



International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the third periodic report of Kazakhstan*

1. The Committee considered the third periodic report of Kazakhstan¹ at its 4226th and 4227th meetings,² held on 24 and 25 June 2025. At its 4252nd meeting, held on 11 July 2025, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State Party for having accepted the simplified reporting procedure and for submitting its third periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State Party's high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State Party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the adoption of the following legislative, policy and institutional measures:

- (a) The Law on Women's Rights and Child Safety, in 2024;
- (b) The Law on Combating Human Trafficking, in 2024;
- (c) The Constitutional Law on the Constitutional Court, in 2022;
- (d) The Constitutional Law on the Human Rights Commissioner, in 2022;
- (e) The law introducing amendments and addenda to certain legislative acts on the abolition of the death penalty, in 2021, and the subsequent abolition of the death penalty in the Constitution, in 2022;
- (f) The Decree on the approval of the Plan of Action to Ensure the Promotion of Equal Rights and Opportunities for Men and Women 2024–2027, in 2024;
- (g) The Plan of Action on Human Rights and the Rule of Law, in 2023.

4. The Committee also welcomes the ratification of the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty, in 2022, of the Optional Protocol to

* Adopted by the Committee at its 144th session (23 June–17 July 2025).

¹ CCPR/C/KAZ/3.

² See CCPR/C/SR.4226 and CCPR/C/SR.4227.

³ CCPR/C/KAZ/QPR/3.



the Convention on the Rights of the Child on a communications procedure, in 2024, and of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, in 2023.

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

5. The Committee notes the adoption of plans containing measures related to human rights and of the 2021 amendments to the Law on International Treaties, which enhances the role of international treaties in the national legal order, and the explanations provided concerning the practice of invoking the Covenant in the national courts. Furthermore, while welcoming the work of the inter-agency working group for the implementation of the Committee's Views issued under the Optional Protocol, the Committee is concerned by reports indicating that most Views have not been implemented and that the mandate of the inter-agency working group does not explicitly include taking or recommending measures to implement Views (art. 2).

6. **The State Party should continue its efforts to ensure that all provisions of the Covenant are given full effect in its national legal order and that national legislation is interpreted and applied in full conformity with the State Party's obligations under the Covenant. In particular, the State Party should redouble efforts to raise awareness of the Covenant and its domestic applicability among judges, prosecutors and lawyers, ensure that its provisions are considered by the national courts and take all legislative and other measures necessary to promptly and fully comply with all Views issued with respect to the State Party. Furthermore, the State Party should consider extending the mandate of the inter-agency working group, including to recommend and take measures to ensure the adequate implementation of Views and to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant.**

National human rights institution

7. The Committee notes with satisfaction that the mandate of the Human Rights Commissioner was modified in 2022 to grant the institution constitutional status, enhance its immunity and give it standing to bring appeals before the Constitutional Court. It is concerned, however, that the Human Rights Commissioner retains its B status and that the President is involved in the process to select, nominate and dismiss the Commissioner. Furthermore, while noting with satisfaction the work of the national preventive mechanism, the Committee is concerned about the mechanism's lack of independence from the Human Rights Commissioner and about the fact that military barracks and military schools remain excluded from the mechanism's monitoring mandate (art. 2).

8. **In line with the Committee's previous recommendations,⁴ the State Party should step up its efforts to ensure that the Human Rights Commissioner fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by taking steps to guarantee that the Commissioner is elected through a merits-based, transparent, pluralistic and participatory process based on predetermined, objective and publicly accessible criteria. Furthermore, bearing in mind the guidelines of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on national preventive mechanisms, the State Party should take steps to strengthen the operational independence of the national preventive mechanism by establishing a clear separation of its mandate from that of the national human rights institution, and ensure that military barracks and military schools fall under the scope of its monitoring mandate.**

Anti-corruption measures

9. The Committee welcomes the important measures the State Party has taken to address corruption, including the adoption of the Anti-Corruption Policy Framework 2022–2026, and

⁴ CCPR/C/KAZ/CO/2, para. 8.

the measures taken to increase transparency and public access to government information. However, concerns remain about the independence of institutions tasked with combating corruption, owing to the influence of the executive branch over the appointment and dismissal of their members. Furthermore, the Committee expresses concern regarding the lack of transparency and limited public access to information related to corruption, and allegations of pressure and intimidation aimed at silencing human rights defenders and journalists investigating such matters (arts. 2, 19 and 25).

10. The State Party should increase its efforts to prevent and eradicate corruption at all levels and to ensure the effective implementation of legislation and policy measures to combat corruption. In particular, it should:

- (a) **Take effective measures to strengthen the independence of all institutions tasked with combating corruption;**
- (b) **Ensure that the right of access to information held by public bodies can be effectively exercised in practice, and proactively put in the public domain government information of public interest, particularly in relation to corruption;**
- (c) **Ensure that all allegations of intimidation or harassment of journalists and human rights defenders working on anti-corruption, are investigated promptly, thoroughly, independently and impartially, that perpetrators are prosecuted and, if found guilty, punished with adequate sanctions and that victims are provided with effective remedies;**
- (d) **Implement training and awareness-raising campaigns to inform public officials, politicians, the business community and the general public about the economic and social costs of corruption and the mechanisms in place to report cases.**

Anti-discrimination legal framework

11. While noting that equality and non-discrimination are guaranteed under the Constitution, the Committee remains concerned about the absence of comprehensive anti-discrimination legislation that prohibits direct and indirect discrimination on all grounds protected by the Covenant, including disability, ethnicity, age, sex, sexual orientation and gender identity. The Committee welcomes the adoption of the Plan of Action on Human Rights and the Rule of Law in 2023 and the establishment of the standing working group on anti-discrimination legislation in 2024. However, it is concerned about reports indicating that progress on these initiatives has stalled (arts. 2 and 26).

12. The State Party should adopt, without delay, comprehensive anti-discrimination legislation that defines discrimination in line with international standards, prohibits direct and indirect discrimination in the public and private spheres, including on the grounds of disability, ethnicity, age, sex, sexual orientation, gender identity and other statuses, and that provides for effective judicial and administrative mechanisms to provide remedies for victims of discrimination.

Discrimination on the grounds of sexual orientation and gender identity

13. While noting the information from the State Party that its legislative framework does not contain any criminal prohibition against lesbian, gay, bisexual and transgender persons, the Committee reiterates its concern about the lack of explicit protection against discrimination based on sexual orientation and gender identity. In addition, it regrets reports of hate speech against and the targeting and harassment of lesbian, gay, bisexual and transgender persons, especially those who are human rights defenders, and is particularly concerned about cases of lesbian, gay, bisexual and transgender persons being detained and subjected to fines and administrative penalties following attacks against them. Furthermore, the Committee is concerned about reports of: (a) organizations of lesbian, gay, bisexual and transgender persons being denied legal registration and penalized under article 489 of the Code of Administrative Offences; and (b) increasing barriers and requirements for individuals seeking gender reassignment (arts. 2, 19, 20 and 26).

14. **The State Party should redouble its efforts to combat discrimination, stereotypes and prejudice against lesbian, gay, bisexual and transgender persons. In this connection, the State Party should:**

- (a) Reinforce the legal framework to promote the equal rights of lesbian, gay, bisexual and transgender persons, ensuring that it explicitly prohibits discrimination and violence based on sexual orientation and gender identity;
- (b) Ensure that instances of hate speech and violence motivated by a victim's sexual orientation or gender identity committed by State officials or private actors are investigated promptly, that those responsible are prosecuted and, if convicted, are appropriately punished and that the victims receive comprehensive reparations, including rehabilitation and compensation;
- (c) Take all steps necessary to guarantee, in law and in practice, the registration of all civil society organizations, including organizations of lesbian, gay, bisexual and transgender persons, without discrimination, ensuring that any restrictions imposed are in strict compliance with the provisions of the Covenant;
- (d) Guarantee, in law and in practice, the right of transgender persons to gender reassignment, including by removing excessive medical or procedural requirements and other barriers.

Inter-ethnic violence

15. The Committee is concerned about reports of large-scale ethnic violence against persons belonging to the Dungan community in the Korday district in February 2020, which resulted in death, injury, property damage and the displacement of thousands of community members. While noting that the State Party responded to these events by establishing the Committee for the Development of Inter-Ethnic Relations within the Ministry of Information and Social Development to improve inter-ethnic relations and non-discrimination, the Committee regrets the reports of extreme delays, inaction and inadequacies in the investigations and prosecutions that followed (arts. 2, 6 and 27).

16. **The State Party should increase its efforts to prevent the occurrence of ethnic violence, including against persons belonging to the Dungan community, ensure independent, impartial, thorough and effective investigation into all the alleged human rights violations that occurred during the violence of February 2020, ensure that those responsible are prosecuted and provide victims with remedies without any discrimination based on ethnicity.**

Combating extremism and terrorism

17. The Committee remains concerned about the broad formulation of the concepts of "extremism", "incitement of social or class hatred" and "religious hatred or enmity" in article 174 of the Criminal Code and about the use of this provision, along with the Law on Countering Extremism, to unduly restrict the freedoms of religion, expression, assembly and association. It is also concerned that individuals convicted of overly broad extremism or terrorism charges – even those who have not instigated, participated in or financed violence – are automatically placed on a list of people and organizations associated with financing terrorism and extremism and subjected to wide-ranging financial restrictions. The Committee regrets the lack of statistical data provided on persons investigated for or convicted of acts of terrorism or extremism (arts. 2, 4, 7, 9, 14, 18 and 19).

18. **Reiterating its previous recommendations,⁵ and in accordance with its general comment No. 34 (2011) on the freedoms of opinion and expression, the Committee urges the State Party to strengthen its efforts to bring its counter-terrorism and counter-extremism legislation and practices into full compliance with its obligations under the Covenant by, inter alia, considering amending the relevant legislative provisions to clarify and narrow the relevant legal rules in compliance with the principles of legal certainty and predictability, and ensure that the application of**

⁵ Ibid., para. 14.

this legislation does not suppress protected conduct and speech. Furthermore, the State Party should remove people convicted of non-violent crimes, including those legitimately exercising the freedoms of expression and association, from the list of persons and organizations associated with financing terrorism and extremism.

Gender equality

19. While noting with satisfaction the various measures taken to promote gender equality in the workforce and the peace process, including the adoption of the Family and Gender Policy Framework for the period up to 2030, the Committee remains concerned that women are still underrepresented in decision-making positions in the public and private sectors. Furthermore, while noting the decrease in the gender pay gap in recent years, the Committee is concerned about the continuing wage discrepancy between women and men (arts. 3 and 26).

20. **The State Party should:**

(a) **Continue its efforts to ensure the effective implementation of gender quotas and related measures to increase the representation of women in decision-making positions in the public and private sectors;**

(b) **Address the structural factors contributing to the gender pay gap and ensure effective implementation of the principle of equal pay for work of equal value by, inter alia, strengthening strategies to counter stereotypes regarding the roles and responsibilities of women in the family and society at large through public awareness, education and training programmes.**

Violence against women and girls

21. The Committee welcomes the notable steps taken to strengthen the legislative and policy framework to combat violence against women and girls, such as reintroducing criminal liability for battery and intentional infliction of minor harm to health on dependent persons, increasing penalties and mandating law enforcement agencies to investigate all cases of domestic violence, even in the absence of a victim's complaint. The Committee is nonetheless concerned about the widespread prevalence of domestic violence, the absence of its criminalization as a stand-alone offence and the lack of legal provisions proscribing sexual harassment, including in the workplace. Furthermore, the Committee regrets that underreporting and the normalization of violence against women persist, driven by sociocultural factors such as the concept of *uyat* (shame) and fear of retaliation (arts. 2, 3, 6, 7 and 26).

22. **In line with the Committee's previous recommendations,⁶ the State Party should strengthen its efforts to eliminate gender-based violence, including domestic violence, by:**

(a) **Explicitly criminalizing domestic violence as a stand-alone offence and enacting specific legislation to prohibit and punish sexual harassment in all settings, including the workplace;**

(b) **Strengthening mechanisms to facilitate and encourage the reporting of cases of violence against women and girls, including by intensifying public awareness campaigns to challenge harmful gender stereotypes and sociocultural norms, such as the concept of *uyat*;**

(c) **Ensuring that all cases of violence against women and girls are promptly and thoroughly investigated and that perpetrators are prosecuted and, if convicted, are punished with penalties commensurate with the gravity of the offence;**

(d) **Providing victims with the necessary legal, medical, financial and psychological support, including access to shelters for themselves and their children;**

⁶ Ibid., para. 12.

(e) Ensuring that judges, prosecutors, law enforcement officers and health personnel receive appropriate training to enable them to deal with cases of gender-based violence in an effective and gender-sensitive manner, and increasing the number of women judges, prosecutors and police officers and of specialized units dealing with such violence.

Voluntary termination of pregnancy and sexual and reproductive rights

23. While welcoming the adoption of the Policy Framework for the Development of Healthcare and the implementation of the “Healthy Nation” project, the Committee remains concerned about reported disparities in access to safe abortion, the high rates of early pregnancy and abortion among girls aged 15 to 18 years and the limited availability of affordable contraception. It is also concerned about reports of the practice of forced administration of contraception, sterilization and abortion, particularly targeting persons with intellectual and/or psychosocial disabilities. Furthermore, the Committee is concerned that family planning education and outreach efforts remain limited, particularly for adolescents and persons with disabilities (arts. 3, 6 and 7).

24. **Bearing in mind paragraph 8 of the Committee’s general comment No. 36 (2018) on the right to life, the State Party should take all steps necessary to ensure effective access to safe and voluntary termination of pregnancy. It should also:**

(a) Increase its efforts to facilitate confidential, unimpeded and countrywide access for women and men, and in particular for adolescents, to sexual and reproductive health services and education, including a wide range of affordable contraceptive methods, with a view to reducing maternal mortality and preventing unsafe abortions and early or unintended pregnancies;

(b) Eradicate forced sterilization, provide for the free and informed consent of patients for all sterilization procedures, ensure that any alleged case of forced sterilization is thoroughly investigated and that perpetrators are prosecuted and, if found guilty, punished, and provide effective remedies and compensation to victims.

Excessive use of force by law enforcement officers

25. The Committee notes the information provided by the State Party regarding the legal framework governing the use of firearms by law enforcement, particularly article 18 of the law on the procedure for organizing and holding peaceful assemblies, which outlines the grounds and procedures for dispersing such assemblies. It is, however, concerned about the absence of legislation explicitly regulating the use of force by law enforcement officers and regrets that the current legal framework does not align with international standards on the use of force and firearms, which stipulate that lethal force can only be used when strictly necessary in order to protect life or prevent serious injury from an imminent threat. Furthermore, the Committee deeply regrets the deaths of a considerable number of peaceful protesters during the events of January 2022, most of which reportedly resulted from excessive and lethal use of force by law enforcement officers, particularly following a televised order to shoot to kill without warning. The Committee is further concerned that law enforcement officers allegedly involved in cases of arbitrary deprivation of life during these events were granted amnesty and exempted from criminal responsibility (arts. 2, 6, 7 and 21).

26. **The State Party should take additional measures to effectively prevent and punish the excessive use of force by law enforcement officers, including by:**

(a) Adopting comprehensive legislation governing the use of force by law enforcement officers, in full compliance with international standards, including the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Committee’s general comment No. 36 (2018), which establish a requirement that law enforcement officers use potentially lethal force only when strictly necessary in order to protect life or prevent serious injury from an imminent threat;

(b) Reviewing the amnesty decree applied to law enforcement officers allegedly involved in cases of deprivation of life during the events of January 2022,

conducting prompt, thorough and independent investigations into all deaths and injuries, including the circumstances surrounding the reported shoot to kill without warning order, and ensuring that perpetrators are brought to justice and that the penalties imposed are commensurate with the severity of the offence;

(c) Ensuring that all reports of excessive use of force by law enforcement officers are investigated promptly, effectively and impartially, that perpetrators are prosecuted and, if convicted, receive appropriate penalties and that adequate remedies are provided to victims of violations;

(d) Establishing an independent mechanism to investigate claims of serious misconduct, including excessive use of force, by all agents of the State tasked with law enforcement responsibilities;

(e) Ensuring that all law enforcement officers systematically receive appropriate training on the use of force and firearms, based on international human rights standards, and the need to strictly adhere to the principles of legality, necessity and proportionality.

Fight against impunity for past human rights violations

27. The Committee remains deeply concerned by reports indicating that the investigations into the deaths and injuries resulting from the protests in Zhanaozen on 16 and 17 December 2011 failed to ensure that those responsible for ordering the shootings were held accountable and to effectively examine each individual killing that occurred during the demonstrations. Furthermore, the Committee is concerned by reports that the State Party has not taken meaningful steps to investigate allegations of torture and ill-treatment of individuals who were prosecuted and later convicted, despite credible testimonials indicating that victims had been subjected to physical and psychological abuse (arts. 2, 6, 7 and 14).

28. **Reiterating the Committee's previous recommendations,⁷ the Committee urges the State Party to redouble its efforts to ensure accountability and justice for the events in Zhanaozen. In particular, the State Party should guarantee independent, impartial and effective investigations into the deaths and injuries of all individuals in connection with these events and into all allegations of torture and ill-treatment, with a view to ensuring proper accountability for perpetrators, restoration of the rights of convicted persons to a fair trial, and effective remedies, including adequate compensation, for all victims of human rights violations or their families.**

Liberty and security of person

29. The Committee regrets reports indicating that procedural safeguards and due process guarantees are not consistently respected in practice by law enforcement officers, particularly in the context of assemblies, as evidenced during the events of January 2022. Reports suggest that following the mass detention of protesters, numerous individuals went missing and those in custody were denied the right to notify a third party of their arrest or the location of their detention. The Committee is further concerned by documented violations of the right to access to legal counsel and the right to receive necessary medical care and treatment while in custody (art. 9).

30. **The Committee urges the State Party to take all measures necessary to ensure that persons deprived of their liberty are guaranteed all legal and procedural safeguards from the outset of their detention, including access to a lawyer and a medical examination by an independent doctor. The State Party should also impartially investigate all allegations of incommunicado detention and arbitrary arrest and detention, particularly in the context of mass detentions following assemblies, and ensure that perpetrators are prosecuted and, if convicted, are punished in accordance with human rights standards.**

31. While noting that the legal grounds for pretrial detention, as set out in article 136 of the Code of Criminal Procedure, are generally aligned with international standards and the

⁷ Ibid., para. 18.

provisions of the Covenant, the Committee is concerned about their application in practice. In particular, national courts reportedly continue to approve a high proportion of motions for extensions of pretrial detention – 75 per cent in 2024 – without adequately considering alternative measures to detention. The Committee is further concerned by reports indicating the routine use of administrative detention in the context of peaceful demonstrations, with participants subjected to administrative detention for periods of up to 15 to 20 days under article 488 of the Code of Administrative Offences (art. 9).

32. Bearing in mind the Committee’s general comment No. 35 (2014) on liberty and security of person, the State Party should significantly reduce the use of pretrial detention, including through the wider application of non-custodial measures as alternatives to incarceration. In particular, it should:

- (a) Ensure that pretrial detention is exceptional and imposed only when necessary and for as short a period of time as possible and that statutory limits on detention are strictly enforced;**
- (b) Increase the availability of, and recourse to, alternatives to pretrial detention in the light of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and develop clear rules and procedures for their application;**
- (c) Ensure that pretrial detention is reviewed in a prompt, thorough and impartial manner by the relevant judicial authorities and that anyone detained arbitrarily is released without conditions and is adequately compensated.**

Prohibition of torture and other cruel, inhuman or degrading treatment

33. The Committee notes the State Party’s commitment to a zero-tolerance policy on torture and the steps taken to prevent and combat torture and ill-treatment. It is nevertheless deeply concerned by the high number of cases of torture and ill-treatment and the alleged lack of accountability, particularly in the aftermath of the January 2022 events. While noting that 29 police officers have been convicted of torture in connection with those events, the Committee is concerned that many other investigations of torture during the events have been closed on the grounds that the allegations were unsubstantiated. The Committee is also concerned that, while measures have been taken by the State Party to amend article 146 of the Criminal Code, the definition of torture is not yet fully aligned with international standards, and the available penalties for torture and ill-treatment are not appropriate given the gravity of the crime and could contribute to impunity (art. 7).

34. Recalling its previous recommendations,⁸ the Committee urges the State Party to take robust measures to eradicate torture and ill-treatment, including by:

- (a) Reviewing its legislation to fully align the definition of torture with article 7 of the Covenant and other internationally accepted standards and ensuring that sanctions for the crime of torture are commensurate with the nature and gravity of the crime, both in law and in practice;**
- (b) Conducting prompt, thorough, effective, transparent and impartial investigations into all allegations of torture and ill-treatment, including those related to the January 2022 events, in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and ensuring that perpetrators are prosecuted and, if convicted, are punished appropriately and that victims receive full reparation;**
- (c) Ensuring that victims of torture and ill-treatment have access, both in law and in practice, to full reparation, including rehabilitation, adequate compensation and the possibility of seeking civil remedies independently of criminal proceedings;**
- (d) Taking all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the**

⁸ Ibid., paras. 22 and 24.

training provided to judges, prosecutors, law enforcement officers and health and forensic personnel on international human rights standards such as the Principles on Effective Interviewing for Investigations and Information-Gathering (the Méndez Principles).

Treatment of persons deprived of their liberty

35. The Committee welcomes the steps taken by the State Party to improve conditions of detention, including the implementation of preventive measures aimed at reducing suicide and deaths in custody, and the transfer of responsibility for healthcare services for persons deprived of their liberty from the Ministry of Internal Affairs to the Ministry of Health. However, the Committee is concerned by reports indicating that suicide and attempted suicide rates remain high and that there has been little progress in improving medical care or strengthening the independence of medical personnel in places of detention. The Committee is also concerned by reports that life-saving harm reduction interventions, including treatment with methadone for drug-dependent persons, are not provided in prisons and that detained persons often have their HIV treatment disrupted (art. 2, 6 and 10).

36. The State Party should take effective measures to ensure that the conditions of detention are in full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and other relevant international standards. In particular, it should:

- (a) **Strengthen its efforts to prevent suicide and self-harm in custody and ensure that all cases of suicide and self-harm are independently and thoroughly investigated;**
- (b) **Ensure that all persons in all places of detention have access to adequate healthcare services guaranteeing continuity of treatment and care, including for HIV and drug dependence, and that harm reduction programmes, such as opioid substitution therapy and needle and syringe programmes, are available for drug-dependent individuals in detention;**
- (c) **Increase its efforts to ensure that healthcare services consist of an interdisciplinary team with sufficient qualified personnel acting with full clinical independence.**

Elimination of slavery, servitude and trafficking in persons

37. The Committee commends the State Party for the legislative and practical measures taken to prevent and combat forced labour. However, it remains concerned by reports that: (a) there are barriers to the effective prevention of forced labour, including the underfunding of labour inspectors, the lack of specialized training and the moratoriums on business inspections; (b) migrants and victims of forced labour may be deported without an opportunity to invoke the Law on Combating Human Trafficking or to undergo adequate screening for trafficking; and (c) migrant children are particularly vulnerable to trafficking in persons due to factors including the failure to register children under age 7 at the border, the absence of identity documents for children under 16 and the ban on granting residence permits to foreign children under 16. Furthermore, while welcoming the rise in referrals for prosecution under articles 128 and 135 of the Criminal Code and efforts to increase penalties for trafficking offences, the Committee is concerned that the application of other criminal provisions, such as article 308, to trafficking offences involving coercion or sexual exploitation has resulted in sentences below the statutory minimum (arts. 2, 7, 8 and 26).

38. The State Party should strengthen its efforts to effectively prevent, combat and punish trafficking in persons and forced labour, including by:

- (a) **Removing legal or practical barriers to the effective implementation of measures to identify, protect and support victims of trafficking in persons, including migrant children and victims of forced labour;**
- (b) **Ensuring that sufficient financial, technical and human resources are allocated to all institutions responsible for preventing, combating and punishing trafficking in persons and forced labour;**

(c) Redoubling its efforts to identify victims of trafficking in persons and to provide them with appropriate protection and assistance, including by refraining from charging victims brought into the country with violating immigration rules and forcibly repatriating them; and providing support to families and children who are at risk of being trafficked or becoming involved in forced labour;

(d) Ensuring that cases of trafficking in persons and forced labour are promptly, thoroughly and impartially investigated, that those responsible are appropriately punished and that victims receive appropriate reparation.

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

39. The Committee recognizes positive developments in the State Party, such as the extension of visas through Decree No. 961 of 30 November 2022 on approval of the Migration Policy Concept 2023–2027 and the provision of social benefits to foreign nationals. While article 10 of the Law on Refugees authorizes asylum applications without valid identification documents, the Committee is concerned about reports that the procedure to process such applications is not adequately applied in practice and that there are no appropriate procedures for those with specific requirements, such as persons with disabilities and unaccompanied children. The Committee regrets reports indicating that migrants have been detained without legal representation, access to interpretation services or the ability to review or appeal detention and deportation decisions. Furthermore, the Committee is concerned that, while the principle of non-refoulement is recognized by the State Party, protection gaps persist (arts. 7, 9, 12, 13 and 24).

40. The State Party should enhance the protection of refugees and asylum-seekers, without discrimination. It should consider amending its Law on Refugees to ensure that asylum procedures are fully aligned with international standards and that no person is expelled, extradited or otherwise returned to a country where they would face a risk of persecution, in line with the principle of non-refoulement. It should also guarantee at all border points unhindered access to fair, efficient and effective refugee status determination procedures for people seeking international protection.

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

41. The Committee welcomes the State Party’s efforts to reform and enhance its judicial system. However, it remains concerned that the revised procedure for selecting Supreme Court judges affords the Senate limited discretion, leading to the selection only of candidates nominated by the President. The Committee is further concerned that the judiciary appears to be effectively subordinate to the executive branch, given that judges are nominated or directly appointed by the President on the basis of the recommendations of the Supreme Judicial Council, an entity whose members are themselves appointed by the President. Moreover, the Committee notes with concern reports that lawyers must be members of a State chamber and register with a government-managed digital information system, which may constrain their independence (arts. 2 and 14).

42. In line with the Committee’s previous recommendations,⁹ the State Party should take immediate measures, in law and in practice, to ensure the full independence and impartiality of the judiciary and lawyers and eliminate any undue pressure or interference from the legislative and executive branches. In particular, the State Party should take all measures necessary to ensure the full independence of the Supreme Court and Supreme Judicial Council from the executive, including by ensuring that the procedures for the selection, appointment, promotion and removal of judges are in compliance with the Covenant and relevant international standards, including the Basic Principles on the Independence of the Judiciary, and that these appointments are based strictly on merit.

43. Despite the efforts of the State Party, the Committee remains concerned about reports highlighting limited access to justice, particularly in rural areas, and the poor quality of legal

⁹ Ibid., para. 38.

aid owing to a shortage of qualified lawyers and the high cost of legal services. The Committee is further concerned by information indicating that attorneys are not consistently present during interrogations, that suspects are often unable to communicate with their legal representatives and that such communications may be recorded. In addition, the Committee regrets reports that defendants are frequently denied full access to their case files, despite such access being guaranteed under the Code of Criminal Procedure (arts. 2 and 14).

44. The State Party should ensure that all judicial proceedings are conducted in accordance with the fair trial guarantees enshrined in article 14 of the Covenant, including detained persons' effective access to the legal counsel of their choice from the moment that they are taken into custody and access to all case materials. The State Party should also expand the provision of free legal aid by strengthening the financial and human capacity of legal aid services to facilitate access to justice for all, including those living in rural areas.

Freedom of conscience and religious belief

45. The Committee notes with appreciation the State Party's expressed willingness to consider international practices regarding the right to conscientious objection to military service and welcomes the information from the delegation of the State Party that some conscientious objectors have, in practice, been permitted to perform alternative civilian service. However, the Committee remains concerned that the right to conscientious objection is not recognized in law and that there is no specific legal provision guaranteeing alternative service of a civilian nature for individuals, including Jehovah's Witnesses, who object to military service on grounds of conscience (arts. 2, 18 and 26).

46. In line with the Committee's previous recommendations,¹⁰ the State Party should promptly take all measures necessary to ensure that the right to conscientious objection to military service is guaranteed in law and in practice, including by adopting legislation explicitly providing for alternative service of a civilian nature that is accessible to all conscientious objectors, without discrimination, and is not punitive or discriminatory in nature, cost or duration.

47. While welcoming the State Party's commitment to uphold freedom of religion or belief, including the guarantees enshrined in article 22 of the Constitution, the Committee is concerned that the continued application of the Law on Religious Activities and Religious Associations, amended in December 2021, imposes legal and administrative practices that adversely affect the exercise of the right to freedom of religion or belief. In particular, the Committee is concerned about reports that individuals, including Jehovah's Witnesses, continue to be sentenced to imprisonment or restrictions of liberty in connection with the peaceful exercise of their religious beliefs (art. 18).

48. Bearing in mind the Committee's previous recommendations,¹¹ the State Party should guarantee the effective exercise of freedom of religion or belief and freedom to manifest a religion or belief in practice. It should consider bringing article 22 of the Constitution into line with the Covenant and take further steps to revise all relevant laws and practices, including the Law on Religious Activities and Religious Associations, with a view to removing all restrictions that go beyond the narrow restrictions permitted under article 18 of the Covenant.

Right to privacy and freedom of expression

49. The Committee welcomes the 2020 reform reclassifying defamation as an administrative rather than a criminal offence. It is concerned, however, about reports that under the Code of Administrative Offences, individuals convicted of defamation can face high fines and up to 30 days in jail. The Committee regrets that the State Party has not repealed or amended article 41-1 of the Law on Communication (Law No. 200-V) of 23 April 2014, which allows the Prosecutor General or deputies to block or shut down the Internet without court approval. In this regard, it is concerned about reports indicating that the

¹⁰ Ibid., para. 46.

¹¹ Ibid., para. 48.

authorities have used Internet blackouts to restrict access to media outlets, that independent outlets face surveillance, harassment and shutdowns and that online expression is systematically restricted, especially during elections and protests. Furthermore, the Committee is concerned about reports that new, overly broad regulations have been enacted, such as the 2023 Law on Online Platforms and the 2024 Law on Mass Media, which expands State control using vague terms like “national values” and “extremism”, and that these laws have resulted in politically motivated prosecutions of journalists and activists (arts. 17 and 19).

50. The Committee urges the State Party to take the measures necessary to ensure that everyone can freely exercise the right to freedom of expression, in accordance with article 19 of the Covenant and the Committee’s general comment No. 34 (2011). In doing so, the State Party should:

- (a) Prevent and combat all acts of harassment, intimidation and violence against journalists to ensure that they are free to carry out their work without undue control or interference;**
- (b) Cease Internet shutdowns and the blocking of websites, communication platforms and online resources, and consider revising legislation to avoid the use of vague terminology or overly broad restrictions incompatible with article 19 (3) of the Covenant;**
- (c) Take all necessary measures to ensure that its legal framework contains adequate legal and procedural safeguards to prevent the misuse of surveillance powers, in full compliance with the Covenant and relevant international standards;**
- (d) Take concrete steps to fully decriminalize defamation or at least restrict the application of the law to the most serious defamation cases, bearing in mind that imprisonment is never an appropriate penalty for defamation.**

Freedom of peaceful assembly

51. The Committee notes the adoption in 2020 of the law on the procedure for organizing and holding peaceful assemblies; however, it is concerned that excessive limits on the right to peaceful assembly remain prevalent in the State Party. In particular, it is concerned about reports that the notification-based procedure established in the law is, in practice, used to selectively deny permissions and does not protect spontaneous demonstrations and that assemblies are restricted to specific locations. The Committee is also concerned that foreigners, stateless persons and refugees are prohibited from organizing and participating in peaceful assemblies (arts. 2, 7 and 21).

52. In the light of article 21 of the Covenant and the Committee’s general comment No. 37 (2020) on the right of peaceful assembly, the State Party should facilitate the exercise of the right of peaceful assembly and ensure that any restrictions comply with the strict requirements of article 21, including the principles of proportionality and necessity. In particular, the State Party should ensure that the notification procedure cannot be misused to stifle peaceful assemblies, including spontaneous assemblies and demonstrations, and that any decision regarding the prohibition of a peaceful assembly is subject to an effective appeals procedure. It should also ensure non-discrimination, both in law and in practice, to enable all individuals and civil society actors to organize and participate in peaceful assemblies.

Freedom of association

53. The Committee notes with appreciation the State Party’s adoption of the Vision for the Development of Civil Society. It remains concerned, however, that the legal and administrative frameworks governing non-governmental organizations (NGOs), political parties and trade unions continue to impose burdensome requirements that obstruct the legitimate work of civil society actors. In particular, the Committee is concerned about human rights defenders and NGOs, especially those with foreign funding or links to marginalized groups, facing increasing scrutiny and restrictions and about reports indicating that: (a) the Foreign Funding Register, published since 2023 by the State Revenue Committee

of the Ministry of Finance, has negatively affected human rights groups in the State Party; and (b) efforts by the Ministry of Culture and Information to improve legislation on NGOs may result in measures that further discredit or obstruct the work of independent NGOs and activists (arts. 19, 22 and 25).

54. **The Committee urges the State Party to take all steps necessary to guarantee, in law and in practice, the effective exercise of the right to freedom of association and a safe environment for NGOs, enabling them to work without fear of retaliation. The State Party should, inter alia:**

(a) **Increase its efforts to ensure that regulations and practice regarding the registration, functioning and activities of political parties, trade unions and NGOs fully comply with articles 19, 22 and 25 of the Covenant;**

(b) **Refrain from criminalizing NGOs for their legitimate activities under criminal law provisions that are broadly defined and do not comply with the principle of legal certainty;**

(c) **Conduct an independent review of the Foreign Funding Register and its impact on NGOs and human rights defenders and ensure that any future legislation concerning civil society and NGOs is not used as a means of undue control over or interference with their operations or as a mechanism to restrict their ability to raise funds.**

Rights of the child

55. While noting with satisfaction the efforts of the State Party to protect the rights of the child, including the adoption of the Comprehensive Plan to Protect Children From Violence, Prevent Suicide and Ensure Children's Rights and Welfare 2023–2025 and the Law on Women's Rights and Child Safety, the Committee regrets the lack of information on whether all forms of corporal punishment are prohibited under that law or other laws. The Committee is also concerned about reports of violence, abuse and neglect in residential care institutions, about gaps in the legal framework regarding birth registration, particularly of children born outside medical institutions to undocumented parents and about cases of statelessness (arts. 23, 24 and 26).

56. **The State Party should:**

(a) **Strengthen efforts to combat child abuse and neglect in all settings, including in residential care institutions, and ensure that such cases are effectively investigated, that perpetrators are prosecuted and punished and that child victims have access to adequate remedies, including specialized care;**

(b) **Review the legislative framework and take all steps necessary to ensure the explicit prohibition of all forms of corporal punishment of children at home, in schools and in care facilities, encourage non-violent forms of discipline as alternatives to corporal punishment and conduct awareness-raising campaigns on the harmful effects of corporal punishment;**

(c) **Ensure that all victims, especially orphaned children and children with disabilities, have access to adequate shelters, healthcare and legal protection, without discrimination of any kind.**

(d) **Take all measures necessary to avoid statelessness and guarantee that all children born outside medical institutions to undocumented parents have their births registered, receive birth certificates and have access to Kazakh nationality when they would otherwise be stateless.**

D. Dissemination and follow-up

57. **The State Party should widely disseminate the Covenant, the two Optional Protocols thereto, its third periodic report and the present concluding observations, with a view to raising awareness of the rights enshrined in the Covenant among the**

judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country and the general public. The State Party should ensure that the periodic report and the present concluding observations are translated into the official language of the State Party.

58. In accordance with rule 75 (1) of the Committee's rules of procedure, the State Party is requested to provide, by 18 July 2028, information on the implementation of the recommendations made by the Committee in paragraphs 12 (anti-discrimination legal framework), 34 (prohibition of torture and other cruel, inhuman or degrading treatment) and 52 (freedom of peaceful assembly) above.

59. In line with the Committee's predictable review cycle, the State Party will receive in 2031 the Committee's list of issues prior to submission of the report and will be expected to submit within one year its replies, which will constitute its fourth periodic report. The Committee requests the State Party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State Party will take place in Geneva in 2033.
