



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Seventy-sixth session

#### Summary record of the 1998th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 3 May 2023, at 3 p.m.

*Chair:* Mr. Heller

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention (continued)**

*Fourth periodic report of Kazakhstan (continued) (CAT/C/KAZ/4; CAT/C/KAZ/Q/4; CAT/C/KAZ/RQ/4)*

1. *At the invitation of the Chair, the delegation of Kazakhstan joined the meeting.*
2. **A representative of Kazakhstan**, replying to questions put at the Committee's 1995th meeting, said that a new Criminal Code, Code of Criminal Procedure and Penalties Enforcement Code had entered into force in 2015. The roles of investigating judge and procedural prosecutor had been introduced with a view to better protecting the rights of participants in criminal proceedings. In response to the Committee's recommendations (CAT/C/KAZ/CO/3, para. 15), judicial oversight had been strengthened by transferring the power to approve the restriction of rights from the procurator to the investigating judge, who also considered complaints about the actions of procurators, including the use of unauthorized investigation methods. Courts immediately ordered an investigation whenever such complaints were received.
3. The time within which judges must consider applications for protection orders, temporary suspension of officials from duties and out-of-court deposition of testimony had been reduced from 72 to 24 hours. In 2021, a three-tiered model of criminal proceedings had been introduced, in which pretrial investigative bodies were responsible only for gathering evidence, procurators assessed the evidence, approved procedural decisions and presented charges in court, and judges passed sentences, authorized investigations and considered complaints about procurators and investigative bodies. Searches and seizures were carried out only by court order.
4. Rules on the explanation of rights to arrested persons and their access to counsel and medical assistance had been introduced. It was now a criminal offence to falsify the time of arrest or of the drawing up of the arrest record. Electronic case files made it impossible to tamper with the documents. Violations of the prohibition on torture or ill-treatment of participants in criminal proceedings made all procedural decisions null and void. The use of torture, violence and threats during criminal investigations was expressly prohibited. Evidence obtained under torture was inadmissible and the burden of proof lay with the prosecution. Time limits for police custody without court approval had been reduced to 48 hours, or 24 hours for juveniles. Arrested persons must undergo a medical examination and it was a criminal offence to deny them the right to inform their families of their whereabouts. The new procedure of out-of-court deposition of testimony reduced the risk of torture during the early stages of investigations. The role of defence lawyers had been strengthened; they were entitled to request expert assessments, cross-examine witnesses and receive the documents necessary to defend their clients. Evidence submitted by the defence must be included in the case file.
5. Over the previous decade, efforts to reduce hazing in the armed forces had resulted in significant reductions in criminality and in suicides among military personnel. In 2022, after several high-profile cases, a special commission on suicides in the military had been established. In line with the commission's findings, the Ministry of Defence had established a special department for the prevention of offending. The "Protect Life" programme, which covered all military units in the country, had been established. All barracks now had stress relief rooms, military police posts and video surveillance systems. New psychological diagnostic methods were being introduced. The Ministry of Internal Affairs had conducted investigations in border guard units. A form had been developed to survey all categories of military personnel, with a view to assessing morale, and young recruits were being specially monitored. Social platforms were provided to facilitate communication between officers and soldiers, who could contact their families using a video call service. Military salaries had risen by an average of 60 per cent over the previous three years. Military personnel would be eligible for higher education grants and memorandums of understanding had been concluded with over forty leading universities, which would accept military personnel for six-month courses.

6. There were currently 63 crisis centres for victims of domestic violence and trafficking in persons, of which 51 included shelters. Each year, they provided advisory services to more than 27,000 persons and shelter to more than 3,000 persons. The crisis centre hotline had received more than 5,000 calls. Under an initiative inspired by a programme in South Korea, more than 300 female investigators had been specially trained to interview victims in the crisis centres, to prevent their retraumatization. In 2023, a one-year pilot project to assess the risk of reoffending by perpetrators of domestic violence had been launched, supported by the Union of Crisis Centres and the Friedrich-Ebert-Stiftung. The methodology used was already successfully applied in Germany, where the assessments had predictive reliability of over 70 per cent. Civil society organizations were working to re-educate perpetrators. The pilot project was expected to result in a reduction of reoffending.

7. Kazakhstan had ratified a number of international conventions on women's rights and adopted specific laws on gender equality. The achievement of genuine equality between men and women was an underlying principle of national legislation, enshrined in the Constitution and the President's gender policy. The Ministry of Internal Affairs had established specialist units for the prevention of violence against women, which facilitated coordination between the police, the National Commission on Women's Affairs and Family and Demographic Policy, other public bodies and non-governmental organizations. The Ministry of Internal Affairs had increased the number of specialist female inspectors, who now operated in every police district, providing legal, psychological and social assistance to victims in cooperation with local governments. The inspectors had placed more than 3,000 persons in shelters. Awareness-raising on the subject had resulted in more than 13,000 items appearing on television or in print media or being disseminated through news agencies.

8. The abduction of a woman for the purpose of marriage was criminalized under article 125 of the Criminal Code, on kidnapping, which was punishable by up to 12 years' imprisonment when committed by a group of persons and up to 15 years' imprisonment when resulting in serious consequences. A perpetrator who voluntarily released a kidnapped person would not be prosecuted if no other offence had been committed. Between 2019 and the first four months of 2023, 214 offences under article 125 had been registered and a comprehensive investigation conducted in each case. In 2023, seven criminal cases had been referred to the courts. In 10 cases already tried, 27 persons had been sentenced to various terms of imprisonment. Most cases of abduction for marriage occurred in the south of the country, where there was a tradition called "bride kidnapping", although the term was most often used to refer to consensual elopement.

9. All academies for internal affairs officials offered mandatory courses on international and national human rights law. In 2023, staff of the Kostanay Academy of the Ministry of Internal Affairs had travelled to four local prison service departments to conduct refresher training. In Almaty Province, a seminar on the absolute prohibition of torture and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) had been delivered to 20 prison guards to develop their professional skills, improve their resilience in stressful situations and change their attitudes to prisoners. The Karaganda Academy of the Ministry of Internal Affairs hosted a training centre for experts in combating illegal migration and trafficking in persons, where more than 2,000 police officers had studied since 2005. From 2023, the centre would be training border guards and customs officials from the entire Central Asia region. It conducted courses jointly with the Border Management Programme in Central Asia and the Organization for Security and Cooperation in Europe.

10. Offences, including domestic violence offences, could be either criminal or administrative depending on their gravity. Many domestic violence offences were classified as minor bodily harm, which had been an administrative offence between 2001 and 2015, when it had become a criminal offence under the new Criminal Code. Unfortunately, the harsher penalties provided for had not resulted in a reduction of domestic violence. They had, moreover, prevented the use of the protection orders and special offender behaviour requirements established pursuant to the Domestic Violence Prevention Act and applicable only in relation to administrative offences. Domestic violence was often associated with social problems such as alcohol abuse and unemployment. Punitive fines could thus take a heavy toll on budgets, with the family rather than the perpetrator paying the price. Moreover,

the prospect of criminal prosecution for the perpetrator had further discouraged reporting. Following the categorization of minor bodily harm as a criminal offence, the number of complaints had fallen fourfold in two years. Criminal investigations were more complex and took longer. For all those reasons, minor bodily harm had been recategorized as an administrative offence, leading to a tenfold increase in perpetrators being brought to justice in a single year. Research of the Office of the Procurator General had shown that 70 per cent of domestic violence incidents resulted in minor, or no, bodily injuries. In such cases, it was more important to ensure accountability for perpetrators than to insist on criminal prosecution.

11. Further legislative amendments had been made, in line with international best practice, to facilitate the shift from a reporting-based to a detection-based system of registering incidents of domestic violence so that victims were no longer required to press charges before administrative action could be taken. Repeated reconciliation was no longer possible. For both criminal and administrative offences, the material or other dependence of the victim on the perpetrator had been introduced as an aggravating circumstance, leading to harsher sentences.

12. **A representative of Kazakhstan** said that the penal correction system currently had 79 institutions. Most of them had been built in the mid-twentieth century and their condition had deteriorated significantly in recent decades. Between 2014 and 2021, 14 prisons that did not meet minimum standards had been demolished and 26 remand centres located in basements had been closed. In addition, the operation of 12 remand centres had been suspended, 11 had been rebuilt and 10 had undergone major renovations. Eight residential blocks in four institutions were currently being reconstructed to create individual-cell capacity for more than 5,500 persons, or 28 per cent of the total prison population. From 2023 to 2028, six modern remand centres would be built and all prisons would be modernized under a public-private partnership, bringing them into line with international standards. The move to individual cells would improve safety for prisoners and staff alike. Since 2019, more than US\$ 7.5 million had been spent on improvements. The budget for reconstruction from 2023 to 2028 was US\$ 195 million.

13. Between 2009 and 2019, criminal law reform had allowed for a reduction of the prison population from 63,000 to 28,000. However, since the introduction of harsher sentences for some offences against the person, property and human rights and freedoms and for corruption offences, and the reduction in the number of offences for which perpetrators could avoid criminal liability by submitting to a reconciliation procedure, the prison population had risen again, by 20 per cent between January 2020 and 1 April 2023. When facilities became overcrowded, prisoners were transferred to other locations.

14. The detention conditions of prisoners could be made milder or harsher, depending on their behaviour. For good behaviour, active participation in work or voluntary educational activities and attempts to make amends, prisoners were rewarded with commendations, gifts, prizes, permission to make additional purchases of food or necessities and early lifting of disciplinary measures. Good behaviour over set periods could lead to privileges such as additional visits and the right to receive more parcels. Good behaviour was taken into account by the judicial authorities for decisions on early release and parole. Conversely, disciplinary measures for breaches of prison rules and regulations included warnings, reprimands, placement in a punishment block for up to 15 days, placement in solitary confinement for up to four months and, for persons in open prisons, removal of the right to live in dormitory accommodation or to leave the facility. Persistent reoffenders were placed under strict detention conditions, losing their rights to telephone calls and visits. All relevant circumstances, along with the character and previous conduct of prisoners, were considered before disciplinary measures were imposed. Prisoners underwent medical examinations before being placed in a punishment block or solitary confinement. Only prisoners who had previously been placed in punishment blocks were subject to solitary confinement. Minors, women with infants living with them in a facility and women released from work owing to pregnancy or childbirth could not be placed in punishment blocks or solitary confinement.

15. Persons whose death sentences had been commuted to life imprisonment and other prisoners serving life sentences were held in special prison facilities. They had the right to at least an hour of outdoor exercise a day and were provided with food and other basic

necessities. Since 2017, prisoners serving life sentences had been required to continue their schooling; subsequently, they had been given the right to make telephone calls and allowed to work for pay. A bill further expanding prisoners' rights had been signed into law on 17 March 2023. Although steps were being taken to facilitate the early release of some prisoners, the crimes committed by a number of those serving life terms were of such gravity that they were ineligible to apply for early release. Assessments of the psychological and emotional health of convicts sentenced to life in prison were conducted, and since 2022 there had been rooms for group therapy with such persons, including in preparation for their early release.

16. The State had organized a number of initiatives, one involving meeting released prisoners as they walked out of the prison gates, to help ensure that they reintegrated successfully. As part of another initiative, former convicts who had started businesses on their release agreed to employ other former convicts and thus help them re-enter society. Released prisoners also had access to vocational training. In addition, steps were taken to ensure that prisoners had access to government social services on their release.

17. Prisoners had the right to submit complaints. Complaints and other communications, including video messages, could be submitted through the electronic terminals in place in a number of the country's prisons. They were transmitted directly to the central authorities, bypassing officials from individual prisons. By the end of 2023, all the country's prisons were expected to be equipped with those special terminals. Security cameras, too, were being installed in the country's prisons. In women's prisons, the footage was monitored only by female officials. By law, prisoners were protected from reprisals for submitting complaints. If they received threats, they were entitled to request special protection or a transfer to another prison. A number of prisoners had been transferred to other prisons in the country in the previous five years, in many cases for their own protection; none had been transferred abroad. Transfers were also effected in a bid to reduce the influence of prison gangs and their leaders.

18. **A representative of Kazakhstan** said that, in an attempt to prevent hazing, military units were made up of members of the same conscription class. Hazing was more likely to be a problem in units whose ranks included service members under contract.

19. **A representative of Kazakhstan** said that the Office of the Human Rights Commissioner (Ombudsman) had an annual budget of around US\$ 2.5 million. The figure of US\$ 120,000 that she had mentioned the day before referred to the annual budget for the Office's transport and logistical expenses. Although the national mechanism for the prevention of torture did not have a mandate to visit military academies or barracks, a working group of the Ministry of Defence, which included representatives of civil society, did arrange visits to such places.

20. Since its establishment in 2016, the Office of the Commissioner (Ombudsman) for Children's Rights had opened local branches throughout the country. Annual outlays for the activities of the Ombudsman, a public figure well known for her management of a fund for the protection of children, came to around US\$ 57,000.

21. **A representative of Kazakhstan** said that the transfer of responsibility for medical services in prisons and other places of deprivation of liberty from the Ministry of Internal Affairs to the public health authorities had begun in July 2022 and, on the whole, had led to improvements in the quality of care. Prisoners, like the population of the country as a whole, had access to health care, with more than 1,500 health-care workers employed in the prison system, which had a total of 60 outpatient facilities.

22. HIV and tuberculosis screening was mandatory for prisoners and, pursuant to a decree issued by the Ministry of Health, all newly admitted or transferred prisoners underwent medical examinations. A note on any signs of bodily harm detected during the examination would be included in the report drawn up by the person who performed the examination.

23. An electronic system to enable medical personnel to report and record signs of ill-treatment had been set up in July 2022. Training seminars on the system, which was accessible to health officials alone, had been organized with a view to creating a cadre of experts who would later train other users of the system. The collection of evidence facilitated by the system would certainly help prevent torture and ill-treatment in prisons.

24. **A representative of Kazakhstan** said that a national plan had been adopted in 2019 to ensure that Kazakhstan fulfilled its obligations under the Convention on the Rights of Persons with Disabilities. Plans had been made to complete a shift from a system of institutional care for persons with disabilities to a system of community-based care tailored to the individual's needs. The country's recent ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities had given it an additional incentive to improve the quality of the care offered in residential facilities. More than 2,000 children with mental or emotional disabilities lived in such facilities. Officials from the Ministry of Labour and Social Protection, accompanied by representatives of the national preventive mechanism, monitored the conditions in those facilities and made recommendations informed by the results of the inspections they conducted.

25. Plans had been made to appoint a commissioner for the rights of socially vulnerable groups in July 2023. The Government would partner with the private sector in an attempt to ensure that people in all parts of the country, including remote areas, had access to the social and other services they needed.

26. Since 1 January 2022, the Ministry of Labour and Social Protection had been responsible for asylum and refugee issues. It was possible to submit an application for asylum to a guard stationed at a border crossing point. Persons who entered the country illegally had 24 hours to submit an application to the migration authorities. Refugees and asylum-seekers were not, as a rule, deported. Although still small, the number of asylum-seekers had increased considerably in recent years. They had come from such countries as Ukraine, Afghanistan and the Russian Federation.

27. Asylum-seekers whose applications were rejected were required to leave the country within a month, and it was only after that period, and with a court order, that deportation was possible. Kazakhstan, which worked closely with local representatives of the Office of the United Nations High Commissioner for Refugees was the only State in Central Asia to have adopted a migration policy explicitly informed by an awareness of its obligations to assist refugees and asylum-seekers. Around 2,000 stateless persons a year, many from other countries in the region, became Kazakh nationals. Illegal immigration, also from the region, was increasing, and a task force had been set up to consider ways of responding to it.

28. **A representative of Kazakhstan** said that, in January 2023, a new court administration body had been established to help relieve the unnecessary administrative burden placed on judges, thus allowing them to focus on rendering justice. The budget for the national courts accounted for at least 6.5 per cent of the entire State budget. In cases of suspected torture, as in other criminal cases, the investigating judge was required to ensure that procedural safeguards and fundamental guarantees for defendants were fully respected. He or she assessed the reliability of each item of evidence submitted and decided whether it could be admitted. Information or evidence obtained using torture, violence, fraud or threats was not admissible under any circumstances and could not be used to bring a prosecution.

29. A total of 30 cases of suspected torture had been brought before the courts over the previous five years; of those, 22 cases had been decided, resulting in the conviction of 64 persons, and 8 cases were still being heard; there had been no acquittals. Over 70 per cent of those found guilty had received prison terms or alternative punishments. All 22 completed cases had involved allegations of torture at the pretrial investigation stage. Further enquiries had brought to light four more cases of torture reportedly committed in similar circumstances; prison terms had been handed down in three of those cases.

30. **A representative of Kazakhstan** said that, during the events of January 2022, more than 5,300 criminal offences had been recorded by the police, including murder, public disorder and terrorist acts. Around 670 cases had been brought before the courts, of which some 540 had involved the offences of organizing or participating in a riot. Prison terms had been handed down to some 300 persons and 14 persons had been acquitted. Following the entry into force of the amnesty law adopted after the January 2022 events, more than 4,000 persons had been absolved from punishment.

31. Of the approximately 9,480 cases heard by the administrative courts, around 3,300 had resulted in administrative detention and some 1,270 had led to the imposition of a fine. The penalties handed down in some 2,800 cases had been reduced and persons who had been

subjected to administrative detention had been released. Around 1,100 of the fines imposed had been commuted to simple warnings. Some 140 persons were suspected of having violated the curfew and counter-terrorism measures put in place; however, in most cases, there was not sufficient evidence to prove that they had committed any offence.

32. More than 5,300 persons had been injured during the events, including police officers and soldiers and some 1,190 civilians. Of the 238 persons who had lost their lives, 219 were civilians and 19 were law enforcement officers. A list of all those who had died during the January 2022 events had been published on the website of the Office of the Procurator General; however, owing to data protection requirements and the need to show sensitivity to grieving family members, only the family name and initials of those persons had been included. Just over 20 persons had died accidentally in crossfire or in road accidents, and four persons had died while committing offences.

33. Cases involving abuse of authority or inappropriate use of weapons by members of the armed forces resulting in the death of civilians were subject to special scrutiny. In one such case in Taldykorgan, a prison term of 6 years had been handed down. Other similar cases were under investigation or were before the courts. Six persons had died as a result of torture. All substantiated complaints of torture had led to criminal charges being brought against those responsible. The perceived discrepancy between the data provided by the Office of the Procurator General and the anti-corruption service could be explained by the practice of joining criminal complaints concerning the same suspects, which might give the impression that fewer complaints of torture had been filed overall. For example, in Taldykorgan, some 30 complaints concerning the use of a hot iron had been joined and dealt with in a single criminal case because the suspected perpetrators were the same in each case. Prison terms had been imposed.

34. Sixty-eight cases of abuse of authority and two cases involving other criminal offences committed by members of the armed forces had been investigated. A total of 35 police officers and members of the Kazakh security forces had been identified as perpetrators of torture and had been duly suspended. Convictions had been secured against 16 persons and prison terms had been handed down in two cases; the criminal proceedings brought in relation to the other cases were ongoing.

35. While it was true that Kazakh law did not prohibit the conclusion of procedural agreements, such as plea bargains, with suspected perpetrators of torture, he wished to confirm that no plea bargain agreements had been concluded with persons accused of having committed acts of torture during the January 2022 events. The prison terms handed down under article 146 of the Criminal Code had not been reduced.

36. Raigul Sadyrbaeva, who had been arrested on suspicion of committing criminal acts in Abay Province, had subsequently been released from custody and placed under a pretrial restraining order. The proceedings against her had been dropped as the charges had not been proven. As for the investigation conducted into the acts of torture allegedly committed against her, a forensic medical examination had found no signs of bodily injury and a video recording had disproved her claims regarding the use of inappropriate methods during her interrogation. The related criminal case had therefore been discontinued in August 2022 on the grounds of lack of evidence that an offence had been committed. A conviction had been obtained in the case involving the torture and rape of a female prisoner. The investigation into a similar case in Almaty Province had been concluded and criminal charges would soon be brought. Additional statistics on torture cases could be provided in writing.

37. The Government had received the recommendations of the Committee's working group on communications in respect of several individual complaints and would reply within the specified six-month time frame.

38. **A representative of Kazakhstan** said that, on the orders of the President of Kazakhstan, all cases of torture, including those that had previously been referred to the anti-corruption service, were henceforth to be investigated by the Office of the Procurator General alone.

39. Regarding the cases in which persons had died as a result of torture, in one case, referred to at the previous meeting, criminal proceedings had been initiated on the basis of

the outcome of a second forensic examination of the victim's body conducted after exhumation; the medical personnel who had conducted the original forensic examination had been prosecuted for giving testimony they knew to be false. The case in which the victim had allegedly been beaten by police officers was currently before the courts, as was the case against 11 members of the National Security Committee who had been involved in committing acts of violence at Almaty International Airport, resulting in the death of one individual. In another case, the victim's body had been exhumed. The death of two victims in Taldykorgan was under investigation. The investigation into another case, involving two police officers, had almost been concluded and the case would be referred to the courts. In still another case, two police officers had been filmed inflicting minor bodily harm on the victim and had been indicted; however, the actual cause of the victim's death had yet to be determined. In that case, criminal charges had also been brought against medical personnel for failing to physically examine the person while he or she was in police custody. In another case, a forensic examination had revealed that the person in question had died from malnutrition and hepatitis.

40. With regard to lessons learned, special instructions on conducting medical examinations had been drawn up for medical personnel. In addition, special instructions based on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol) had been developed and training on investigating torture cases had been conducted. The process of installing a video surveillance system in the country's prisons was under way. The ongoing constitutional and electoral reforms were aimed at strengthening democracy in Kazakhstan and at paving the way for a new future.

41. **Mr. Rogov** (Kazakhstan) said that, regrettably, no country was completely free from the scourge of torture. The President of Kazakhstan had tasked the Government with translating his vision of a country free from that practice into reality. The information that the delegation had provided painted an accurate picture of the situation on the ground. The Government's priorities were to respond promptly and effectively to any case of violence or torture and to prevent such violations from occurring by using a systemic approach.

42. The Human Rights Commission under the Office of the President of Kazakhstan was a non-governmental, consultative body competent to make recommendations to the Government, Parliament and the President himself. One half of its membership comprised representatives of the Ministry of Justice, the Office of the Procurator General, the Ministry of Internal Affairs and a judge of the Constitutional Court; civil society representatives made up the other half. The academy attached to the Ministry of Internal Affairs had started to study the psychological profile of torturers and the associated criminology; that research would help the Government to prevent torture and to identify institutional shortcomings. Kazakhstan was also drawing lessons and identifying best practices in preventing and punishing torture from other countries. In late 2022 and early 2023, public officials had received training under the Human Rights Education for Legal Professionals Programme of the Council of Europe, in the form of seminars and webinars. Specific training for judges in Almaty was scheduled to take place in late June or early July 2023.

43. **Ms. Racu** (Country Rapporteur) said that she welcomed the delegation's assurances that the State party pursued a policy of zero-tolerance for acts of torture and ill-treatment committed by law enforcement officers and was heartened to hear of the Government's commitment to preventing, investigating and punishing acts of torture.

44. It was the Committee's understanding that a complaint of torture did not automatically give rise to a criminal investigation, without the need for further checks. Indeed, article 181 (5) of the Code of Criminal Procedure stated that, if there was insufficient information to conclude that the act that was the subject of a complaint constituted an offence, the complaint should be sent to the competent State authorities for verification. The Committee had been informed that, in practice, complaints of torture were often dismissed out of hand by the internal affairs authorities on the basis that the elements constituting the offence of torture were not present. The delegation might explain what the checks performed by the internal affairs authorities entailed and indicate how many complaints of torture or ill-treatment had been referred to those authorities for verification and how many such complaints had been dismissed at that stage.

45. She would welcome information about the obstacles encountered by the authorities in investigating the allegations of torture and ill-treatment committed during the events of January 2022, along with statistical data on the cases classified as abuse of authority. She would also welcome replies to the questions regarding injury logs at pretrial detention centres, the reporting of signs of torture observed on pretrial detainees and any subsequent actions taken, investigations into ethics violations by medical personnel in relation to the January 2022 events and the application of penalties for failure to report signs of torture.

46. While she appreciated the delegation's acknowledgement of the practice of hazing in the military, it would be useful to receive statistical data on the number of cases of hazing, self-harm, suicide and other violence in the armed forces and on the number and outcome of complaints of torture and ill-treatment. Did the State party intend to extend the mandate of the national preventive mechanism to include all places of deprivation of liberty operated by the military and to authorize non-governmental organizations to access such places?

47. She would welcome statistical data on incidents of inter-prisoner violence, as well as information on the investigation of such incidents, any preventive efforts and any relevant guidelines or internal regulations. She would also welcome further details concerning the medical services provided in pretrial detention centres and the expected impact of shifting responsibility for the medical services to the Ministry of Health.

48. It would be helpful to have a better understanding of the selection process and mandate of the regional commissioners for children's rights. The delegation might comment on the fact that gender dysphoria remained a psychiatric disorder under Kazakh law and that legal recognition of gender for transgender persons was contingent on them having undergone gender reassignment surgery. What psychological support was available for lesbian, gay, bisexual, transgender and intersex persons?

49. She wished to know what progress had been achieved in detecting and investigating cases of trafficking in persons, what rehabilitation was provided to victims and whether the shelters for victims of domestic violence were also open to victims of trafficking. Lastly, she would appreciate information on the number of prosecutions and convictions in cases of gender-based or domestic violence and on any investigations conducted into cases of bride kidnapping specifically.

50. **Ms. Puce** (Country Rapporteur) said that she wished to know whether article 146 of the Criminal Code applied during states of emergency and, if not, whether the State party intended to make explicit the fact that freedom from torture was a non-derogable right. She wondered what non-custodial penalties were being imposed in torture cases and, given the seriousness of the offence, what the justification was for lighter penalties. It would be useful to hear about the number of cases in which victims of torture had received compensation, the amount of the compensation, other forms of redress that had been provided and the State party's plans to allocate resources to the compensation fund for victims to ensure its sustainability. She would welcome further details about the psychological treatment provided to juveniles who had committed serious offences and whether corporal punishment of children was permitted. She wished to commend the State party for setting up extensive video surveillance in locations where torture and ill-treatment were most likely to occur. It should be recalled, however, that there was a need for a balanced approach to ensure respect for privacy. Lastly, she would encourage the State party to issue an invitation to the Working Group on Arbitrary Detention to visit Kazakhstan and to take advantage of the Working Group's technical assistance.

*The meeting was suspended at 5.25 p.m. and resumed at 5.45 p.m.*

51. **A representative of Kazakhstan** said that the provisions of article 181 (5) of the Code of Criminal Procedure were not applied in cases of torture. Allegations of torture were immediately registered and referred to the procurator, not to any other body. Where the alleged perpetrator was not clearly identified in a complaint, an investigation could still be initiated and criminal charges laid. Investigations were conducted even where the perpetrators were masked, information from global positioning system equipment was deleted or suspects closed ranks. Since torture was a serious offence, perpetrators could not make plea bargains in practice, nor could they receive suspended sentences; torture could not be reclassified as a lesser offence.

52. **A representative of Kazakhstan** said that there was currently no entity with the mandate to visit all military facilities, but that the situation would be reviewed.

53. **A representative of Kazakhstan** said that there had been 11 to 29 prisoner suicides per year between 2017 and 2022. All police custody units kept logs to record information, including cases of new detainees who arrived with injuries. Electronic registration was also available.

54. **A representative of Kazakhstan** said that the regional commissioners for children's rights were nominated by the regional heads for a term of three years. They must have at least five years' relevant experience.

55. **Mr. Rogov** (Kazakhstan) recalled that Ombudsman for Children's Rights was a volunteer position and that the incumbent could not therefore be expected to take on additional responsibilities.

56. **A representative of Kazakhstan** said that persons over the age of 21 could undergo sex reassignment surgery provided that they did not present with a psychological disorder. Individuals who underwent the surgery could obtain psychosocial assistance through the appropriate organization nearest to their place of residence.

57. **A representative of Kazakhstan** said that non-governmental organizations operated 10 crisis centres for trafficking victims and that nearly 170 victims had received various social services.

58. **Mr. Rogov** (Kazakhstan) said that there was no longer a specific offence of bride kidnapping; the penalty was the same as for ordinary kidnapping. A full picture of all the cases arising from the events of January 2022 was expected within two months. There were no derogations from the law during curfews such as that imposed during the January 2022 events. Causing physical harm to children was not permitted under any law.

59. **A representative of Kazakhstan** said that 217 members of the military had died in recent years, mostly from illness, followed by traffic accidents and suicide; a small number of the deaths had been the result of criminal actions. The purpose of the compensation fund referred to by Ms. Puce was to provide crime victims with initial assistance prior to the trial in their case, to cover treatment, rehabilitation or, where necessary, funeral costs, among others. The law currently provided for three categories of victim. Over 33.5 million tenge in compensation had been paid in 2020 and 122 million tenge in 2021.

60. **Mr. Rogov** (Kazakhstan) said that the Government looked forward to receiving the concluding observations and to cooperating further with the Committee.

*The meeting rose at 6.05 p.m.*