 22 per cent of posts in the procuratorial authorities, including 7 per cent of senior posts.

118. In the highest representative body, Parliament, there are 29 women deputies, which is 19.6 per cent of the total. In local representative bodies (*maslikhat*), women account for 21.02 per cent of all deputies (786 out of 3,415).

119. In the 2023 Global Gender Gap Index, Kazakhstan ranked sixty-second, having risen 3 places compared with 2022. To date, Kazakhstan has achieved a gender parity score of 72.1 per cent.

120. At the end of 2021, Kazakhstan adopted a plan for the implementation of Security Council resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), 1960 (2010), 2106 (2013), 2122 (2013), 2242 (2015) and 2467 (2019). The plan includes specific measures to ensure women's equal participation in conflict prevention and resolution and in the maintenance of peace and security and to prevent violence against women, raise awareness and strengthen cooperation with civil society in the areas of conflict prevention and protection of women.

121. Currently, there are 6,832 women in the armed forces, of whom 858 are officers and 5,974 serve in the ranks or as non-commissioned officers. Women constitute 11.2 per cent of all armed forces personnel.

122. Under article 33 of the Marriage and Family Code, property acquired by spouses during marriage is their common joint property.

### **Counter-terrorism measures**

#### **Reply to the issues raised in paragraph 9**

123. Under article 20 of the Constitution, it is not permitted to engage in propaganda or agitation for the violent overthrow of the constitutional order, the violation of the integrity of the Republic or the undermining of its security, war or social, racial, ethnic, religious, class or clan superiority.

124. According to the National Security Act, terrorism and extremism in any of their forms and manifestations are among the main threats to national security.

125. The Media Act, the Anti-Extremism Act and the Counter-Terrorism Act prohibit propaganda for and justification of extremism and terrorism.

126. In June 2020, defamation was decriminalized by moving the relevant provisions from the Criminal Code (art. 130) to the Code of Administrative Offences, and article 174 of the Criminal Code, concerning incitement to social, ethnic, clan, racial, class or religious discord, was rendered more humane.

127. Liability has been established in the Criminal Code for such offences as “undergoing terrorist or extremist training” and “attacks on or seizure of buildings, facilities, means of

communication or communication infrastructure". There is a limited number of convicts who are not eligible for parole (for example, terrorists and extremists whose actions caused loss of life).

128. The Counter-Terrorism Act regulates the organization of counter-terrorism efforts and defines the terms of reference of bodies engaged in counter-terrorism and in the implementation of measures to prevent, detect and suppress terrorist activity. The Act also regulates the issues of compensation for harm and social rehabilitation of persons who are victims of terrorism, as well as liability for participation in terrorist activities.

129. The measures taken at the international and regional levels demonstrate the country's firm intention to fulfil its obligations under Security Council resolution 2178 (2014). This is especially true with regard to the protection of human rights and freedoms in the context of maintaining national security and peace and preserving internal stability.

130. Parliament is considering a bill that provides for amendments to article 73 of the Criminal Code, concerning the replacement of the unserved portion of a sentence with a more lenient type of punishment or the reduction of the term of the punishment. The new wording would read as follows: "A person serving a sentence of imprisonment for a terrorist or extremist offence that did not result in loss of life and was not accompanied by the commission of an especially serious offence may, after serving the portion of the sentence specified in the first subparagraph, have the remaining unserved portion of the sentence replaced by the court with a more lenient type of punishment if he or she actively assists in the prevention, detection or investigation of terrorist or extremist offences or in exposing the participants in a terrorist or extremist organization."

131. Seminars with the participation of judges and court officials and working meetings with international experts and interested State bodies are regularly organized for the exchange of experience.

### **Violence against women and domestic violence**

#### **Reply to the issues raised in paragraph 10**

132. Achieving gender equality, that is, empowering all women and girls, is one of the Sustainable Development Goals.

133. Police departments have units for the protection of women against violence. Their officers coordinate police activities aimed at preventing offences against women, receive victims of violence and take measures to protect them.

134. Since 2021, specialization of investigators in sexual offences against women and minors has been introduced in all police departments. Orders have been given that only female investigators are to be assigned to investigate such crimes. There are 356 active female investigators, who investigate all criminal cases involving sexual offences against women and children. There is no shortage of female investigators.

135. The Government is pursuing its systematic efforts to strengthen liability for domestic violence. In 2019, a law was passed to increase the penalties for offences in the sphere of family and domestic relations. The aim of this law was to ensure harsher punishment for the most common types of administrative offence in this sphere (the duration of administrative detention for such offences has been increased from 3 to 5 days, under article 73 of the Code of Administrative Offences). It provides for separate liability for causing minor harm to health and battery in the domestic sphere and for fines to be excluded from the penalties envisaged in the relevant articles as an ineffective measure of punishment.

136. The powers of the courts to make decisions on conciliation of the parties and to establish special requirements for the behaviour of the perpetrator, as well as to impose penalties for the violation of such requirements, have been expanded.

137. Penalties for the commission of offences against the sexual inviolability of minors have been increased. Rape and violent acts of a sexual nature have been recategorized as serious offences, which precludes conciliation between the perpetrator and the victim. A

penalty of 5 to 8 years' imprisonment is envisaged for the commission of these acts (previously, the penalty was 3 to 5 years' imprisonment).

138. The penalties for repeat offences and offences committed by a person in the performance of his or her official duties or by a group of persons, or with the threat of murder, have been increased to imprisonment for 9 to 12 years (previously, the penalty was imprisonment for 5 to 10 years).

139. For violent acts of a sexual nature and rape of minors, the penalty is imprisonment for 20 years or life imprisonment (previously, the penalty was imprisonment for 17 to 20 years or life imprisonment). Up to 6 years' imprisonment is envisaged for persons who conceal offences against the sexual inviolability of minors (previously, if the act did not constitute a serious offence, no liability was provided for).

140. In 2019, criminal offences involving the infliction of suffering through violent acts (Criminal Code, art. 110 (Torture)), which had been private prosecution cases, were reclassified as semi-public prosecution cases. This change will allow the State to represent the interests of victims of violence in court, in the event that they are unable to assert their rights in court, and to initiate proceedings.

141. Victims of sexual violence have the right to recover moral and physical damages from the person who caused the harm by filing a lawsuit during the criminal proceedings. Since 1 July 2020, victims have had the right, from the investigation stage, to apply to the investigating authority to receive payment from the Victims Compensation Fund.

142. On 17 March 2023, amendments to the Criminal Code were adopted whereby crimes against family members will be categorized as serious and ordinary offences.

143. On 20 April 2023, a law was adopted defining specific periods of administrative detention (10, 15 and 20 days) and increasing the length of administrative detention for repeat offences to 25 days. The amendments will allow cases involving administrative offences (i.e. domestic violence cases) to be opened without a report from the victim.

144. The requirements for conciliation of the parties have been made more stringent; now, conciliation will be possible only once, in court. This will put a stop to the practice of psychological pressure being applied to victims.

145. Since 1 July 2023, the law enforcement agencies have been transitioning from a report-based approach to a detection-based one.

146. When considering a case involving an administrative offence, the court may, at its own initiative or at the request of the police or other participants in the proceedings, impose special requirements with respect to the behaviour of the perpetrator of the administrative offence, including offences of domestic violence, for a period of from three months to one year. Under these requirements, the person may be prohibited from engaging in all or some of the following acts: contrary to the will of the victim, seeking, pursuing or visiting him or her, conducting face-to-face or telephone conversations with him or her and entering into contact with him or her by other means, including through minors and/or family members who lack dispositive capacity; acquiring, possessing, bearing or using firearms and other weapons; and consuming alcoholic beverages, narcotic drugs or psychotropic substances.

147. In exceptional cases, in order to protect and defend the victim and his or her family members, the court may impose a measure under the law of administrative procedure prohibiting a perpetrator of domestic violence from living in a house, apartment or other dwelling with the victim for a period of up to 30 days, provided that this person has another dwelling.

148. To protect victims, "restraining orders" have been introduced, allowing the courts to impose special behavioural requirements on offenders. These persons are placed on a police register and checks are carried out at their place of residence for the period during which the restrictions apply.

149. Under the Social Code, special social services are provided to victims recognized, under the procedure established by law, as persons in need of such services. In the field of social protection, victims of domestic violence are provided with a guaranteed level of special

social services in accordance with the Standard for the provision of special social services for victims of domestic violence (Ministry of Labour and Social Protection Order No. 263 of 29 June 2023). The assistance and protection provided to victims of domestic violence under the Standard includes safe accommodation, medical and psychological assistance, vocational guidance, legal advice and other forms of help and services.

150. A socially oriented model has been introduced in primary healthcare, based on the establishment of family health centres and prevention and social and psychological assistance departments, staffed by more than 2,000 social workers (staffing levels are at 90.9 per cent), at which medical and psychological counselling is provided to help patients address personal, professional and psychological problems.

151. In accordance with Order No. DSM-25 of the Minister of Health of 15 March 2022 approving the Standard for the organization of paediatric care, when instances of physical violence against children are identified, the child receives medical assistance and medical rehabilitation and the internal affairs agencies are notified of the child's treatment and the fact that medical assistance has been provided.

152. The conduct of physical and other examinations and evaluations for the purposes of investigating and documenting domestic violence is regulated in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

153. Forms have been approved for recording bodily injuries and psychological effects resulting from abuse. Work is being done to mitigate negative content and block illegal content that has an adverse impact on the social and psychological well-being of citizens, in particular women and children.

154. Recommendations on ethical principles for media reporting on violence have been brought to the attention of journalists.

155. Local authorities have been instructed, together with the Assembly of the People of Kazakhstan, to work continuously to elucidate family values and high moral qualities for the benefit of the population, especially young people.

156. Under the Family and Gender Policy Framework for the period up to 2030, systematic work is being carried out to strengthen and protect families. As part of the action plan for the Framework's implementation, efforts are under way to establish centres to support families, resolve family conflicts and provide temporary accommodation for women with children. To date, the total number of centres is 68. There are 143 centres scheduled to open by 2025.

157. In line with the "one-stop shop" principle, family support centres provide certain categories of citizen (large families, persons with disabilities, single-parent and low-income families, and parents raising children with disabilities) with a range of advisory services, psychological, social and legal assistance and comprehensive support aimed at strengthening the institution of the family. Since the beginning of 2023 alone, the centres have provided more than 100,000 consultations.

#### **Reply to the issues raised in paragraph 11**

158. As part of the action plan for the implementation of the Family and Gender Policy Framework, 68 family support centres have been established in all regions, and more than 140 centres will have opened by 2025.

159. There are 50 crisis centres providing special social services to victims of domestic violence: 17 in the public sector and 33 under contract to the Government. Since 2022, crisis centres have been funded from local budgets. The number of crisis centres providing special social services to victims of domestic violence increased from 14 in 2017 to 50 in 2023. Every regional centre has crisis centres for victims of domestic violence.

160. In 2023, special social services were provided to 4,409 victims of domestic violence, including 2,808 children admitted with their parents. From 2017 to 2023, 18,000 persons received services.

161. A pilot project to provide comprehensive assistance to victims of sexual violence at specialized centres operating in the Republic has been under way since 10 April 2022. Memorandums on the conduct of investigative actions have been concluded with 63 centres in all regions of the country, and 1,095 investigative actions have been carried out at the centres with the involvement of women, including 892 with the involvement of minors.

162. The “One Stop Service” project is being implemented to provide initial legal and psychological assistance for victims of violence free of charge. Under the project, support has been provided in 36 criminal cases involving women and children, and special monitoring has been carried out in 11 high-profile cases.

163. In 2023, 384 criminal cases related to domestic violence were disposed of in the Republic’s courts (compared with 360 in 2020, 384 in 2021 and 273 in 2022), of which 346 concluded with a verdict (compared with 334 in 2020, 344 in 2021 and 257 in 2022). A total of 345 persons were sentenced, including 119 women (compared with 337, including 126 women, in 2020; 349, including 125 women, in 2021; and 264, including 89 women, in 2022), of whom 162 were sentenced to deprivation of liberty (compared with 151 in 2020, 183 in 2021 and 131 in 2022) and 172 to restriction of liberty (compared with 182 in 2020, 160 in 2021 and 123 in 2022), among other penalties.

164. In 2023, 165 persons were convicted under article 120 of the Criminal Code (compared with 228 in 2020, 238 in 2021 and 206 in 2022), 170 under article 121 of the Code (compared with 136 in 2020, 176 in 2021 and 197 in 2022), 163 under article 122 of the Code (compared with 235 in 2020, 190 in 2021 and 180 in 2022), 3 under article 123 of the Code (compared with 2 in 2020, 1 in 2021 and 3 in 2022), 42 under article 124 of the Code (compared with 45 in 2020, 47 in 2021 and 32 in 2022) and 47 under article 125 of the Code (compared with 39 in 2020, 35 in 2021 and 25 in 2022).

165. The Code of Administrative Offences establishes liability for unlawful acts in the sphere of family and domestic relations (art. 73), intentional infliction of minor harm to health (art. 73-1) and battery (73-2). In 2023, 80,380 cases were brought before the Republic’s courts, including 47 pending from the previous year (compared with 49,980 cases in 2020, 21 of which were pending from the previous year; 51,523 cases in 2021, 45 of which were pending from the previous year; and 52,110 cases in 2022, 54 of which were pending from the previous year), and a total of 80,577 cases were considered (compared with 47,698 in 2020, 49,476 in 2021 and 50,512 in 2022). Decisions to impose administrative penalties were handed down in 34,823 cases considered in 2023 (compared with 19,538 in 2020, 23,192 in 2021 and 24,096 in 2022). Dismissal orders were issued in 45,695 cases (compared with 28,125 in 2020, 26,253 in 2021 and 26,392 in 2022). Warnings were issued in 15,077 cases (compared with 6,681 in 2020, 8,371 in 2021 and 8,724 in 2022), fines were imposed in 5,881 cases (compared with 3,637 in 2020, 4,198 in 2021 and 5,085 in 2022) and detention in 13,863 cases (compared with 9,219 in 2020, 10,623 in 2021 and 10,272 in 2022).

## **Voluntary termination of pregnancy and sexual and reproductive rights**

### **Reply to the issues raised in paragraph 12**

166. The State has guaranteed further improvements to legislation and the adoption of measures to preserve the reproductive health of men and women, reduce mortality and narrow the gap between the average life expectancy of men and women.

167. The Act on State Guarantees of Equal Rights and Equal Opportunities for Men and Women defines “reproductive health” as the health of a person reflected by his or her ability to reproduce sound offspring.

168. Annual check-ups and consultations are conducted for women of childbearing age to promote reproductive health. More than 445 family planning offices at the primary healthcare level counsel men and women on reproductive health issues and provide access to family planning and safe motherhood services and methods. There are 16 men’s health centres. Broad public access to family planning information and services is improving the reproductive health of women, adolescents and young people and expanding their reproductive rights and opportunities for them to realize their full potential.

169. Until October 2021, measures were implemented under the State programme for the development of healthcare for the period 2020–2025. One of the main focuses of the programme was the promotion of the health of children, adolescents and young people through disease prevention, timely assistance and full rehabilitation, taking into account international best practice.

170. Under article 134 of the Code on Public Health and the Healthcare System of 7 July 2020, medical care is provided after the patient's informed consent to medical care has been obtained.

171. The Policy Framework for the Development of Healthcare until 2026 has been approved. The Framework envisages strengthening the integrated service delivery model and providing a set of basic types of care for “every woman and every child” built on innovative, evidence-based approaches and covering the life cycle, including newborn, child and adolescent health, reproductive health and maternal health.

172. Various national projects are being implemented. The “Healthy Nation” project, aimed at providing quality and accessible healthcare for every citizen, envisages: the allocation of quotas for the provision of in vitro fertilization (IVF) for families experiencing reproductive health problems; measures to ensure the accessibility of mental and reproductive health services for adolescents and young people through youth health centres; and greater public access to information on reproductive health.

173. Article 151 (Surgical sterilization) of the Code on Public Health and the Healthcare System provides that surgical sterilization as a method of preventing unwanted pregnancies may be performed on patients who are at least 35 years of age or have at least 2 children, or, if medically indicated, with the consent of the adult concerned, irrespective of age or number of children. Surgical sterilization is performed only with the informed consent of the patient and exclusively by healthcare entities licensed for this activity, with mandatory prior notification of the irreversibility of this operation.

174. On 7 July 2020, pursuant to the Health Act, the name of article 319 of the Criminal Code was changed from “Illegal abortion” to “Illegal artificial termination of pregnancy”. In 2020–2023, no criminal cases were brought under article 319. Given the complete lack of any law enforcement practice in this area, it is objectively not possible to conduct an analysis thereof.

### **Right to life and excessive use of force**

#### **Reply to the issues raised in paragraph 13**

175. The issue of suicide prevention is constantly monitored by the Committee on the Penal Correction System. An action plan for the period 2022–2024 aimed at improving the psychological services available in institutions of the penal correction system and strengthening psychological support for inmates, including those serving long sentences, has been implemented in those facilities since 2023 with a view to providing comprehensive psychological coverage for convicted persons, accused persons and suspects.

176. A plan for the prevention of serious incidents and malicious acts among the prison population for 2023–2024, aimed at the prevention of self-harm among convicted persons, accused persons and suspects, has been implemented since 2023.

177. Memorandums of understanding and cooperation have been concluded with NGOs, voluntary associations, libraries and educational organizations to provide practical and methodological assistance to prison staff; round tables, seminars, lectures and practical classes are held for convicted persons.

178. Measures have been taken to maintain a high level of disease control in remand prisons in order to prevent any threats to the life and health of detainees. Interviews are held with persons under investigation, during which suicidal tendencies are identified, and psychological support is provided to prevent cases of suicide. A medical officer makes daily rounds to monitor the health of and, if needed, provide medical care to detainees.

179. Clubs have been set up at which convicted persons with an interest in psychology can provide one another with “peer-to-peer” assistance, and a film club has been established. Creative initiatives on anti-suicide themes (drawing, poetry and essay-writing contests) are held for convicted persons, along with other activities. Psychological training programmes, materials and manuals have been developed. Lectures, training sessions and classes are organized as part of the vocational and psychological training for custodial staff to help them master the skills needed to negotiate with persons who are destructively inclined.

180. In 2020–2023, there were 75 cases of suicide among convicted persons, accused persons and suspects held in institutions of the penal correction system (compared with 26 cases in 2019): 48 suicides among convicted persons held in prisons and 27 suicides among detainees held in remand prisons, including 18 accused persons.

181. The breakdown by sex was: 73 males and 2 females (including 1 minor).

182. The breakdown by age was: 1 person under 18 years of age (a minor); 8 persons aged 19–25 years; 27 persons aged 26–35 years; 23 persons aged 36–45 years; 11 persons aged 46–55 years; 5 persons aged 56–65 years; and no persons over 65 years of age.

183. The breakdown by ethnicity was: 46 Kazakhs, 19 Russians, 4 Germans, 1 Tatar, 2 Ukrainians, 1 Kurd, 1 Azeri, 1 Lithuanian and 1 Chechen.

184. The methods of suicide in 2020–2023 were: in 1 case, a fall from a height; in 5 cases, incised wounds; and, in 69 cases, mechanical asphyxiation.

185. As a result of official investigations, 342 employees of institutions of the penal correction system were disciplined (updated data are required for 2023, as the information provided covers only five months of that year).

186. In 2023, one minor was convicted of incitement to suicide under article 105 of the Criminal Code. By a judgment of 26 October 2023, the specialized interdistrict juvenile court of Turkistan Province sentenced the minor, S., to 4 years’ imprisonment for extortion and incitement to suicide (the court imposed an aggregate sentence in respect of all the offences committed).

#### **Reply to the issues raised in paragraph 14**

187. The Constitution stipulates that citizens of the Republic have the right to gather peacefully, unarmed, and hold assemblies, rallies and demonstrations, marches and pickets. The exercise of this right may be restricted by law in the interests of State security, public order, public health or the protection of the rights and freedoms of others.

188. Article 18 of the Act on the Procedure for Organizing and Holding Peaceful Assemblies establishes the grounds and procedure for terminating such assemblies. A peaceful assembly may be terminated in the event of: a genuine threat to the lives and health of citizens, public order and/or public safety or the infliction of damage to property, including as the result of a breach of the maximum occupancy rate of a place specially designated for the organization and holding of peaceful assemblies; incitement to social, racial, ethnic, religious, class or clan discord or calls for the violent overthrow of the constitutional order or the infringement of territorial integrity, or violations of other provisions of the Constitution, laws and other normative acts; changes to the form in which the assembly is held; the occurrence of the situation specified in article 17 (3) of the Act; a decision by the organizer not to hold the assembly; and the expiry of the period for holding the assembly.

189. In the event it is decided to terminate a peaceful assembly, a representative of the local authority demands that the organizer or participants voluntarily end the peaceful assembly and sets a time limit for compliance. If the demand is not complied with, internal affairs officers may take the necessary measures to forcibly terminate the peaceful assembly in accordance with the law.

190. Firearms and other weapons, special equipment and physical force may be used in order to stop socially dangerous acts and to detain and convey the perpetrators of such acts to law enforcement agencies, taking into account the nature of the offences and the specific situation.

191. When using firearms or other weapons, special equipment or physical force, officers must warn the persons concerned of their intention to use them while giving those persons sufficient time to comply with their demands (except in cases where a delay in the use of firearms or other weapons, special equipment or physical force would pose a direct threat to the lives and health of citizens or officers or entail other serious consequences or where, under the circumstances obtaining, it would be inappropriate or impossible to give such a warning). In case of the use of firearms or other weapons, special equipment or physical force by a unit (group), the warning must be given by the head of the unit (group) or by the senior officer (by title or grade); the necessary measures must be taken to ensure the safety of individuals and provide emergency medical assistance to persons who are injured; and the use of firearms or other weapons, special equipment or physical force must be reported to the direct supervisor without delay. Every case resulting in loss of life or other serious consequences must be immediately reported to the procurator; improper use of firearms or other weapons, special equipment or physical force by officers incurs the penalties established by law.

192. A total of 238 persons were killed in events related to the mass disorder in January 2022, of whom 219 were civilians and 19 were officers of the military, police and security forces.

193. The circumstances leading to the deaths of the 219 civilians have been clarified: 66 were suspected of taking part in the disorder; 143 were violating the regulations on states of emergency and counter-terrorism operations (including 22 who accidentally came under fire or were involved in traffic accidents); 4 died while committing other crimes; and 6 died as a result of torture.

194. Pretrial investigations have been conducted into all the deaths.

195. The procuratorial authorities received a total of 566 complaints from citizens, of which 373 concerned unauthorized methods of investigation (334 pretrial investigations were initiated).

196. Under special monitoring by the Office of the Procurator General, cases of abuse of authority and unjustified use of weapons by military personnel under the state of emergency and during the counter-terrorism operations were identified.

197. Twelve cases of torture and abuse of authority during the “January events” of 2022 brought against 39 persons (26 police officers and 13 National Security Committee officers) have been considered by the courts. Eighty-four persons have been recognized as victims. Thirty-one persons have been convicted in nine cases; and three criminal cases against 8 persons remain under consideration.

### **Prohibition of torture and other cruel, inhuman or degrading treatment**

#### **Reply to the issues raised in paragraph 15**

198. The previous five years have been marked by a decrease of 10 per cent each year, on average, in the number of torture cases recorded (790 in 2019, 689 in 2020, 632 in 2021, 815 in 2022 and 426 in 2023), with the exception of 2022 owing to the January events. At the same time, between 70 and 80 per cent of such cases are dropped for lack of corroboration, mainly because reports are filed late, making it impossible to gather evidence while the trial is still hot.

199. In order to minimize late reporting of torture, procurators are now required to question all detainees and to elucidate instances of torture when authorizing remand in custody.

200. A total of 51 criminal cases were referred to the courts between 2018 and 2023 (8 in 2018, 7 in 2019, 9 in 2020, 4 in 2021, 10 in 2022 and 13 in 2023); 119 persons were convicted. Information regarding the events related to the mass disorder in January 2022 is contained in the reply to the issues raised in paragraph 14. The Kazakhstan Khalkyna Foundation has provided charitable assistance to 658 victims of the January 2022 events, in a total amount of T 2.476 billion. On 2 November 2022, an amnesty was declared for persons involved in the January events. The main purpose of the related Act was to amnesty those who committed criminal offences after succumbing to provocation by the organizers.

201. The amnesty was applied to 1,198 persons. In particular, the investigative authorities discontinued criminal proceedings at the pretrial stage against eight persons suspected of having committed ordinary offences. A total of 101 persons were exempted from liability and punishment (for misdemeanours and minor and ordinary offences); another 1,097 persons had their sentences reduced (for serious offences). As a result of the amnesty, 87 persons were released from custody and from places of deprivation of liberty. The Act also covers the re-socialization of former convicts.

202. A key step was the adoption of the Act of 5 November 2022, under which procurators were assigned exclusive authority to investigate cases of torture as from 1 January 2023. Procurators ensure the prompt and impartial investigation of torture cases in accordance with the international standards established in the Istanbul Protocol.

203. To ensure that torture cases are properly investigated, the Instructions on the organization of pretrial investigations by procurator's offices (approved by Order No. 264 of the Procurator General of 31 December 2022) were adopted. The Instructions regulate the procedure for conducting urgent investigative actions, ordering the necessary forensic examinations, putting in place safety measures, questioning participants in criminal proceedings and taking other investigative actions. A procedure has been established requiring the use of video recording when persons are brought in, detained and subjected to personal searches and medical examinations. Operational officers may not have contact with such persons, outside the scope of proceedings, without permission from the investigator.

204. Special mobile groups have been set up throughout the country, which, when reports of torture are received, travel to the scene of the crime and carry out urgent investigative actions.

205. Based on the results of the investigations, procurators make recommendations to eliminate the circumstances that contributed to the commission of torture and other violations of the law; such recommendations include the dismissal of heads of law enforcement agencies for failing to properly fulfil their duties to prevent torture.

206. Victims of torture are paid monetary compensation from a special fund. The Victims Compensation Fund Act has been in effect since 2020. It provides for payments of 30, 40 and 50 times the monthly calculation index for moderate harm, serious harm or death. The Fund is financed from fines imposed on perpetrators. The total amount of compensation paid by the Fund over the past two years, to more than 1,617 victims, stands at T 202 million.

207. The safety of torture victims is ensured and, in the event that a victim has been detained or remanded in custody, access to that person is monitored and consideration is given to transferring him or her to another facility with similar conditions of detention.

208. On 8 December 2021, the Supreme Court issued a regulatory decision clarifying that courts are required to respond to every instance of cruel or degrading treatment; torture victims are entitled to compensation from the Victims Compensation Fund, which is recoverable from the perpetrators through recourse actions by procurator's offices. The courts must respond to instances of degrading treatment of a participant in proceedings, even when there is no evidence that a criminal offence has been committed.

209. The Criminal Code now contains a separate article on torture, article 146. The maximum penalty for torture has been increased from 10 to 12 years' imprisonment. Exemption from criminal liability for torture pursuant to an amnesty, owing to the expiry of the statute of limitations or on the grounds of remorse or conciliation of the parties is precluded. The use of suspended sentences for persons who have committed torture is prohibited. The Code provides for liability for cruel, inhuman or degrading treatment. The list of perpetrators of torture or ill-treatment now contains a new category, "person acting in an official capacity". Instigating torture and complicity in torture have been criminalized.

210. Any person conducting a criminal prosecution is bound, under article 110 of the Code of Criminal Procedure, to inform the victim of his or her right, under article 71 of the Code, to receive compensation; this is noted in the decision recognizing him or her as a victim, or else a report is drawn up explaining that the victim is entitled to receive compensation. Evidence obtained through the use of torture, violence, threats, deception or other unlawful

acts or ill-treatment is declared inadmissible and may not be used in court (Code of Criminal Procedure, art. 112).

211. A bill under consideration by the Majilis provides for amendments to introduce a lifetime ban for persons who commit torture on the holding of positions in law enforcement and special government agencies, to be accompanied by mandatory deprivation of the right to hold certain other positions or engage in certain activities, and a prohibition against suspended sentences, parole and replacement of the unserved portion of a sentence with a more lenient type of punishment or reduction of the term of the punishment for those convicted of torture.

### **Treatment of persons deprived of their liberty**

#### **Reply to the issues raised in paragraph 16**

212. Kazakhstan respects and protects the rights, freedoms and legitimate interests of convicted persons. When convicted persons are admitted to the facility or institution responsible for enforcing their sentence, the administration must provide them with information about their rights and obligations, any applicable restrictions and the internal rules of the facility.

213. Detention facilities provide for the segregation of men and women and of juvenile and adult prisoners. First-time offenders are held separately from those who have previously served a prison sentence.

214. Inmates with infectious diseases are held separately from inmates in good health. In medical institutions, convicted persons are not segregated, regardless of their medical treatment. In tuberculosis sanatoriums, inmates are segregated when it is medically indicated.

215. In accordance with article 89 of the Penalties Enforcement Code, juveniles sentenced to deprivation of liberty are held in medium-security institutions for minors, alongside convicted persons allowed to remain in such institutions until they reach 21 years of age, provided that they are to stay for at least one year.

216. In remand centres, 80 cells, for a total of 334 beds, have been allocated for tuberculosis patients, but only 48 patients are being held there.

217. It is suggested that patients with an active (contagious) form of tuberculosis remain in remand centres until they are no longer at risk of infecting other inmates.

218. There are currently 117 patients with drug-resistant tuberculosis being held in institutions of the penal correction system.

219. For the year 2023, 119 inmate deaths (compared with 622 deaths for the period 2018–2022) were recorded in penal institutions. The causes were disease (94 deaths, compared with 448 deaths for the period 2018–2022), suicide (22 deaths, compared with 106 deaths for the period 2018–2022), tuberculosis (1 death, compared with 29 deaths for the period 2018–2022), injury (2 deaths, compared with 24 deaths for the period 2018–2022) and poisoning (0 deaths, compared with 15 deaths for the period 2018–2022).

220. From January 2023, as part of the humanization of the penal correction system, the Ministry of Health took over the functions of the Ministry of Internal Affairs relating to the coordination of State policy on medical care for persons held in 79 penal institutions. Bedding and other supplies are provided free of charge to the prison population.

221. The penal correction system currently has 63 medical outpatient clinics, 16 medical stations, a pulmonary tuberculosis ward, a mental health ward and a children's home.

222. Laws and regulations have been adopted regarding the medical care to be provided to convicted persons. The list of medical conditions that allow a convicted person to seek an exemption from serving a sentence for health reasons has been updated and expanded. In July 2022, a form for reporting signs of bodily injury and psychological trauma based on the principles of the Istanbul Protocol was approved.

223. On 20 April 2023, the Social Code was adopted. The Code provides for the care of convicted persons with a category I disability held in penal institutions by persons from

among inmates of these institutions, with the provision of social benefits in the form of care allowances.

224. To implement the Code, amendments have been made to the departmental order regarding the procedure for selecting and assigning candidates from among fellow convicted persons to care for convicted persons with category I disabilities (Ministry of Internal Affairs Order No. 508 of 13 August 2014).

225. To date, 37 of the 45 requests for care submitted by convicted persons with category I disabilities have been granted.

226. According to the statistics of the Committee on the Penal Correction System for 2023, there were 1,268 cases of self-harm by inmates in penal institutions (compared with 945 in 2022, 1,218 in 2021, 1,192 in 2020, 913 in 2019 and 677 in 2018).

227. The cases reported concern 1,283 individuals (compared with 961 in 2022, 1,232 in 2021, 1,221 in 2020, 941 in 2019 and 693 in 2018).

228. The main reasons for prisoner self-harm are: disagreement with actions taken by the prison administration (for example, transfer of the prisoner to a different unit or denial of visits or of payphone conversations); disagreement with a decision of a court or investigator; disagreement with a transfer or with the communal or living conditions; personal or other factors; an attempt at obtaining a more lenient regime; and the prisoner's psycho-emotional or other state.

229. In accordance with the Order of the Office of the Procurator General of 28 August 2019, a pretrial investigation is immediately initiated under article 105 of the Criminal Code (Incitement to suicide) for all cases of self-harm.

230. In general, self-harm is inflicted using improvised means and methods, without intending to cause serious harm to health; it is therefore usually superficial in nature (scratches, small cuts, etc.).

231. All cases of self-harm in institutions of the penal correction system are recorded in the institution's logbook. A local crime scene unit arrives at the scene to make initial inquiries; if there are signs of a criminal offence, a pretrial investigation is conducted.

232. Furthermore, official investigations are conducted into all serious incidents in penal institutions, during which the causes of and circumstances that led to the incident, including those related to the actions or omissions of officials and staff, are established. In the event it is established that officials of the institution failed to properly fulfil their duties, a decision to hold them to account is taken.

233. Over the past three years, about 3,500 internal investigations have been conducted, and various types of disciplinary action have been taken against more than 400 officials for failing to properly fulfil their duties (compared with 167 officials in 2021, 128 officials in 2022 and 109 officials in 2023).

234. Members of the national preventive mechanism have access to the institutions of the penal correction system at any time. Independent monitoring – by national preventive mechanisms and public monitoring commissions – has been institutionalized. They may freely visit penal institutions, talk to inmates and receive complaints. The national preventive mechanism identifies rights violations and issues substantive, informed and relevant recommendations. The mandate of the national preventive mechanism, whose activities are coordinated by the Office of the Human Rights Commissioner, has been strengthened. For example, the number of institutions and organizations that are subject to preventive visits by the national preventive mechanism has increased, and the mechanism's authority in the area of prevention has been enhanced. Currently, the mandate of the national preventive mechanism covers child adaptation centres, special educational institutions, including those with special custodial regimes, young offenders' institutions, cells for the detention of juveniles in remand centres and temporary holding facilities, police stations, children's wards in psychiatric clinics and tuberculosis clinics, and children's homes in correctional institutions where convicted women are serving their sentences.

235. Improvements are being made to the mechanism for preventive visits. Thematic visits have been introduced, and it is now possible for members of the Coordinating Council to participate in preventive visits.

236. The number of facilities that fall under the mandate of the national preventive mechanism has risen from 597 to 3,434 over a 10-year period, and the number of members from 108 to 147, with a regular turnover of more than 25 per cent (59 per cent in 2023). Over the past 10 years, more than 4,500 preventive visits have been conducted.

237. Based on the results of the visits by members of the mechanism, recommendations are sent to the administrations of the respective facilities and a consolidated report is prepared. In 2023, representatives of the Office of the Human Rights Commissioner conducted 606 visits to the facilities under its mandate. As a result, disciplinary sanctions were imposed on 193 employees of those facilities and administrative penalties were imposed on 65.

238. The official activities of the seven military police detention facilities are regulated by legislative acts, orders of the Minister of Defence and international instruments.

239. During the reporting period, 1,894 inspections (compared with 1,663 inspections in the equivalent period) of military detention barracks were carried out by representatives of the Coordinating Council reporting to the Human Rights Commissioner, the national preventive mechanism, the Military Prosecutor's Office, the fire brigade, the public health services, and officials of the General Directorate of the Military Police and military police units.

240. In order to hew more closely to international standards, the Ministry of Internal Affairs is working to replace the confinement of inmates in dormitories with their confinement in cells. There are currently nine facilities with prison cells, housing more than 4,000 persons. In 2023, construction began on eight housing units in four facilities (Nos. 2, 7, 15 and 44).

241. In accordance with the Policy Framework for Ensuring Public Safety in Partnership with Society for the period 2024–2028, there are plans to build new facilities that meet international requirements (three remand centres and four multi-regime facilities) and to improve the infrastructure of existing facilities (overhaul of utilities, buildings and installations).

242. The development of proposals for the construction of facilities with an occupancy limit of 1,500 places is ongoing, as part of the implementation of the public-private partnership mechanism.

243. Once those facilities have been built, the percentage of inmates confined in cells will reach 45.5 per cent, or 13,200 persons, by 2030 (compared with 19.2 per cent, or 4,500 persons, in 2023).

244. Work is being carried out to improve technical and sanitary conditions in facilities of the penal correction system, and problems are being addressed through the construction of modular buildings and housing units.

245. In 2023, submittals were provided for the renovation of 22 facilities in 12 penal institutions; six modular buildings (at institution No. 75, a front office and vegetable storage area; at institution No. 13, a dormitory, canteen and bathhouse; and at institution No. 39, sewage treatment facilities) were erected; and 102 installations in 36 penal institutions were renovated. Submittals are being prepared for the construction of housing units in institutions Nos. 30 and 39, as well as a remand centre in Ust-Kamenogorsk and a correctional institution in Mangistau Province.

246. In addition, with the funds allocated for 2023, technical inspections of 603 buildings in 47 penal institutions were carried out, the results of which indicate that some 250 facilities (40 per cent) are in unsatisfactory condition and that 60 facilities (10 per cent) are in a state of disrepair.

247. Based on the results of the technical inspections, 20 new institutions need to be built (14 colonies and 6 remand centres).

248. All convicted persons admitted to an institution of the penal correction system are provided with psychological assistance from the outset, in order to foster the conditions for

their successful reintegration into society upon release. Training, lectures, relaxation sessions, art therapy and other activities are organized for inmates.

249. A procedure has been established for ensuring rigorous record-keeping, as has a mechanism for detecting crimes that have been omitted from the records.

250. “Duty procurators” visit penal institutions on a daily basis and conduct unannounced inspections, including at night. Procuratorial staff visiting penal institutions meet with inmates in person.

251. Contact has been made with medical facilities to obtain information on prisoner injuries and to ensure that they are immediately investigated.

252. Procurators, together with the Department for Penalty Enforcement, members of the national preventive mechanism and public monitoring commissions conduct anonymous surveys of inmates on issues related to torture and ill-treatment at least once a quarter.

253. The system of continuous video surveillance contributes significantly to preventing acts of torture; video cameras, over 29,000, have been set up in all law enforcement agencies – in buildings and other premises – and over 39,500 (39,576) video cameras have been set up in the 78 institutions of the penal correction system. Procurators monitor 74 of the 78 institutions remotely, with positive results: a total of 26 cases of torture have been registered in the penal correction system, compared with 138 cases during the same period in 2023 – five times fewer.

254. Courses, seminars and operational meetings on combating torture are held regularly.

255. With the worsening of the epidemiological situation in the country and the introduction of strict restrictions, court proceedings involving the defendants were organized and conducted online. Detainees were provided with disinfectant to the maximum extent possible, and personal protective equipment (masks, gloves and face shields) was distributed. Sanitation procedures were carried out regularly. Investigators, lawyers and defence counsel met with inmates in visiting rooms with glass partitions. Admission to these premises required the use of personal protective equipment (masks, gloves and face shields). The strict sanitary, hygiene and epidemiological measures, which were taken in a timely manner, prevented the spread of coronavirus disease (COVID-19) among remand centre detainees.

## **Liberty and security of person**

### **Reply to the issues raised in paragraph 17**

256. Investigating judges in Kazakhstan have contributed meaningfully to improving the quality of investigations in an adversarial system, which in turn has generally had a positive impact on the effective protection of constitutional rights and freedoms of citizens in pretrial proceedings.

257. The rise in the number of appeals on issues under their jurisdiction indicates increased confidence in those judges.

258. Contact between investigating judges and judges of criminal courts, which subsequently hear criminal cases, has been minimized. The maximum period of detention without court authorization has been reduced from 72 to 48 hours, and for minors, to 24 hours.

259. The law of criminal procedure clearly sets out the grounds for the imposition of remand in custody as a preventive measure (Code of Criminal Procedure, art. 147). If the requirements in that regard are violated, the preventive measure will be deemed illegal and will be revoked.

260. Any information obtained by misleading a person involved in criminal proceedings about his or her rights and obligations – by failing to explain them to the person or by providing an incomplete or incorrect explanation – is to be deemed inadmissible as evidence (Code of Criminal Procedure, art. 112).

261. In 2023, the use of preventive measures nationwide decreased by 3.5 per cent (from 24,234 to 23,369 measures).

262. In 2023, 13,600 applications for remand in custody as a preventive measure were examined (compared with 14,052 in 2022 and 12,440 in 2021); of these, 10,345 were approved (compared with 11,346 in 2022 and 10,935 in 2021).

263. The Code of Criminal Procedure provides for a compulsory medical examination at the time of arrest and placement in a temporary holding facility with the results of the examination attached to the record of arrest.

264. In order to ensure compliance with the law, the criminal prosecution authorities have established a post of “duty procurator” whose main responsibility is reviewing the lawfulness of the detention and transport of persons.

265. In 2023, procurators released a total of 1,053 (1,224) persons who were detained unlawfully in temporary holding facilities and other premises, including 450 (536) in criminal prosecution offices and 603 (688) in temporary holding facilities.

266. In addition, under article 147 (3) of the Code of Criminal Procedure, procurators refused to support applications for remand in custody in respect of 135 (258) persons because they were unfounded and unlawful.

267. It is worth noting that, in 2023, there was an overall decrease of 9 per cent in court-authorized detentions (from 11,346 to 10,345), and an increase of 17.8 per cent in court refusals to authorize detentions (from 2,763 to 3,255).

268. In the event of detention or remand in custody, if the defence lawyer chosen by the suspect, accused person, defendant, convicted person or acquitted person is unable to appear within 24 hours, the body conducting the criminal proceedings must offer the suspect, accused person, defendant, convicted person or acquitted person the option to engage another defence lawyer and, in the event of a refusal, it must take steps to appoint a defence lawyer through the professional organization of lawyers or its subsidiary bodies.

269. The Advocacy and Legal Assistance Act provides that counsel is entitled from the moment he or she is admitted for participation in a case to meet with the defendant in private and confidentially, without any restriction as to the number or duration of the meetings.

270. The Code of Criminal Procedure provides for a compulsory medical examination at the time of arrest and placement in a temporary holding facility with the results of the examination attached to the record of arrest.

271. Wilful failure to inform a suspect’s relatives of his or her detention and whereabouts, unlawful refusal to provide information on the place where a person is being held in custody to a person who has the right to receive such information and falsification of the time at which an arrest record was drawn up or of the time of the actual arrest are crimes punishable under article 414 of the Criminal Code.

272. To ensure lawfulness at all stages, there are protective measures in place and these are effectively applied in practice.

273. In accordance with article 68 of the Code of Criminal Procedure, a defence lawyer is retained for a witness who has the right to defence, the suspect, accused person or defendant, a convicted or acquitted person, their legal representatives, as well as for other persons acting on behalf of or with the consent of a witness who has the right to defence, the suspect, accused person or defendant, and a convicted or acquitted person.

274. To ensure that the law is observed on the premises of law enforcement agencies, there is a “duty procurator” who is responsible for reviewing the lawfulness of the transport and detention of persons.

275. In accordance with articles 131 and 147 of the Code of Criminal Procedure, the procurator reviews the lawfulness of the arrest and remand in custody.

276. Under article 148 of the Code of Criminal Procedure, an order authorizing or refusing to authorize the remand in custody of a suspect or accused person may be appealed or reconsidered at the request of a procurator in accordance with article 107 of the Code of Criminal Procedure. A total of 2,051 complaints from citizens and procurator’s petitions against court decisions on remand in custody were considered by the appeal courts.

277. In just four years, appeal courts have considered 10,075 complaints and procurators' petitions regarding investigative courts' decisions on remand in custody. As a result, 498 court orders were reversed and 412 were amended.

278. According to information provided by the courts, a total of 26 complaints of torture were filed with the courts in relation to the January events, including with investigating judges.

279. In most cases, the suspects' complaints were not corroborated and criminal proceedings in relation thereto were terminated on the grounds of lack of evidence that a crime had been committed.

#### **Reply to the issues raised in paragraph 18**

280. According to the Code of Criminal Procedure, when assessing the need for preventive measures and determining the type of measures that should be applied (obligation not to leave the area and to maintain good conduct, recognizance, placing of a soldier under the supervision of the commander of a military unit, placing of a minor under supervision, bail, house arrest or detention), consideration must be given to the seriousness of the crime committed; the suspect or accused person's character, age, state of health and family situation; the existence of dependent relatives; the strength of the suspect or accused person's social ties; the suspect or accused person's reputation and occupation; the existence of a permanent place of work or study; the suspect or accused person's wealth; the existence of a permanent place of residence; and other circumstances.

281. The seriousness of the crime committed may not be the sole basis for the imposition of remand in custody as a preventive measure (Code of Criminal Procedure, art. 138).

282. The National Security Committee bodies strictly abide by the Constitution and the Code of Criminal Procedure to uphold liberty and security of person.

283. On 20 November 2022, 203 cases related to the presidential election were brought before the courts under article 488 of the Code of Administrative Offences; 201 cases were considered, and administrative penalties were imposed in 196 cases. Warnings were issued in 21 cases, fines were imposed in 66 cases and detention in 109 cases. Dismissal orders were issued in 5 cases. A total of 10 cases were brought before the courts under article 102 of the Code of Administrative Offences; all of the cases were considered and resulted in the imposition of administrative penalties. Administrative fines were imposed in 10 cases.

#### **Elimination of slavery, servitude and trafficking in persons**

#### **Reply to the issues raised in paragraph 19**

284. Kazakhstan attaches priority to combating trafficking in persons. The Interdepartmental Commission on Combating People Smuggling and Trafficking in Persons has been active since 2003. Successive government action plans in this area have been adopted. In November 2023, the latest plan, covering the period 2024–2026, was approved. There are anti-trafficking units within the Ministry of Internal Affairs.

285. Evaluation criteria for the identification of victims of trafficking in persons and a standard for the provision of special social services to victims of trafficking in persons have been developed and adopted with a view to putting in place a referral mechanism for trafficking victims. According to these normative documents, and under the Special Social Services Act, a person is recognized as a trafficking victim, for the purpose of receiving special social services, irrespective of whether criminal proceedings have been initiated in respect of the actions committed. Trafficking victims are provided with social welfare, sociomedical, sociopsychological, socio-educational, socio-vocational, sociocultural, socioeconomic and socio-legal services.

286. There are more than 20 NGOs in the country that assist trafficking victims, providing legal, psychological and medical assistance to victims, representing them in court and helping them to restore their documents and return home (to their own countries).

287. The Criminal Code provides for liability for offences related to trafficking in persons (forced removal or illegal removal of human organs and tissue, kidnapping, illegal deprivation of liberty, trafficking in persons, enticement of a minor into prostitution, trafficking in minors, enticement into prostitution, organization or maintenance of brothels for the purposes of prostitution and procuring), with a maximum penalty of up to 18 years' imprisonment and confiscation of property.

288. Pursuant to a law of 27 December 2019, the penalties for trafficking-related offences were increased. For example, the penalties provided for under article 116 of the Criminal Code (Forced removal or illegal removal of human organs and tissue) were increased from 6 to 10 years' imprisonment. Confiscation of property, a supplementary penalty, became mandatory.

289. In 2023, a bill on combating trafficking in persons and related draft legislation were prepared. The bill provides for the following changes: harmonization of some definitions ("trafficking in persons", "identification of victims of trafficking in persons", "referral mechanism", "potential victim of trafficking in persons", "vulnerable situation" and "actors involved in combating trafficking in human beings", among others) with international standards; determination of the group of persons to whom the law will apply, once enacted; establishment of the authorities in the field of combating trafficking in persons and of their rights and obligations; establishment of the actors involved in combating trafficking in persons and of their competencies; and protection of the rights of minors.

290. The accompanying draft legislation provides for amendments concerning: the imposition of an obligation, on institutions for orphans and children without parental care, to notify the agencies of tutorship or guardianship and the procurator's office when they admit children; the information to be provided to trafficking victims regarding their right to receive special social services, in accordance with the legislation on combating trafficking in persons; the expansion of the list of trafficking-related offences; and the introduction of liability for officials of medical establishments and institutions for orphans and children without parental care who fail to report the abandonment of a newborn child (under consideration by the Majilis).

291. The Criminal Code does not contain an article on slavery, but it establishes liability for kidnapping for the purpose of exploitation (Criminal Code, art. 125) and unlawful deprivation of liberty for the purpose of exploitation (Criminal Code, art. 126). Articles 128 and 135 of the Code contain provisions on trafficking in persons and trafficking in minors, as well as on exploitation of a person.

292. Article 3 of the Criminal Code clarifies the concept of "exploitation of a person", which means: the use by the perpetrator of forced labour, that is, any work or service extracted from a person by means of violence or threat of violence and for the performance of which that person has not offered himself or herself voluntarily, except in the cases provided for by law; the use by the perpetrator of prostitution or other services performed by another person for the purpose of appropriating the proceeds received, as well as the forcing of a person to perform sexual services without appropriation of the proceeds; the forcing of a person to engage in begging, that is, to commit an antisocial act involving the solicitation of money and/or other property from other persons; and other actions related to the exercise by the perpetrator of the power of ownership over a person who, for reasons beyond his or her control, cannot refuse to perform work and/or services for the perpetrator and/or another person.

293. Under article 7 of the Labour Code, forced labour, defined as "any work or service extracted from any person under threat of any penalty and for the performance of which that person has not offered himself or herself voluntarily", is prohibited. Forced labour is allowed only pursuant to a court sentence that has become enforceable, provided that the work will be performed under supervision and that the person performing it will not be handed over to or placed at the disposal of any individual and/or corporation, and during a state of emergency or under martial law.

294. Criminal penalties are provided for the purchase or sale of a person and other transactions involving a person, the exploitation, recruitment, transport, transfer, harbouring or receiving of a person and the commission of other acts for the purpose of exploitation. The

related penalties have been increased, with maximum sentences of from 12 to 15 years (Criminal Code, art. 128) and from 12 to 18 years (Criminal Code, art. 135).

295. In 2019, the following were added to the elements categorizing the offences of kidnapping and unlawful deprivation of liberty, in articles 125 (2) and 126 (2) of the Criminal Code, respectively: “by a person using his or her official position” and “with falsification, concealment or destruction of the victim’s identity documents”.

296. An adequate legal framework for preventing child labour is in place, along with enforcement mechanisms, and liability for engaging children in the worst forms of child labour has been established.

297. Monitoring to protect the labour rights of minors is conducted by the authorized State bodies (the Labour Inspectorate, procurator’s office and education authorities).

298. There are helplines (the NGO-run 11616) offering consultations on any migration issues (more than 940 citizens contacted the helplines).

299. Each such call is checked by the law enforcement agencies.

300. Protection and assistance for victims are provided within the framework of the Act on State Protection of Parties to Criminal Proceedings and the Victims Compensation Fund Act.

301. Victims of trafficking-related offences (under article 128 of the Criminal Code (Trafficking in persons)) and other crimes in this category are provided by the State with lump-sum compensation from a special fund, in an amount 30 times the monthly calculation index.

302. The law provides for the extension of the stay in Kazakhstan of foreign nationals who are victims of serious offences until a court decision on the criminal case has been handed down (Code of Administrative Offences, art. 51). In addition, those recognized as victims in criminal cases related to trafficking in persons are exempted from administrative liability (Code of Administrative Offences, art. 741). Foreign nationals who are discovered and identified as victims of trafficking in persons in the territory of Kazakhstan have the right to equal access to the range of assistance provided for victims, irrespective of whether they are involved in the conduct of an investigation.

303. Work is continuing on providing assistance to trafficking victims funded from the State budget. Victims are provided with eight types of service: social, medical, psychological, educational, employment, cultural, economic and legal services. These services are provided irrespective of whether the pretrial investigation into the acts committed has begun. In accordance with the Special Social Services Act, T 101.3 million was used in 2022 to provide special social services to 325 persons in nine regions of the country.

304. In order to prevent and detect trafficking in persons, investigative and preventive measures are carried out regularly, in the course of which private farms and construction sites are inspected for the use of forced labour, along with hotels and bath complexes to prevent sexual exploitation.

305. The number of offences related to trafficking in persons has decreased by 2.5 times in the past five years (from 276 in 2018, 182 in 2019, 111 in 2020, 103 in 2021 and 80 in 2022 to 152 in 2023).

306. The Office of the Procurator General, together with the competent authorities and law enforcement agencies (the Ministry of Internal Affairs, Ministry of Foreign Affairs and Ministry of Labour, among others), has stepped up efforts to improve efficiency in this area.

307. The rate of referral of cases to the courts has increased by 6.5 times in recent years (from 3 to 21).

308. Eight cases were brought under article 128 of the Criminal Code (Trafficking in persons) (4 in 2021 and 4 in 2022) against 10 persons (4 in 2021 and 6 in 2022); of these, 3 persons were convicted (6 in 2021 and 3 in 2022), of whom 7 were sentenced to imprisonment and 2 were exempted from punishment. In 2023, 42 persons were convicted of trafficking-related offences, of whom 11 were sentenced to imprisonment, 28 received

suspended sentences, 2 received deferred sentences and 1 was convicted without receiving a sentence.

309. Under article 135 of the Criminal Code (Trafficking in minors), 11 cases were brought (9 in 2021 and 2 in 2022) against 35 persons (33 in 2021 and 2 in 2022), 22 of whom were convicted (21 in 2021 and 1 in 2022), with 16 persons sentenced to imprisonment, 5 receiving suspended sentences and 1 exempted from punishment, while 1 person was acquitted.

310. A total of 401 persons were sentenced to various penalties (146 in 2018, 64 in 2019, 44 in 2020, 50 in 2021, 55 in 2022 and 42 in 2023 (form 10)).

311. Training sessions, courses, educational events, training and professional development programmes for police officers, border personnel, judges, procurators, lawyers and other relevant personnel on the elimination of slavery, servitude and trafficking in persons are conducted on an ongoing basis.

### **Treatment of aliens, including asylum-seekers, refugees and stateless persons**

#### **Reply to the issues raised in paragraph 20**

312. Kazakh legislation allows for persons without identity documents to apply for asylum. The absence of such documents is not an obstacle to the registration of asylum applications (Refugees Act, art. 10).

313. Medical assistance is provided free of charge to refugees and asylum-seekers, in accordance with the list of guaranteed free medical assistance available to citizens of Kazakhstan.

314. Good practice also requires that children without parental care be looked after and foreign children given access to rights on an equal footing with children who are citizens.

315. NGOs run shelters for victims of trafficking in persons, exploitation and violence, with State funding.

316. In Kazakhstan, asylum-seekers have the right to freedom of labour and entrepreneurial activity. According to national legislation, such persons, unlike other foreign nationals, are not required to obtain a work permit (Government Decision No. 802 of 15 December 2016).

317. The Act of 27 December 2019 gives refugees the right to apply for a permanent residence permit. After five years, the holder of a residence permit may apply for citizenship, if so desired.

318. Foreign nationals residing permanently in Kazakhstan have effective access to employment, social assistance, State benefits and compensation, education at all levels, integration and naturalization in the country.

319. Foreign children, including those without parental care, have the same rights as children who are citizens. The State assumes responsibility for protecting these children and providing them with everything they need and determines the procedure for granting guardianship.

320. The Criminal Chamber of the Supreme Court considered 4 appeals against decisions of the procurator's office to extradite a person in 2018, 19 in 2019, 10 in 2020 and 8 in 2021.

321. During the above-mentioned period, enforced disappearance was referred to in one appeal against a decision of the procurator's office in favour of extradition.

322. Persons with refugee status have the right to asylum. Asylum-seekers are entitled to remain in the territory of Kazakhstan until the procedure for considering their application for refugee status, including the appeal procedure, is completed.

323. Asylum-seekers or refugees who fail to comply with an order to leave the territory of Kazakhstan are forcibly removed by the internal affairs agencies, in accordance with the law and pursuant to court decisions that have become enforceable.

324. There have been no cases in which persons have been extradited to countries where they are at risk of torture.

325. Immigrants discovered and identified as victims of trafficking in persons in the territory of the Republic may not be removed to their State of origin (or country of nationality) until the process for providing them with the guaranteed level of special social services, under the legislation currently in force in that regard, has been completed; during this time, they can decide whether to contact and cooperate with the law enforcement agencies.

326. The Refugees Act prohibits the expulsion or return of refugees to the border of a country where their lives or freedom are threatened on account of their race, religion, nationality, social group or beliefs.

327. The purpose of registering citizens at their place of residence or temporary stay is to monitor internal migration processes and to have a record of citizens so that the growth of each community can be determined when programmes for regional development are designed. On the basis of these calculations, the creation of jobs and infrastructure and the construction of schools and hospitals are planned.

328. The administrative penalties for citizens who are not registered at their place of residence do not include administrative detention. According to the Code of Administrative Offences, failure to register at the place of residence is punishable by a warning or a fine in an amount seven times the monthly calculation index.

329. The procedure for registration at the place of residence has been simplified and automated as far as possible through the e-government portal. In order to ensure that the process for obtaining a work permit is lawful and accessible, migration service centres have been established in all regions.

330. Work permits may be issued within 40 minutes at a migration service centre; within one business day through Government for Citizens, a State corporation; and within 30 minutes through the e-government portal. Foreign nationals may thus receive the service without having to contact a migration officer.

331. In accordance with article 21 of the Code of Criminal Procedure, the administration of justice is founded on the equality of all persons before the law and the courts.

332. Under article 4 of the Criminal Code, the only basis for criminal liability is the commission of a criminal offence, that is, an act containing all the elements of a crime or a misdemeanour.

333. An individual who is fit to plead and has reached 16 years of age at the time of committing a criminal offence, or 14 years for certain acts (Criminal Code, art. 15), including those specified in article 392 of the Criminal Code, is subject to criminal liability.

334. At the same time, by virtue of article 55 (4) of the Criminal Code, in exceptional circumstances connected with the aims and motives of the act, the role of the guilty party and other factors substantially reducing the degree of danger of the act, the court may impose a punishment that is below the minimum penalty for the act or a more lenient type of punishment or choose not to impose a supplementary penalty that is normally mandatory.

335. The Advocacy and Legal Assistance Act provides for the right to receive State-guaranteed legal assistance in the form of legal advice to individuals on obtaining refugee or *kandas* (compatriot) status.

336. The Refugees Act defines the procedure for filing and registering an application for refugee status, including in the various circumstances in which applicants may cross the State border.

337. In particular, on crossing the State border, a person may submit a written application to the migration control point or, if there is no such point, to the Border Service of the National Security Committee. In the case of a forced illegal border crossing (due to an emergency), the application may be submitted to officers of the Border Service of the National Security Committee.

338. In order to address the problem of documentation of stateless persons, the bill on the regulation of migration processes (under consideration by the Senate) provides for the Ministry of Internal Affairs to be vested with the authority to determine the legal status of persons who have no proof of citizenship of Kazakhstan or other States (stateless persons).

339. The internal affairs agencies are working to identify and record persons who are undocumented and unregistered in the country.

340. Pursuant to the Act of 25 November 2019, amendments were made with respect to the birth registration of children. In cases where a child is born in a medical establishment and the mother has no identification documents, when the birth is registered information about her is filled in on the basis of her declarations and according to the medical certificate of birth, which contains a note to the effect that the information concerning the mother is taken from her own words.

### **Access to justice, independence of lawyers and the judiciary and right to a fair trial**

#### **Reply to the issues raised in paragraph 21**

341. Kazakhstan is continuing to reform and improve its judicial system. To facilitate citizens' access to justice, the judicial system has been optimized by moving from a five-tier system of justice (first instance, appeal, cassation, supervisory review and supervisory review by a higher court) to a three-tier system (first instance, appeal and cassation).

342. On 1 July 2021, with the entry into force of the Code of Administrative Procedure, a fully-fledged system of administrative justice was introduced. The Code regulates relations related to the implementation of administrative procedures and the consideration by the courts of disputes arising from matters of public law. The principle of the active role of the court, whereby the court may collect evidence at its own initiative if the evidence before it is insufficient, has been introduced into the Code.

343. Other judicial reforms are aimed at modernizing, simplifying and "humanizing" court procedures for the benefit of citizens who come into contact with the judicial system. The power to authorize preventive measures and investigative actions has been transferred from the procurator's office to the courts. On 10 June 2021, a law was adopted to strengthen the adversarial nature and openness of criminal proceedings, expand the powers of lawyers, ensure the effective realization of the rights of citizens to receive properly qualified legal assistance and develop self-regulation of lawyers and legal advisers.

344. A law was adopted on 20 June 2022 to include legal advisers in the system of State-guaranteed legal assistance. Vulnerable groups have the possibility of receiving properly qualified legal assistance. Victims of domestic violence, trafficking in persons, acts of terrorism and torture are entitled to free legal assistance in the form of legal advice.

345. On 20 December 2021, the President signed constitutional laws aimed at improving the mechanisms for the constitution of the judiciary and safeguarding the priorities of the ongoing judicial reform, namely, ensuring the rule of law and guaranteeing the independence of the judiciary. The system for the selection and promotion of judges has been radically revised in order to strengthen guarantees of their independence and improve their professional competence. Responsibility for the Judicial Panel and the Staff Reserve Commission has been transferred from the Supreme Court to the Supreme Judicial Council. The evaluation of judges' professional performance is carried out by the Justice Quality Commission of the Supreme Court using a new methodology developed on the basis of advanced international standards.

346. Investigative courts have been established, online court proceedings have been introduced, court procedures in civil cases have been optimized and bureaucracy in court proceedings has been reduced, among other measures. Innovations have been introduced in the conduct of trials and work has been done on the digitalization of court proceedings. Full audio and video recording of all court proceedings is now undertaken, and mobile videoconferencing with courts has been introduced. Lawyers and legal advisers are allowed to use electronic devices to assist with their work.

347. In 2021, more than 1 million documents were submitted through the "Court Office" service (more than 16,000 criminal cases involving minor (one-off) offences were registered electronically). A database of judicial acts has been created, and 1.2 million court decisions and 120,000 lawsuits have been processed and converted into machine-readable form.

348. In 2022, 92.9 per cent of reported criminal cases were examined electronically. As at the end of July 2022, 113,430 criminal cases (82 per cent) had been examined electronically. Plans for the future modernization of the Code of Criminal Procedure and adoption of objective standards for its enhancement are scheduled to be introduced in 2025 as part of the country's Strategic Development Plan.

349. Dozens of judicial innovation projects, such as "night courts", "family courts", "conciliation judges" and "conciliation centres", have been implemented with the aim of creating convenience for parties to proceedings and developing conciliation procedures. A total of 256 front offices have been opened serving 309 courts.

350. Kazakhstan continues to improve the legal framework to strengthen safeguards for the protection of human rights in criminal proceedings. The duration of initial custody has been reduced from 72 to 48 hours for adults and limited to 24 hours for juveniles.

351. The roll-out of a three-tiered model of criminal procedure, with the delimitation of powers and areas of responsibility between the procurator's office, courts and law enforcement agencies, began with the adoption of the Act of 19 December 2020.

352. The first phase of implementation of the three-tiered model began on 1 January 2021, strengthening the protection of participants in criminal proceedings. Investigators may prepare electronically, in the Consolidated Register of Pretrial Investigations, decisions declaring a person to be a suspect, classifying or reclassifying an act, pausing a deadline or terminating a case, as well as decisions to prosecute or to apply the summary procedure. These are key procedural decisions in criminal cases and points at which the constitutional rights of participants in criminal proceedings may be violated. The procurator checks online, within the established time frames, that these decisions are lawful and takes action in case of violations. Without the approval of the procurator, the above-mentioned procedural decisions have no legal effect.

353. Since the beginning of 2021, the investigation bodies have adopted, and transmitted to the procurator for approval, 609,000 key procedural decisions (222,000 decisions terminating cases, more than 169,000 decisions pausing deadlines, more than 89,000 confessions of suspects and 68,000 decisions classifying acts). Since the beginning of 2022, more than a thousand citizens have been spared unwarranted contact with the criminal justice system, and the unlawful termination of 5,439 cases and interruption of 6,001 cases have been prevented, while violations of citizens' constitutional rights have been reduced by 16 per cent (from 148 to 124) and violations of investigation deadlines by 23 per cent (from 19,692 to 15,141).

354. The second phase of implementation of the three-tiered model began on 1 January 2022. Under it, procurators independently draw up bills of indictment against persons accused of especially serious offences. This means that the procurator summarizes the results of the pretrial investigation and classifies the actions of the suspect.

355. To date, procurators have transmitted to the courts 620 cases involving especially serious offences, with bills of indictment. These are offences such as murder, robbery, rape, violent acts of a sexual nature against minors, and the sale of narcotic drugs and psychotropic substances.

356. Since 2023, procurators have drafted bills of indictment for corruption cases and, since 2024, for all remaining categories of offence. This process will enhance procurators' independent assessment of the evidence gathered by the law enforcement agencies and make them more accountable for bringing accused persons to trial.

357. Judges are independent in the administration of justice and are subject only to the Constitution and the law. Any kind of interference in the work of a court in administering justice is prohibited and incurs liability under the law. In specific cases, judges are not held to account.

358. Systematic work to further modernize the activities of the Supreme Judicial Council and ensure the independent selection of judges is carried out on an ongoing basis.

359. Between 2016 and 2022, continuous measures were taken to modernize the staff selection system and operations of the Supreme Judicial Council. Thus, legislative

amendments were adopted providing for: the introduction of a new system of qualification examination for the position of judge; the modernization and tightening up of the system for the competitive selection of judges; the renewal and democratization of the composition of the Qualification Commission; the expansion of the membership of the Supreme Judicial Council to include representatives of the legal community, at the same time as the exclusion of the Minister of Justice and Chair of the Civil Service Agency; the introduction of the rotational principle of appointment for permanent members of the Supreme Judicial Council; the introduction of the institution of “lateral entry” for the appointment of persons without judicial experience to positions of provincial court judge and of a competitive procedure for the selection of presidents of chambers of provincial courts; the transfer to the Supreme Judicial Council of responsibility for building up the staff reserve for higher judicial positions and hearing disciplinary cases against judges; the changing of the mechanism whereby the President of the Supreme Judicial Council is appointed by the President of the Republic in consultation with the Senate; the introduction of a separate competition for positions of provincial court judge for candidates with special knowledge in certain branches of law; the empowering of the Supreme Judicial Council to make a different judgment when overturning decisions of the Justice Quality Commission; and the introduction of online broadcasting of tender procedures, with a detailed and reasoned explanation of the outcomes.

360. The year 2023 was a year of modernization and reform for the Supreme Judicial Council, which is now a fully-fledged institution with clear functions in the area of human resources.

361. In March 2023, amendments were adopted to various laws: to ensure judges’ equal status, with a reduction in their dependence on court presidents, including through the conversion of posts of court president into judicial positions; to introduce the election of district court presidents by judges themselves; to introduce the election of Supreme Court judges, with the President of the Republic nominating candidates to the Senate on the basis of a system of alternates; to transfer from the Supreme Court to the Supreme Judicial Council responsibility for training of candidates for judgeships, skills development for judges, extension of the age limit for judges, and suspension and termination of the powers of judges; to exclude from the powers of the President of the Supreme Court the right to make proposals for the appointment of judges outside the competitive process; to enshrine the right of judicial candidates to take an internship after receiving a recommendation from the Supreme Judicial Council; to determine the procedure for reviewing recommendations of the Supreme Judicial Council in the event that a judicial candidate receives a negative opinion from the plenum of a court on the outcome of his or her internship; to eliminate the need for opinions on judicial candidates from court plenums; to introduce elections to the position of district court president; and to provide for the election of Supreme Court judges by the Senate, on the basis of a system of alternates.

362. A bill is currently under discussion in Parliament, aimed at improving the institution of disciplinary liability for judges by introducing a new mechanism for the review by the Judicial Panel of every overturned judicial act whose issuance constituted a gross violation of legality by the judge concerned.

363. The procedure for disciplining judges can be divided into several main stages: the initiation of disciplinary proceedings (on the basis of decisions of the plenums of the Supreme Court and provincial courts, decisions of judicial ethics commissions, submissions by the President of the Supreme Court, information contained in media publications, and communications from individuals and corporations that have been corroborated by checks); the preparation and referral of a disciplinary case to the Judicial Panel; the preliminary examination of the disciplinary case; and the disciplinary proceedings against the judge.

364. The disciplinary case must be considered with the participation of the judge in respect of whom the disciplinary proceedings have been initiated. Based on the results, the Judicial Panel must decide to impose disciplinary penalties or terminate the disciplinary proceedings.

365. The sessions of the Judicial Panel may be conducted with the use of audio and video recording and videoconferencing.

366. The types of penalty for judges are as follows: oral reprimand; written reprimand; dismissal from the post of president of a court or president of a court chamber for improper

performance of official duties; and dismissal of a judge from office on the grounds provided for in the Constitutional Act.

367. The grounds for termination of disciplinary proceedings against a judge are as follows: lack of evidence that the judge's actions constituted a disciplinary offence; expiry of the statute of limitations for disciplinary liability; trivial nature of the disciplinary offence committed, which did not have negative legal consequences and did not entail the violation of the rights and freedoms of citizens or the rights and legitimate interests of organizations, if the Judicial Panel concludes that an oral reprimand of the actions (or omissions) of the judge is sufficient; dismissal of the judge from office and termination of his or her prerogatives as the president of a court, president of a court chamber or judge; and setting aside by a higher court of the judicial act that gave rise to the initiation of the disciplinary proceedings.

368. Pursuant to the Act of 27 March 2023, regional procurators were stripped of the authority to approve covert measures (use of special investigative equipment) against judges. This authority is now vested in the Procurator General alone.

369. In November 2022, the Constitutional Act on the Procurator's Office was adopted.

370. Currently, Parliament is considering a bill to expand the powers of lawyers in criminal proceedings by granting them: the right to commission an expert assessment of all evidence (now possible only if there is no need to request the evidence to be examined from the body conducting the criminal proceedings); the opportunity to put questions directly to an expert without having to apply to the investigator; the right to familiarize themselves with the materials from police, counter-intelligence and covert investigations when such materials are submitted for expert assessment; and the right to file, with the court, a defence statement countering the bill of indictment.

### **Freedom of conscience and religious belief**

#### **Reply to the issues raised in paragraph 22**

371. The principles of freedom of conscience and freedom of religious worship adopted by the international community have been enshrined in the Constitution.

372. According to the National Register of Business Identification Numbers, as at January 2024, 966 religious associations were registered in Kazakhstan, including 2 national associations (the Spiritual Administration of Muslims of Kazakhstan, an Islamic association, and the Metropolitan District of the Russian Orthodox Church in the Republic of Kazakhstan, also known as the Orthodox Church of Kazakhstan), 15 regional associations and 949 local associations.

373. Followers of all faiths have ample opportunities in Kazakhstan to fulfil their spiritual needs. The State establishes equal and favourable conditions for all confessions.

374. Social surveys to assess the situation with respect to religion are commissioned on an annual basis by the relevant ministry. According to the results of the 2023 survey, the State policy on religion was supported by 88.8 per cent of respondents (compared with 88.2 per cent in 2022, 88 per cent in 2021 and 90.2 per cent in 2020).

375. On 29 December 2021, the following "targeted" amendments were made to the Act on Religious Activity and Religious Associations. Religious associations may hold religious events at locations other than places of worship without waiting for a reply from the local authorities by switching to the notification-based system, on condition that they provide all the necessary information. The requirements for the registration of regional religious associations have been simplified: one association may have 180 members and another, 320, the main requirement being that there should be 500 initiators. It is also now possible to establish a regional religious association within a single region. Psychologists, sociologists and other specialists may be involved in conducting expert religious assessments. The concept of "informational materials with religious content" has been clarified to mean "printed, electronic and other information of a religious nature on any physical medium".

376. The Act on Military Service and the Status of Military Personnel provides that members of the clergy of registered religious associations are exempt from conscription for military service in peacetime. Provision is made for citizens to defer conscription for military service in order to continue receiving full-time technical, vocational, post-secondary or higher education at relevant educational institutions, full-time education at spiritual or religious educational institutions or full-time education at institutions of higher and/or postgraduate education in other States, until the completion of studies at one institution of higher and/or postgraduate education, upon submission of supporting study-related documents. Military personnel may participate in religious ceremonies as private citizens when off duty.

377. Members of the clergy of registered religious associations are exempt from conscription for military service in peacetime. The right of a person to conscientious objection to military service is not expressly recognized by law. Military status is lost from the date that a person is removed from the roll of the relevant military unit following dismissal from military service or completion of military reserve duty.

378. The activities of local authorities and law enforcement bodies are mainly focused on preventive and awareness-raising work and on minimizing the number of administrative measures imposed.

379. There has been a significant decline in the number of persons held administratively liable for offences related to religion (157 administrative offences were recorded in 2023, compared with 152 offences in 2022, involving five persons fewer).

380. According to the procurator's office, eight organizations have been designated as extremist by the courts. Terrorist offences are those acts specified in article 3 (30) of the Criminal Code.

381. In 2023, 36 persons were convicted of such offences (compared with 233 in the period 2020–2022), including 31 persons convicted under article 256 of the Criminal Code (compared with 143 in the period 2020–2022), 1 person under article 259 (compared with 8 in the period 2020–2022) and 4 persons under article 269 (compared with 11 in the period 2020–2022); in the period 2020–2022, 4 persons were convicted under article 255 of the Criminal Code, 60 persons under article 257, 5 persons under article 258 and 2 persons under article 261.

382. It is important to note that a significant decline in administrative offences related to religion has been observed. In 2022, 152 administrative offences were recorded, which is 21 per cent fewer than the 194 offences registered in 2021.

383. Under article 256 of the Criminal Code (Promotion of terrorism or public calls for the commission of an act of terrorism), 44 cases were completed in 2020, with 36 verdicts handed down and 41 persons convicted; 39 cases in 2021, with 36 verdicts handed down and 45 persons convicted; 53 cases in 2022, with 42 verdicts handed down and 53 persons convicted; and 30 cases in 2023, with 28 verdicts handed down and 28 persons convicted.

384. Under article 259 of the Criminal Code (Recruitment or training or arming of persons for the purpose of organizing terrorist or extremist activities), one case was completed in 2020, resulting in a verdict; three cases in 2021, resulting in a verdict and three convictions; three cases in 2022, resulting in a verdict and five convictions; and one case in 2023, resulting in a verdict and one conviction.

385. Under article 405 of the Criminal Code (Organization of and participation in the activities of a voluntary or religious association or other organization subsequent to a court decision to prohibit its activities or disband it on grounds of its practice of extremism or terrorism), 6 criminal cases were completed in 2023 (in the period 2020–2022, 71 cases were completed, resulting in 15 convictions). Twelve persons were convicted under court rulings that have become enforceable (compared with 105 persons in the period 2020–2022), of whom 6 were sentenced to imprisonment (compared with 15 persons in the period 2020–2022), 2 were exempted from criminal liability and 4 were exempted from restriction of liberty (compared with 89 persons in the period 2020–2022).

386. Under article 490 of the Code of Administrative Offences (Violation of the law on religious activity and religious associations), a total of 155 cases were completed in 2020, with administrative penalties (fines) imposed in 128 cases; in 2021, 173 cases were completed, with administrative penalties (fines) imposed in 134 cases; in 2022, 192 cases were completed, with administrative penalties (140 fines and one warning) imposed in 141 cases; and, in 2023, 266 cases were completed, with administrative penalties (fines) imposed in 211 cases.

387. The civil courts heard 38 cases in 2020 regarding applications to designate an organization carrying out extremist or terrorist activities in the territory of Kazakhstan and/or of another State as extremist or terrorist, including applications concerning a name change by such an organization, and applications to designate informational materials imported to, published, produced and/or distributed in the territory of Kazakhstan as extremist or terrorist, resulting in 34 rulings (compared with 14 cases in 2021, resulting in 14 rulings; 13 cases in 2022, resulting in 9 rulings; and 7 cases in 2023, resulting in 7 rulings).

### **Right to privacy and to freedom of expression and of peaceful assembly**

#### **Reply to the issues raised in paragraph 23**

388. The necessary conditions have been established in Kazakhstan for all persons to exercise their right to freedom of speech, which is guaranteed in article 20 of the Constitution.

389. Criminal justice in Kazakhstan is administered by the courts alone. No one may be found guilty of committing a criminal offence or given a criminal sentence except by verdict of a court in accordance with the law.

390. Restrictive measures are applied strictly within the law, in order to ensure the safety of citizens and respect for public order.

391. Inciting social and ethnic hatred, insulting officials and promoting separatism or terrorism are designated as criminal offences in order to preserve harmonious relations among different ethnicities and religions and peace among their members.

392. Criminal proceedings have been initiated against individual journalists and public figures only in cases in which acts indicative of the commission of criminal offences have been carried out.

393. In such cases, the persons concerned were guaranteed the right of defence, a fair and public trial and the right to review by a higher tribunal.

394. The law provides for the possibility of suspending the provision of communication services, including the Internet, to users only in exceptional cases or in the event of natural, human-caused or social emergencies.

395. The adoption of such measures during the period of the January events in early 2022 was related to the state of emergency declared in various regions and was of an exceptional nature, attributable to the situation of mass unrest that had broken out in the country at that time.

396. During a state of emergency, the States of Emergency Act provides for additional measures and temporary restrictions involving the monitoring of the media, which must provide copies of printed publications and radio and television programmes upon request. These measures are preventive and are necessary in order to anticipate danger and avert mass unrest so that national security can be maintained.

397. Information about “blanket Internet shutdowns, such as during the widespread protests in January 2022 and before and after the extraordinary presidential elections on 20 November 2022” is untrue.

398. No measures were taken to disconnect the Internet during the referendum (held in June 2022), the presidential elections (held in November 2022) or the elections of members of the Majilis (held in March 2023).

399. In Kazakhstan, access to online resources is restricted exclusively in the case of websites found to contain materials considered illegal under both national legislation and

international instruments, including materials that: promote terrorism, extremism or suicide; relate to the distribution of pornography or the sale of narcotic drugs or weapons; constitute propaganda for separatism or terrorism; or incite inter-ethnic discord. Any measures adopted by the Government to restrict the rights in question are necessary to ensure respect for the rights or reputations of others or for the protection of national security or public order, health or morals.

400. According to statistical data, in 2021 no cases were brought or considered under article 158 of the Criminal Code (Obstruction of the lawful professional activities of journalists).

401. In 2022, one criminal case was brought against one person, while, in 2023, three cases were brought against four persons.

402. It should be noted that relatively few cases related to obstruction of journalists' activities per se are brought in the courts, as the number of such cases is minimal.

403. However, there are cases in which journalists have been convicted under the general articles of the Criminal Code. Convictions have predominantly been handed down for insult, organization of and participation in the activities of a voluntary or religious association or other organization subsequent to a court decision to prohibit its activities or disband it on grounds of its practice of extremism or terrorism, and insult of a representative of the authorities.

404. Cases involving administrative offences have also been considered. In the majority of such cases, journalists or bloggers have been convicted under articles 476 (Violation of a state of emergency), 478 (Actions inciting the violation of the rule of law under a state of emergency) and 488 (Violation of the legislation on organizing and holding peaceful assemblies) of the Code of Administrative Offences. Most such offences were associated with the January events.

405. Matters such as respect for human dignity, protection of privacy, reliability of information and mechanisms for refuting and clarifying incorrect information are regulated under the Media Act and the Access to Information Act, as are matters pertaining to the right of everyone freely to receive and impart information.

406. The State upholds the right of every citizen freely to express his or her opinion through various platforms, including in the media – for example, in articles in newspapers, on television and radio programmes and in content posted online, including on social networking websites.

407. Moreover, the choice of the subject matter of published materials and of the orientation of editorial policy is the exclusive prerogative of media outlets themselves. Censorship in Kazakhstan is prohibited by the Constitution and by law.

408. Under article 158 of the Criminal Code, it is a criminal offence to obstruct the lawful professional activities of journalists.

409. All the criminal offences against the person envisaged in the Criminal Code can, when the offences have been established, also be charged against persons who have committed unlawful acts in respect of journalists deemed to be victims in criminal proceedings. The State protects the lawful professional activities of journalists and provides legal guarantees for their exercise.

410. The Ministry of Culture and Information, as the competent State body for the media, maintains the position that obstruction of journalistic activities in any form is inadmissible.

411. The working group to protect human rights defenders, established by Order No. 63 of the Human Rights Commissioner of 8 August 2022, includes representatives of State bodies and the National Bar Association and representatives of civil society working in the field of human rights protection. The purpose of the working group is to develop measures to safeguard the activities of human rights defenders. Meetings of the working group are held as necessary and not less than once each quarter. A total of four meetings of the working group have been held. The agenda of the meetings includes consideration of cases or communications regarding civil society issues that are of public interest.

412. Parliament has passed a legislative initiative repealing the Constitutional Act on the First President of the Republic of Kazakhstan, the Elbasy. Articles 373 and 374 of the Criminal Code, under which it was a criminal offence to publicly insult or otherwise encroach upon the honour and dignity of the first President, to deface images of him, to obstruct his lawful activities or to breach guarantees of his inviolability, have been deleted.

413. Defamation was decriminalized in Kazakhstan on 26 June 2020, when it was made an administrative offence. Article 73 (3) (Defamation) has been added to the Code of Administrative Offences.

414. While article 375 has not been deleted from the Criminal Code, the acts in question are not subject to criminal prosecution in practice.

415. Dissemination of false information has been partially decriminalized with the adoption of the Online Platforms and Online Advertising Act and a package of related amendments on 10 July 2023. Article 456-2 (“Posting and dissemination of false information”) has been introduced in the Code of Administrative Offences.

#### **Reply to the issues raised in paragraph 24**

416. The Act on the Procedure for Organizing and Holding Peaceful Assemblies, a conceptually new law that came into force in June 2020, is one of the first laws drafted at the initiative of the President.

417. Participants in the drafting of the new law included civil activists and NGO representatives. All of their recommendations, including those on the notification procedure for holding public events, have been taken into account in improving the law.

418. An exhaustive list has been established of grounds on which local authorities (*akimat*) may refuse permission for events to be held. A distinction has been made between the liability incurred by organizers, participants, foreign nationals and stateless persons for violating the law in the course of both organizing and holding events.

419. This ensures that all persons are able to actively exercise the right to freedom of assembly.

420. Moreover, liability is considered in exceptional cases and solely by the courts.

421. Organizers of and participants in these events are prosecuted only in cases where there are clear indications of a violation of public order and/or a threat to the security of State institutions. In other cases, where unlawful acts of protest do not exceed the limits of permissibility, no legal action is taken.

422. Since the entry into force of the new law, 1,052 illegal events (held either without prior notification of the authorities or notwithstanding a reasoned decision to refuse authorization) have taken place (from 6 June to the end of 2020, 132 such events took place; in 2021, 421 such events took place; and, since the beginning of 2022, 499 such events have taken place). Only 3.5 per cent of more than 86,000 persons who participated in those events have been held administratively liable by the courts (or 3,050 out of 86,130 persons: 390 out of 1,657 from 6 June to the end of 2020, 263 out of 5,845 in 2021 and 2,397 out of 78,628 since the beginning of 2022).

423. A culture of holding peaceful assemblies is emerging in society, with the themes of such assemblies being shaped by the organizers themselves. In Kazakhstan, peaceful assemblies are being organized on a wide variety of issues, including on the state of the environment and against a bill to block social networks.

424. The right to hold such public events is upheld provided that the organizers and participants comply with the requirements of the current legislation.

425. Notification of peaceful assemblies taking the form of pickets, meetings and rallies must be submitted by the organizer of the peaceful assembly to the local authorities on paper or in the form of an electronic document certified by means of an electronic digital signature at least five working days prior to the date of the holding of the assembly. The local authorities must inform the organizer of the peaceful assembly of the decision taken (art. 10).

426. The local authorities must inform the organizer of the peaceful assembly within three working days of the date of registration of the notification whether permission to hold the assembly has been granted or refused, or make a proposal for a change to the place and/or time of the peaceful assembly.

427. In the event that the organizer of the peaceful assembly decides to cancel it, he or she must immediately inform the local authorities (art. 5).

428. Under the new law, public order in places of peaceful assembly is protected in a new way. Compliance with the rule of law in places of assembly is monitored remotely through the use of video surveillance cameras connected to operational control centres. Where violations of the law are detected, the local authorities and the procurator's office clarify the provisions of the law for participants in the assembly. The police then document the participants' actions for subsequent legal assessment by the procuratorial authorities.

429. Pursuant to paragraph 19 of the national action plan for follow-up to the address of the Head of State to the people of Kazakhstan of 16 March 2022, entitled "New Kazakhstan: the path of renewal and modernization", an instruction has been given to ensure strict compliance with the law.

430. In this connection, the central and local authorities are working to better organize community relations with the aim of upholding the rights of the country's citizens to hold peaceful events as provided for by the Constitution.

431. Violations of administrative legislation on the procedure for organizing and holding peaceful assemblies (Code of Administrative Offences, art. 488): in 2020, 407 cases were completed, with administrative penalties imposed in 404 cases (warnings in 27 cases, fines in 106 cases and administrative detention in 271 cases); in 2021, 338 cases were completed, with administrative penalties imposed in 325 cases (warnings in 18 cases, fines in 103 cases and administrative detention in 204 cases); in 2022, 2,470 cases were completed, with administrative penalties imposed in 2,458 cases (warnings in 466 cases, fines in 212 cases and administrative detention in 178 cases); and, in 2023, 203 cases were brought and 201 cases were considered, with administrative penalties imposed in 196 cases (warnings in 21 cases, fines in 66 cases and administrative detention in 109 cases) and dismissal orders issued in 5 cases. During the reporting period, 1,799 applications for authorization were filed, of which 236 were granted.

## **Freedom of association and the right to participate in public life**

### **Reply to the issues raised in paragraph 25**

432. The Constitution proclaims the fundamental rights and freedoms of the individual and the citizen. Ideological and political pluralism are recognized in Kazakhstan. Citizens of the country have the right to freedom of association.

433. The constitutional reform carried out in 2022, which was supported by the public in a national referendum held on 5 June 2022, included a thorough update of electoral law. A new procedure was established for the election of officials to State executive and administrative bodies at the central and local levels. Pursuant to those rules, representative institutions are formed under a mixed proportional-majoritarian system.

434. The amendments made to the Constitution included the transition from a super-presidential form of government to a presidential republic with a strong parliament; the expansion of parliamentary powers; a prohibition on membership of a party for members of the security services and other public servants; the simplification of the registration procedure for political parties; the modernization of the electoral process; the complete abolition of the death penalty; and the revival of the Constitutional Court.

435. The institution of the parliamentary opposition or minority was introduced. In elections to the Majilis, a 30 per cent quota is stipulated for women, young people and persons with disabilities on party lists, which will facilitate their more active participation in the sociopolitical life of the country. A mixed electoral system has been put in place.

436. The threshold for political parties to enter the lower house of Parliament has been reduced from 7 to 5 per cent, which will enhance political competition and allow the widest possible range of public opinion to be taken into account in the formulation of State policy.

437. Direct elections of administrative heads of district centres, villages, settlements and rural areas were introduced from July 2021. Candidates for election will be able to nominate themselves by collecting signatures from at least 1 per cent of the total number of voters or be nominated by political parties.

438. The three forums for dialogue established in 2022 within the Central Electoral Commission – the Expert Council, the Young Voters' Club and the Working Group on Guaranteeing the Electoral Rights of Persons with Disabilities – are evolving rapidly. Within the Expert Council, a tradition of broad, open discussion regarding the outcomes of international observation of national elections in Kazakhstan is developing. In parallel, a format of regular direct dialogue between Central Electoral Commission members and the public and young people in the regions, during election campaigns and in the periods between elections, is taking shape. Electoral commissions carry out their activities in a spirit of collegiality, transparency and openness.

439. All sessions of the Central Electoral Commission are broadcast online and take place in a hybrid format: online and offline, with sign language interpretation.

440. Political parties, trade unions and other associations of citizens established on a voluntary basis to achieve statutory objectives that do not contravene the country's legislation are recognized as voluntary associations. Voluntary associations are non-profit (non-governmental) organizations.

441. The State does not intervene in the affairs of voluntary associations, nor voluntary associations in the affairs of the State, and voluntary associations are not assigned the functions of State bodies.

442. On 2 December 2015, a law was adopted providing for the introduction of new forms of NGO funding in the form of grants and awards for NGOs, the creation of an operator in relation to grant funding for NGOs (the Civic Initiative Support Centre, a non-profit corporation) and the introduction of NGO reporting to a database of NGOs (<http://www.infonpo.gov.kz>). To give effect to the above-mentioned law, rules for the provision by NGOs of information on their activities and for the establishment of the NGOs database were approved, pursuant to Order No. 51 of the Minister of Culture and Sport of Kazakhstan of 19 February 2016.

443. The NGOs database is an information bank that is being developed in order to ensure the transparency of NGO activities, raise public awareness of NGOs and assist with the placing of State social procurement orders, the provision of grants and the conferring of awards.

444. The database portal has been online and providing freely accessible information about NGO activities and associated baseline data since autumn 2017.

445. This has created additional opportunities for citizens and donors to work with the civil sector (users of the database include local authorities and government agencies, NGO partners, foreign donors, embassies, Kazakh commercial companies and the media).

446. Kazakhstan is implementing Financial Action Task Force Recommendation 8 to reduce the risks of involvement of non-profit organizations in money laundering and the financing of terrorism.

447. The rule on reporting foreign funding does not obstruct the funding of NGOs and other foreign organizations from foreign sources. The Tax Code does not provide that a licence or permit is required for official foreign funding. While NGOs may spend money received from abroad as they choose, they must notify the competent authority about the purpose of their spending (reporting on foreign funding is based on international practice).

448. According to the National Register of Business Identification Numbers, as at January 2024 there were 12,039 voluntary associations registered in the country: 502 trade unions, of which 3 are national trade union associations, 54 are sectoral trade unions, 24 are regional

trade union associations and 421 are local trade unions; 7,324 foundations; 1,637 alliances of legal entities in the form of associations or unions; and 2,951 private institutions.

449. A total of 23,951 NGOs are registered as legal entities of the above-mentioned types.

450. Pursuant to article 28 of the Entrepreneurial Code, publicly available information about a business entity includes the family name, given name and patronymic of its director; the name and date of registration of the legal entity; and its identification number, legal address (location) and type of activity.

451. The Open Data portal (data.egov.kz) contains complete information, available to download, on all legal entities and their branches and representative offices registered in Kazakhstan.

452. Pursuant to the Trade Union Act, a trade union is established at the initiative of a group of at least 10 citizens linked by common professional interests, who convene a constituent congress to approve a charter and form trade union bodies.

453. Trade unions are established on the basis of the equality of their members. There is no limit on the number of trade unions that may be established within one sector or organization. All trade unions must be granted equal legal opportunities. The conditions and procedure for membership of a trade union and withdrawal from or forfeiture of membership are determined by the trade union's charter.

454. The procedure for State registration of political parties in Kazakhstan is specified by the Political Parties Act.

455. A law passed on 5 November 2022 provides for simplification of the procedure for establishing political parties. The minimum number of citizens who may initiate the establishment of a political party was reduced from 1,000 to 700 persons; the deadline for holding a constituent congress was extended from two to three months; the registration threshold was lowered from 20,000 to 5,000 party members; the minimum number of regional representatives was reduced from 600 to 200 persons; and the deadline for establishing branches or representative offices of the party was increased from six months to one year.

456. Simplifying the requirements for the registration of parties will increase the number of initiatives to establish them and, taking into account the above-mentioned changes, will make the establishment procedure significantly more straightforward.

457. According to the National Register of Business Identification Numbers, as at January 2024, seven political parties were registered (Amanat, the Ak Zhol Democratic Party of Kazakhstan, the People's Party of Kazakhstan, the Auyl National Democratic Party, the National Social Democratic Party, the Baitak Kazakh Green Party and Respuplica).

458. Six out of seven parties participating in the elections to the Majilis on 19 March 2023 were successful, which is an important step towards democratization and party pluralism.

459. The conditions and procedure for membership and withdrawal from membership of a political party and the rights and obligations of members are specified in the political party's charter.

460. The activities of a political party may be suspended by court decision for a period of between three and six months if it violates the Constitution and legislation; if it routinely engages in activities that contravene its charter; if its leaders call publicly for extremist acts; or if it fails to comply with the requirements of article 10 (6) of the Act, relating to the number of members in a party.

461. A political party can be dissolved by decision of its supreme body; at the proposal of at least 51 per cent of its members representing at least half the regions; or by court order.

## **Rights of the child**

### **Reply to the issues raised in paragraph 26**

462. Kazakhstan takes active steps to combat violence against children. Work to prevent violence among minors is subject to special monitoring and will continue as part of the implementation of the Comprehensive Plan to Protect Children from Violence, Prevent Suicide, and Ensure Children's Rights and Welfare for 2023–2025.

463. The Interdepartmental Commission for Minors and their Rights within the Ministry of Education deals with issues related to children's rights, as do 238 regional commissions, 15 ministries, administrations at all levels and 20,000 educational, health and social protection bodies and organizations.

464. The first specialized inter-district juvenile courts were established in 2007. On 4 February 2012, such courts were established in all provincial centres.

465. Juvenile courts are established as courts with comprehensive jurisdiction, which hear criminal cases involving offences committed by minors and criminal cases involving offences that violate the rights of minors, as well as civil and administrative cases.

466. As from 1 September 2023, the jurisdiction of specialized inter-district juvenile courts was expanded.

467. A number of categories of civil case relating to the protection of the rights and interests of minors were transferred to their jurisdiction, including, for example, cases involving the dissolution of marriage and the division of property between spouses with common minor children.

468. In 2016, the post of Commissioner for Children's Rights was established pursuant to a presidential decree to improve the system for the protection of children's rights. In 2022, regional commissioners were appointed by administrative heads in each region on a voluntary basis. NGOs also make a considerable contribution to child protection.

469. Like the Human Rights Commissioner, the Commissioner for Children's Rights enjoys direct access to all branches of government for the purpose of raising important issues and influencing human rights policy.

470. As part of efforts to uphold the legitimate rights and interests of children, since 2019 the Commissioner for Children's Rights has been active in such areas as handling of communications from citizens and voluntary organizations regarding violations of children's rights; suppression of child trafficking schemes; protection of the rights of children living in children's residential care institutions (orphanages, children's homes and medical and social institutions); introduction of a system of foster families as a substitute for residential care institutions for children; provision of medicines to sick orphan children; a reform to introduce per capita funding for public procurement in relation to sports and creative activities to expand children's mass sports and creative learning; a reform to reduce disability among children; reforms to provide all schoolchildren with free hot meals and school uniforms at a discount; and cooperation with international institutions and the Ministry of Foreign Affairs, and the return of children illegally taken abroad. The Commissioner for Children's Rights participated in Operation Rusafa to remove children from Baghdad. Likewise, as part of the Zhusan special operations in Syria, Kazakhstan removed 725 people, of whom 500 were children, from a terrorist hotspot.

471. A law passed on 3 May 2022 introduced the concept of bullying of a child, codified the right of children to protection from bullying and established the competence of the responsible body in the field of education to develop the Rules for the Prevention of Bullying of Children and the Rules for the Activities of the Psychological Service in Secondary Education Institutions. Details of the action to be taken by educational authorities and establishments in cases of bullying have been elaborated for the first time in order to improve the availability and quality of individual support for children who have been bullied.

472. To improve the quality of criminal investigations in cases of sexual violence against children, the specialization of female investigator has been introduced in the investigative units of internal affairs agencies, and permanent investigation task forces staffed by the most

experienced investigators, including 365 female investigators, have been set up in local areas to detect and investigate such crimes. A system of special procuratorial supervision in relation to violent crimes of a sexual nature committed against minors has been established. Such supervision allows for the immediate initiation of pretrial investigations in cases of omissions, negligence and improper performance of official duties on the part of persons responsible for safeguarding the lives and health of children.

473. In January 2021, a law entered into force providing for increased penalties for rape and violent acts of a sexual nature committed against minors through the recategorization of those crimes as serious offences. The possibility of conciliation with victims is excluded and a term of imprisonment for 20 years or life imprisonment without the right to pardon or parole is provided for. The list of offences against the sexual inviolability of minors has been expanded with the addition of, for example, articles on the recruitment of minors into prostitution and production of articles with erotic content, and on the production and circulation of materials or objects with pornographic images of minors, as well as on the inducement of minors to take part in performances of a pornographic nature. The minimum penalty for rape has been increased from 15 to 17 years' imprisonment. The penalty for the commission of the act by a parent, step-parent, teacher or other person entrusted with child-rearing responsibilities under national law has been increased from 17 to 20 years. The penalty for acts resulting in the death of the victim by negligence has been increased to imprisonment for 20 years or life imprisonment. A term of up to 6 years' imprisonment is envisaged for persons who have concealed offences against the sexual inviolability of minors. Failure on the part of education, healthcare and social protection workers to report violations of the rights of minors to law enforcement agencies is now punishable under administrative law. Reference to the "knowledge" test for crimes against minors has been removed from articles 120 and 121 of the Criminal Code. This has made it possible to register all offences without proving that the offender was aware of the age of the victims.

474. A child well-being index was developed in 2021 to assess child well-being and the effectiveness of national policies aimed at establishing certain conditions for children in different spheres.

475. Under article 122 of the Criminal Code, it is an offence to engage in sexual relations or other acts of a sexual nature with a person under the age of 16 years.

476. In 2020, 235 persons were convicted under article 122 of the Criminal Code; in 2021, 190 persons were convicted; in 2022, 180 persons; and in 2023, 163 persons.

477. A law passed on 17 March 2023 defined the concept of "ill-treatment" and established criminal liability for such conduct; the law provides for the serving of a sentence to be postponed in the event that a convicted person is seriously ill and for the immediate execution of a court order to release a convicted person or to replace his or her punishment with a milder one because of serious illness; the period during which a child may stay with his or her mother has been increased from three to four years if she is to be released, upon completion of her sentence, within one year; and it is ensured that inmates with previous convictions are separated from first-time offenders.

478. The Ministry of Science and Higher Education has instructed the country's higher education establishments to systematically organize awareness-raising activities to combat violence against children and child abuse.

479. As part of the implementation of the Higher Education and Science Development Framework for 2023–2029, higher education establishments will put in place conditions to ensure that education is inclusive and that individual learning paths are developed for students with special educational needs. In addition, plans have been established to guarantee inclusive education with a focus on providing the necessary resources and support not only to learners with special needs related to health conditions, but also to those with special needs related to such factors as socioeconomic status, gender and language of instruction (for example, for international students).

480. Pursuant to the Social Code, special social services are provided to victims recognized, under the procedure established by law, as persons in need of such services. In the field of social protection, victims of domestic violence are provided with a guaranteed level of special

social services in accordance with the Standard for the provision of special social services for victims of domestic violence (Ministry of Labour and Social Protection Order No. 263 of 29 June 2023).

481. There are presently 46 crisis centres in Kazakhstan that provide special social services to victims of domestic violence: 15 in the public sector and 31 under contract to the Government.

482. In 2022, special social services were provided to 3,766 victims of domestic violence, including 1,017 children admitted with their parents. From 2017 to 2022 inclusive, a total of 14,000 people received services.

483. By the end of the first half of 2023, a total of 2,472 persons had received special social services in crisis centres, including 1,657 children.

484. National legislation provides all of the necessary conditions to ensure timely registration of births and to prevent child statelessness from the moment of birth, including in the absence of identity documents. A birth record may be registered on the basis of one of the following documents: a medical record of birth or a court decision establishing the fact of the child's birth.

485. Birth certificates are issued on the basis of registered birth records. Birth certificates contain the family name, given name, patronymic (if desired), date and place of birth and individual identification number of the child and information about the parents (full name, nationality and citizenship).

486. In 2019, to prevent child statelessness, the Marriage and Family Code was supplemented with a rule providing for the issuing of birth certificates for children born in a medical establishment to a mother without identity documents on the basis of information provided by her verbally (art. 187).

487. The amendments adopted address issues concerning prompt State registration of children at the time of their birth.

488. The list of documents for the registration of the births of children whose certificates were issued outside Kazakhstan has been extended to include such documents as foreign birth certificates and copies of birth records or medical records of birth (Marriage and Family Code, art. 188 (4)). This development enables parents to receive in full such State services as placement on the waiting list for pre-school establishments, registration with medical establishments and assignment of targeted social assistance.

489. A law passed on 14 July 2022 provides for the possibility of sending certificates of the State registration of records electronically or on paper (as desired).