



International Covenant on Civil and Political Rights

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Human Rights Committee

List of issues prior to the submission of the third periodic report of Kazakhstan*

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

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the Committee's previous concluding observations.¹ In the light of the Committee's previous concluding observations (para. 6)² and the lack of implementation of the Views adopted by the Committee concerning the State party's violations of the Covenant, please report on any mechanisms in place to implement the Views, including providing victims with an effective remedy for the violation of their rights.

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

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Please provide information regarding the measures taken to give full effect to the provisions of the Covenant in national legislation and to raise awareness of the Covenant among judges, prosecutors, lawyers and the general public. Please provide examples of cases in which the Covenant has been invoked or applied by national courts.

3. In the light of the Committee's previous concluding observations (para. 8), please describe the measures taken to bring the Human Rights Commissioner (Ombudsperson) fully into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). Please include information about: (a) the measures taken to further strengthen the independence of the Ombudsperson and to provide a broad and clear mandate and mechanisms that enable it to engage in all human rights issues; (b) the human and financial resources provided to the Ombudsperson institution during the reporting period; and (c) the steps taken to ensure consistent implementation of the Ombudsperson's recommendations.

* Adopted by the Committee at its 137th session (27 February–24 March 2023).

¹ [CCPR/C/KAZ/CO/2](#).

² Unless otherwise indicated, paragraph numbers in parentheses refer to [CCPR/C/KAZ/CO/2](#).



Anti-corruption measures (arts. 2 and 25)

4. Please describe the legal and institutional frameworks in place to prevent and combat corruption effectively, including by providing detailed information on: (a) the mandates of the State party's anti-corruption bodies, including the Anti-Corruption Agency, and the steps taken to ensure their independence and efficacy in fighting corruption; and (b) the steps taken to ensure transparency and public access to government information. Please provide statistical information on the number of investigations, prosecutions, convictions and sanctions imposed in cases of corruption during the reporting period and, in particular, information about cases involving officials at all levels of government, the legislature and the judiciary, including the public prosecution.

Fight against impunity and past human rights violations (arts. 2, 6, 7 and 14)

5. Recalling the Committee's previous concluding observations (para. 18), and the report on follow-up to the concluding observations of the Committee,³ please describe all the measures taken to respond to the allegations that the investigations conducted in relation to the deaths and injuries in the context of the protests in Zhanaozen on 16 and 17 December 2011 were neither independent, impartial nor effective, and that they involved torture, threats and intimidation. In that regard, please provide information on the number of complaints received alleging torture or ill-treatment of detainees throughout the investigations, including forced confessions and fair trial violations, such as denial of access to counsel. Please also provide information on the number of investigations carried out, the prosecutions and convictions handed down, the sanctions imposed and the remedies provided for victims or their families.

Non-discrimination (arts. 2, 19, 20 and 26)

6. Recalling the previous recommendations of the Committee (para. 10), please report on the steps taken to adopt comprehensive anti-discrimination legislation in order to: (a) provide full and effective protection against direct, indirect and multiple discrimination in all spheres, including in the private sphere, and on all the grounds prohibited under article 26 of the Covenant; and (b) provide accessible and effective remedies in judicial and administrative proceedings for victims of discrimination. In that regard, please provide disaggregated data on complaints of discrimination received and brought before the national courts and any other complaints bodies under article 145 of the Criminal Code and article 14 of the Constitution during the reporting period, and include information about the basis of discrimination, the nature of the investigations conducted and their outcomes, and any forms of redress provided to victims. Please also discuss the efforts made, including initial and continuing training for judges, prosecutors, members of the security forces and medical practitioners, and awareness-raising campaigns and their impact, as well as legislative amendments, to prevent and punish hate crimes, hate speech, including online hate speech, and other acts of discrimination against, stigmatization and social exclusion of and violence against, in particular, women, ethnic minorities, persons with disabilities and persons living with HIV/AIDS, and on the basis of sexual orientation or gender identity, providing also data on the prosecution of hate crimes and the outcomes of such prosecution.

7. In view of the Committee's previous concluding observations (para. 10), please report on efforts made to address discrimination and violence against persons based on their sexual orientation and gender identity and to guarantee sufficient protection of lesbian, gay, bisexual and transgender persons. In that regard, please indicate: (a) whether the existing legal framework, including articles 121–123 of the Criminal Code, has been reviewed or amended in accordance with the provisions of the Covenant to eliminate discriminatory language and guarantee adequate protection; (b) whether efforts have been made to ensure that the procedures for gender reassignment surgery and sex change are compatible with the Covenant; and (c) the measures taken to ensure that all cases of discrimination or violence against persons based on their sexual orientation or gender identity, including cases of police brutality, are properly investigated and sanctioned, and that victims have access to effective

³ [CCPR/C/123/2](#), pps. 17–22.

and appropriate remedies. Please also detail efforts to raise awareness of the right to non-discrimination and the legal remedies available should those rights be violated.

Gender equality (arts. 3 and 26)

8. Please provide information on the measures taken to ensure, in law and in practice, substantive equality between women and men and to address the discriminatory situation of women in various areas of life, including limited opportunities for education and employment, limited access to information and discrimination in land rights and property rights. Please discuss the efforts made to: (a) achieve equitable representation of women in the private and public sector as well as in political life, especially in decision-making positions of elected and appointed bodies, in particular in ministries, the Senate, the foreign service, the armed forces and local administrations and representative bodies; and (b) tackle the significant gender pay gap, including the measures adopted to address it.

Counter-terrorism measures (arts. 2, 4, 7, 9 and 14)

9. Recalling the previous recommendation of the Committee (para.14), please report on the steps taken to bring the State party's counter-terrorism and counter-extremism legislation and practices into full compliance with its obligations under the Covenant. In that regard, please: (a) indicate whether the relevant legislative provisions have been revised to eliminate the broad formulation of the concepts of "extremism", "inciting social or class hatred" and "religious hatred or enmity"; (b) provide information on the measures taken to ensure, in law and in practice, that persons charged with terrorism or "extremism" offences are afforded all procedural guarantees under article 14 of the Covenant; and (c) provide statistical information disaggregated by sex, age and ethnicity of persons tried and/or convicted, specifying the acts investigated, the charges brought and the sentences handed down during the reporting period.

Violence against women and domestic violence (arts. 2, 3, 6, 7 and 26)

10. With reference to the Committee's previous concluding observations (para. 12), please indicate the legislative and other measures, including the concept of gender and family policies until 2030 and the related action plan, taken to prevent and combat violence against women and girls, including domestic and sexual violence, particularly in the light of the increased number of cases of domestic violence during the coronavirus disease (COVID-19) pandemic. Please report on whether steps have been taken to review and amend current legislation, including the Criminal Code, the Code of Administrative Offences and the law on domestic violence, with a view to bringing it in line with international standards, including by: (a) ensuring criminalization of all acts of violence against women, including domestic violence, rape, sexual harassment, stalking and forced and early marriage; (b) classifying acts of violence against women, including domestic violence, as public prosecution cases subject to ex officio investigation and prosecution, and eliminating all provisions allowing impunity for perpetrators; (c) prescribing appropriate penalties commensurate with the gravity of the abuse; and (d) updating any and all definitions of rape to be consent-based in accordance with international human rights standards, with a specific focus on articles 120, 121 and 123 of the Criminal Code, and ensuring a victim-centred approach to investigations and prosecution.

11. Please provide information on the measures taken to: (a) encourage reporting by victims of violence against women, including through combating social stigma and increasing victims' access to justice; and (b) ensure adequate funding for victim support services and the availability of shelters throughout the country, especially for victims of domestic violence and their children. Please also provide disaggregated statistical data on: (a) the number of complaints filed concerning the various forms of violence against women, including domestic and sexual violence; (b) the investigations into and prosecutions of those complaints; (c) the sentences handed down; and (d) the measures taken for the protection, compensation and rehabilitation of victims.

Voluntary termination of pregnancy and sexual and reproductive rights (arts. 3, 6 and 7)

12. Please report on the progress made in ensuring access to adequate and affordable sexual and reproductive health services for all, particularly women and adolescents, including in rural areas. In particular, please discuss the efforts made by the State party to: (a) ensure adequate access to safe abortion services and contraception for all; and (b) provide education and awareness-raising programmes, especially youth-friendly programmes and programmes for persons with disabilities, and training for health-care providers on the importance of using contraceptives and on sexual and reproductive health rights.

Right to life and excessive use of force (arts. 2, 6 and 21)

13. With reference to the Committee's previous concluding observations (para. 20), please provide statistical data on the number of deaths, including by suicide, in closed institutions, such as pretrial, penitentiary and medical facilities (including the detention centre of the National Security Committee) and in police custody, during the reporting period, disaggregated by place of detention, sex, age, ethnic origin or nationality. Please also indicate the cause of death and provide information on the investigations, prosecutions and sanctions of those found responsible. In that connection, please also provide information on the measures taken to prevent such cases of death. Please also report on measures taken to address the high rate of self-inflicted deaths (suicides), particularly among youth and women, and the impact thereof, providing relevant statistics.

14. Please provide information on the legal framework relating to the use of force by the police, including during demonstrations. Please indicate whether the relevant laws comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement. Please comment on allegations of excessive use of force by the security forces and police officials, especially during the widespread protests in January 2022, which left 238 persons deceased, including 219 civilians and 19 officers, and at least 5,000 injured. Please provide information on the number of complaints filed, disciplinary proceedings and investigations of law enforcement officials conducted, and prosecutions initiated, as well as on the sentences and penalties imposed on perpetrators, and on whether there are cases in which law enforcement officials have been granted immunity or special protection when they have used force.

Prohibition of torture and other cruel, inhuman or degrading treatment (art. 7)

15. Recalling the Committee's previous concluding observations (paras. 22 and 24) and the report on follow-up to the concluding observations of the Committee,⁴ please provide information on measures taken to prevent, investigate and punish human rights abuses and violations committed by law enforcement officials, especially torture and ill-treatment, and on the training provided to law enforcement officials. In that regard, please: (a) indicate the steps taken to amend article 146 of the Criminal Code, with a view to bringing its definition of torture into accordance with article 7 of the Covenant and other internationally accepted standards, and ensure that torture cannot be justified under any circumstances and that the standards of proof and credibility for evidence applied are appropriate and reasonable for determining whether acts amount to torture or ill-treatment; and (b) describe the efforts made to ensure that investigations into allegations of torture and other ill-treatment are carried out by an independent body and are not unduly delayed, and that the charge of "false reporting of a crime" is not used against victims. Furthermore, please provide statistical information on the number of complaints relating to torture and ill-treatment filed against police officials, especially in the context of the protests in January 2022, and the disciplinary proceedings and actions brought in those cases, the number of investigations into cases of torture and ill-treatment, indicating the prosecutions, convictions and sanctions handed down, and the protection measures put in place and the compensation provided to victims in such cases.

⁴ CCPR/C/123/2, pps. 17–22.

Treatment of persons deprived of their liberty (art. 10)

16. In light of the Committee's previous concluding observations (para. 32), please describe the steps taken to improve the material conditions of detention in relation to hygiene, overcrowding, infrastructure and health-care services, especially in the context of the COVID-19 pandemic, in all places of deprivation of liberty, including pretrial detention facilities. Please provide information on the mandate of the national preventive mechanism, indicating: (a) whether it covers and provides for visits to all places of deprivation of liberty without restriction, and if prior authorization is required before conducting a visit to a detention facility; and (b) the measures in place to ensure its full functional and operational independence in line with international standards. Furthermore, please also provide statistical information on the number of individuals who have inflicted self-harm while deprived of their liberty, and describe measures to prevent and investigate the causes of such behaviour.

Liberty and security of person (art. 9)

17. In light of the Committee's previous concluding observations (paras. 26, 28 and 30), please indicate all measures taken to bring its legislation and practices into compliance with article 9 of the Covenant, taking into account the Committee's general comment No. 35 (2014) on liberty and security of person, and to ensure full respect of the fundamental procedural safeguards for detained persons from the very outset of detention, including the rights to be informed promptly of the reason for detention, to have prompt access to a counsel of their own choosing, to be brought before a judge within a prompt and prescribed time frame and to have access to a medical assessment. Please also provide: (a) information on the measures taken to remedy any violations of these rights, including arbitrary arrest and detention; and (b) statistical data on the number of complaints presented, investigations carried out and prosecutions and sanctions handed down, especially in the context of the demonstrations held in June 2019 and January 2022 and of counter-terrorism operations.

18. With reference to the Committee's previous recommendation (para. 30), please respond to reports of the continued practice of: (a) the preventive detention of activists, including during the days prior to the presidential election in November 2022; and (b) prolonged pretrial detention. In that regard, please provide statistical data on: (a) the number of individuals, including opposition and human rights activists, who have been arrested and held in administrative detention on suspicion of planning demonstrations; and (b) the number of pretrial detainees and the actual application of alternative measures during the reporting period. Please also indicate the measures taken to abolish the practice of preventive detention and reduce the number of persons in pretrial detention and the duration of such detention, including by increasing the use of non-custodial measures and penalties, in line with the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

Elimination of slavery, servitude and trafficking in persons (arts. 2, 7, 8 and 26)

19. Recalling the Committee's previous concluding observations (para. 34), please provide information on: (a) measures taken to address all forms of exploitation, forced labour and trafficking in human beings, including any training and awareness-raising programmes for police officials, border personnel, judges, prosecutors, lawyers and other relevant personnel, and to ensure all relevant legislation is in line with international standards; (b) the measures taken to strengthen victim identification mechanisms, especially in regard to migrants and children, and to provide adequate psychosocial support and legal protections to them, including by protecting the right of foreign victims not to be charged with violating immigration rules and forcibly repatriating them; and (c) measures taken to ensure effective investigation and prosecution of trafficking cases, including by addressing corruption in law enforcement activities related to trafficking and refraining from unnecessarily classifying such crimes under provisions that provide for lesser penalties. Please provide statistics for the period under review on the number of complaints, investigations, prosecutions and convictions for trafficking during the reporting period, as well as on the sentences handed down to perpetrators.

Treatment of aliens, including asylum seekers, refugees and stateless persons (arts. 7, 9, 12, 13 and 24)

20. Recalling the Committee's previous concluding observations (para. 44), please report on the measures taken to ensure that all persons applying for international protection in the State party, including individuals without valid identity documents or who cross the border in an irregular manner, have access to fair and efficient asylum procedures and protection against refoulement, as well as against administrative and criminal liability, and to an appeal mechanism with suspensive effect against negative decisions on asylum, including at all border points. In that regard, please: (a) address concerns that article 10 (1) and (3) of the law on refugees may pose significant restriction on those crossing the border to apply for asylum, and that article 392 of the Criminal Code is being used to criminalize those fleeing persecution and torture in Xinjiang, China; and (b) respond to concerns relating to multiple cases of forcible return of asylum seekers, including before they had submitted a formal asylum application or before a final decision on their asylum application had been issued. Please provide information on the number of diplomatic assurances accepted during the reporting period and the measures taken to ensure that appropriate, effective and independent post-transfer monitoring of individuals who were transferred pursuant to diplomatic assurances was in place. Please also provide information on the current number of stateless persons in the State party and on the measures taken to ensure adequate safeguards against statelessness in the processes for renunciation and loss of citizenship, or at birth, including the measures taken to ensure birth registration for all children born on the territory of the State party, regardless of the parents' lack of valid identity documents, their unclear legal status or in cases where children's foreign parents are not able to transmit their nationality to them.

Access to justice, independence of lawyers and the judiciary and right to a fair trial (arts. 2 and 14)

21. Bearing in mind the Committee's previous concluding observations (para. 38), please report on: (a) the efforts made to safeguard, in law and in practice, the independence of lawyers and the judiciary, including any steps taken to ensure the independence and transparency of the Supreme Judicial Council, and to guarantee the independence, impartiality, competence and tenure of judges and prosecutors. In that regard, please also provide information on the amended legislation approved in June 2021 requiring attorneys to become members of a State chamber and to register with a government-controlled digital information system and its compatibility with the Covenant, as well as information on the current procedures and criteria for the selection, appointment, promotion, suspension, disciplining and removal of judges and prosecutors; (b) the measures taken to combat corruption and political interference in the judiciary, providing statistical data on the number of judges and prosecutors that have been investigated, prosecuted and punished for corruption; and (c) the concrete measures taken to ensure access to justice and a fair trial for all, including access to a counsel of one's own choice, especially in cases involving State secrets. Furthermore, please describe the steps taken to ensure that there is a specialized justice system for children, particularly within the criminal justice system.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

22. In connection with the previous concluding observations (paras. 46 and 48), please provide information on all the steps that have been taken to uphold freedom of conscience and religious belief within the State party. In that regard, please report on the progress made to: (a) ensure the legal recognition of conscientious objection to military service and provide for alternative service of a civilian nature for conscientious objectors; and (b) revise and amend all relevant practices and laws bringing them into line with article 18 of the Covenant, including article 22 of the Constitution and the 2011 law on religious activity and religious associations (2011 Religion Law), particularly describing the amendments introduced in December 2021 and their compatibility with the obligations under the Covenant. Please also provide statistical data on the number of criminal and administrative convictions, fines and court actions taken against individuals and groups for unsanctioned religious activity, including any prosecutions of individuals for actions claiming to "promote terrorism", as well

as on the number of organizations that have been designated as “extremist” and the actions taken against them.

Right to privacy and to freedom of expression and of peaceful assembly (arts. 17 and 19–21)

23. Recalling the previous recommendation of the Committee (para. 50), please provide information about whether steps have been taken to decriminalize all offences relating to free expression, including those in articles 373 and 375 of the Criminal Code related to defamation and insulting the President, and to bring all legislation into line with articles 17 and 19 of the Covenant, taking into account the Committee’s general comment No. 34 (2011) on the freedoms of opinion and expression. Please respond to reports of: (a) systematic restrictions on online expression, especially during critical political moments, such as elections and protests, including surveillance through the use of spyware and government “national security certificates” on digital devices, website throttling or blocking, shutdowns of independent media outlets, blanket Internet shutdowns, such as during the widespread protests in January 2022 and before and after the extraordinary presidential elections on 20 November 2022, and of social media users facing criminal proceedings for allegedly inciting social and ethnic hatred, insulting government officials and promoting separatism or terrorism; and (b) ongoing harassment and threats of litigation against journalists, leading to their self-censorship, and the application of criminal law provisions to arrest, detain and prosecute independent journalists, human rights defenders and political activists. In that connection, please provide statistical data on the number of social media users, journalists, political activists and human rights defenders who have faced criminal charges and proceedings during the reporting period, and on the complaints of harassment of and threats and violence against human rights defenders and journalists, including those related to the alleged use of spyware against them, and on the outcomes of those complaints. Please also describe the measures taken to guarantee the safety and integrity of such individuals and to ensure that they are able to exercise their professions fully without restrictions, including any activities carried out by the working group to protect human rights defenders, whose creation was announced by the Ombudsperson in March 2022.

24. Bearing in mind the Committee’s general comment No. 37 (2020), on the right to peaceful assembly, as well as the Views adopted by the Committee under the Optional Protocol, please elaborate on the law adopted in 2020 concerning the procedure for organizing and holding peaceful assemblies and discuss its compatibility with the Constitution and the Covenant, including with regard to provisions: (a) requiring prior authorization for holding assemblies not strictly specified in the law; (b) establishing that peaceful assemblies, other than single-person pickets, can only be held in special places allocated by the local authorities and limiting the definition of picketing to single-person events; and (c) prohibiting foreigners, stateless persons and refugees from organizing and participating in peaceful assemblies, as well as prohibiting minors from organizing peaceful assemblies. Please provide data on the number of applications made for peaceful assemblies and the number of such applications granted within the reporting period.

Freedom of association and the right to participate in public life (arts. 22, 25 and 26)

25. With reference to the previous concluding observations (para. 54), and the report on follow-up to the concluding observations of the Committee,⁵ please provide information on the steps taken to revise regulations and practices that restrict freedom of association, including: (a) removing difficult registration processes for non-governmental organizations (NGOs), political parties and trade unions; and (b) eliminating undue control and interference in the activities conducted by NGOs, political parties and public associations, such as the additional reporting requirements for NGOs receiving funding from foreign sources and harsh penalties for non-compliance. Please describe the procedures and the grounds for the suspension or dissolution of political parties, as well as whether such decisions are subject to judicial review, and provide statistical data on the number of political parties, NGOs and trade unions that have applied for registration and whether registration was granted, and on

⁵ CCPR/C/123/2, pps. 17–22.

the number of people who have been detained or imprisoned for non-compliance. In that connection, please also indicate how many such entities have been suspended or have been the object of dissolution and the grounds for such decisions. Please report on the legislative and other measures taken to: (a) encourage and promote political pluralism, including genuine political opposition; (b) ensure the holding of free, fair and transparent elections; and (c) ensure the right to vote for all.

Rights of the child (arts. 23, 24 and 26)

26. Please provide information on the measures taken to: (a) prevent and combat violence against children, including sexual violence, reporting on whether establishing a minimum age for consensual sex is under consideration and including information on the investigation, prosecution and conviction of perpetrators, and the provision of protection, including shelters, and of redress to victims; (b) prohibit, in law and in practice, the corporal punishment of children; and (c) prevent the institutionalization of children, especially children with disabilities, improve living conditions in care institutions for children, create multiple forms of reporting of possible abuses and conduct close monitoring of such institutions, including with a view to combating cases of violence therein. Please also provide information on the measures taken to ensure that all children are duly registered at birth and on the work of the Ombudsperson on the Rights of the Child, including the steps taken to ensure adequate access, both internally and externally, to address violations of those rights and to handle alleged violations of children's rights by State bodies.
