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Summary record of the 3272nd meeting

Held at the Palais Wilson, Geneva, on Thursday, 23 June 2016, at 10 a.m.

Chair: Mr. Salvioli

Contents

Consideration of reports submitted by States parties under article 40 of the Covenant
(*continued*)

Second periodic report of Kazakhstan (continued)

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

*Second periodic report of Kazakhstan (continued) (CCPR/C/KAZ/2;
CCPR/C/KAZ/Q/2 and Add.1)*

1. *At the invitation of the Chair, the delegation of Kazakhstan took places at the Committee table.*
2. **Mr. Suindikov** (Kazakhstan) said that the offence of domestic violence encompassed both physical and psychological abuse and that, if there were aggravating circumstances, prosecution was obligatory. Lawyers could visit places of detention an unlimited number of times, although they were occasionally prevented from doing so by, for example, a lack of available meeting rooms. Although Mr. Namazbaev, who had been convicted for corruption, had alleged ill-treatment during his detention, a subsequent court investigation had shown his allegations to be false. As to torture, 965 complaints had been filed in 2013, leading to 35 prosecutions and 46 convictions; 1,282 had been filed in 2014, leading to 56 prosecutions and 34 convictions; 622 had been filed in 2015, all of which had been investigated, and there had been 26 convictions. Investigations were ongoing in regard to the 114 complaints filed thus far in 2016, but there had already been 6 convictions. The average length of investigation was between six and eight months, and victims could apply for compensation. Bride kidnapping was rare, all incidents were prosecuted, and there had been seven convictions in 2015. It had been categorized as a specific offence in the previous Criminal Code, punishable by up to three years in prison; under the new Criminal Code, it was covered by the general offence of kidnapping, and was subject to a term of imprisonment of up to 15 years.
3. The Government had suspended the death penalty and was moving towards its formal abolition, but some had recently suggested that an exception should be made for convicted terrorists. Pursuant to the updated Code of Criminal Procedure, pretrial investigations were no longer preceded by a supplementary verification stage. As to the Zhanaozen uprising, there had originally not been enough lawyers in the region to represent all those involved, but adequate legal representation had eventually been provided. Incidents of suicide in detention centres were investigated as a matter of course, and disciplinary sanctions were imposed on managers and supervisors. The annual number of suicides in pretrial detention centres had fallen from 16 in 2012 to 6 in 2015.
4. **Ms. Azimova** (Kazakhstan) said that the suicide rate had been reduced, including a reduction of 34.2 per cent for minors, and that the Government's focus was on prevention. Additional psychologists, social workers and special teachers had been recruited, the Government was working with non-governmental organizations (NGOs) on the issue, and several hotlines had been established. The Constitutional Council had ruled that the bill on the protection of children against information detrimental to their health and development was inconsistent with the Constitution.
5. **Mr. Sarsembayev** (Kazakhstan) said that, with regard to article 4 of the Constitution, it had not been necessary to suspend any laws, since there were no contradictions between the provisions of international treaties and those of national legislation. As to article 78 of the Constitution, individuals could file complaints via the judicial system, but the Constitutional Council was not a judicial body.
6. **Ms. Seibert-Fohr** said that States parties could not circumvent article 9 of the Covenant, which applied to all forms of deprivation of liberty, simply by recategorizing detention as an administrative procedure. The Committee had been informed that the organizers of a demonstration against land reforms scheduled for 21 May 2016 had

allegedly been placed in preventive detention in advance of the event. How long had they been detained and on what charges? The delegation might comment on the State party's claim, as reported by the Special Rapporteur on the rights to freedom of peaceful assembly and of association, that such measures were used as a public service to "inform" citizens about the law. The Committee would like to know whether the administrative detention of a person for not having a permanent place of residence or identity documents was considered a proportional measure and how a person could be placed in administrative detention even before the necessary court order had come into effect. The very low rate of acquittal raised questions regarding the independence of the judiciary and the equality of arms. Was the President, as head of the executive power, involved in the selection of members of the Higher Judicial Council as well as the selection of judges? The delegation might like to consult the recommendations made by the Organization for Security and Cooperation in Europe on judicial independence. Judges risked sanctions for controversial interpretations of the law.

7. The Committee would like more information on the role of the prosecution in the judicial process and, in particular, whether the Procurator-General could appeal a court decision after its entry into force and whether the investigating authorities appointed defence lawyers. Given the security checks recently introduced at court buildings, it would be helpful to know whether, as reported, lawyers regularly had their computers and mobile phones confiscated and, if so, how they were supposed to prepare their clients' defence. The Committee would also like the delegation to comment on reports that lawyers had been subjected to threats, attacks and intimidation by the authorities. Comments were also needed on reports that surveillance activities were often conducted without judicial authorization and that telecommunications providers were required to make information available to law enforcement and intelligence officials.

8. **Mr. Ben Achour** said that the delegation should comment on the veracity of reports that internal troops had been involved in security operations in places of detention and that detainees had suffered ill-treatment and torture. Iskander Tugelbaev, for example, had allegedly been beaten so severely during his detention that he had lost the capacity to speak and walk upright. It would also be helpful to know when the Penalties Enforcement Code would be introduced and what it would entail. The Committee would like the delegation to respond to reports that minors were sometimes detained for longer than six months and that, although the new Code of Criminal Procedure would provide for direct access to counsel, detainees were in practice prevented from exercising that right.

9. While the State party was to be congratulated on its national and international efforts to promote religious tolerance, the Committee would like to know how article 22 of the Constitution and the Act of 11 October 2011 on Religious Activities and Religious Organizations were in line with article 18 of the Covenant. Owing to the high number of members required to register a religious group at the national level under the Act of 11 October 2011, which could be considered a form of de facto discrimination, only Sunni Islam, the Russian Orthodox Church and the Roman Catholic Church qualified.

10. The requirement that a political party must have at least 40,000 members to qualify for registration at the national level seemed excessive in the light of paragraphs 17, 25 and 26 of the Committee's general comment No. 25 on participation in public affairs and the right to vote. The Committee would like to know why the State party had not established an independent body to handle the registration of political parties, since the current system, under which the Ministry of Justice was responsible for their registration, seemed open to abuse. The Committee was concerned that the very broad definition of the concept of incitement in article 174 of the new Criminal Code could be used to suppress political dissent and noted that a similar provision had been used to convict Mr. V.I. Kozlov, to whom reference was made in paragraph 151 of the replies to the list of issues

(CCPR/C/KAZ/Q/2/Add.1). Why had the Communist Party of Kazakhstan been banned? Did the judiciary exercise impartiality in deciding to ban political parties? To what extent was the political system a pluralistic one in which rival parties represented viable alternatives to the ruling one?

11. **Mr. Vardzelashvili** asked which authority conducted investigations into allegations of torture. If the Ministry of Internal Affairs held that mandate, a conflict of interest would arise. He would like to receive further information on the residence registration system (*propiska*) since registration was reported not to be compulsory and yet relevant legislation provided for sanctions in cases of failure to register. In addition, unregistered persons had their homes searched and did not have access to basic essential services. Information would also be appreciated regarding administrative detentions of persons without identity documents and how that practice conformed with international obligations. He asked whether an exit visa was still required for persons wishing to leave the country.

12. In the light of reports that journalists' activities were impeded and that freedom of expression had deteriorated in the country, he asked to what extent journalists could freely carry out their work. Many newspapers, such as the independent *Pravda Kazakhstana*, had been suspended for minor infractions or irregularities. Many websites had also been suspended, often on charges of incitement to social hatred under the Anti-Extremism Act, such as *Stan.TV*, which had been suspended by the public prosecutor of Almaty under an order of the Ministry of Justice. Outlining various other cases of closures of media outlets, and arrests of journalists and leaders of opposition groups, such as Vladimir Kozlov, he drew attention to the fact that general comment No. 34 on article 19 of the Covenant stipulated that restrictions on freedom of expression in certain areas must be very specific, and asked to what extent national legislation was in compliance with that requirement.

13. He was concerned by the fact that legislation still provided for sanctions for insulting the dignity of the President and State officials, and for disseminating false information. He emphasized that the present occasion was not the first on which the Committee had requested the State party to remove such provisions from its legislation. In the previous universal periodic review cycle, the State party had refused to accept a recommendation to repeal provisions concerning defamation and slander. Lastly, several international bodies, including the European Parliament, had agreed that Mr. Kozlov had been denied the right to a fair trial and that his freedom of speech and association, among others, had been breached. Insulting and criticizing public figures should not constitute a violation of the law.

14. **Mr. Iwasawa**, referring to the State party's reply to question 25 of the list of issues, said that various bodies had expressed concerns about the Act on the Procedure for Organizing and Holding Peaceful Assemblies, Rallies, Marches, Protests and Demonstrations in the Republic of Kazakhstan. Despite the fact that the State party had undertaken to draft a new law on peaceful assembly, no update had been provided and he would appreciate information on the current status of that draft text. He asked for further clarification on the provisions in the Criminal Code and the Code of Criminal Procedure that set limits on freedom of assembly and defined as an offence the promotion of a peaceful assembly. Reports had stated that preventive detention and extended administrative detention had been used to prevent the exercise of the right of peaceful assembly, and he wondered how such detention was compatible with article 21 of the Covenant.

15. With regard to question 26 of the list of issues on freedom of association, he would appreciate information on provisions concerning incitement to discord, which were extremely broad and open to abuse, and on the Trade Union Act of 2014, which made the affiliation of trade unions to regional or sectoral federations mandatory and limited the right

to strike. He would like to know why leaders of public associations posed a greater threat than other persons and why the law set out stricter provisions regulating their activities.

16. In the light of reports that NGOs were concerned that the establishment of a central body might be used to administer all grants to NGOs and assert tighter control over their fundraising, he asked how, according to paragraph 170 of the replies to the list of issues, the Act amending legislation on the activities of NGOs facilitated the creation of the most favourable conditions possible for increasing NGO resources and ensured transparency with respect to the procedures for NGO funding.

17. **Ms. Cleveland** asked what concrete acts constituted a crime of incitement to hatred or enmity or of extremism for the purposes of prosecutions. She would like further information on the evidentiary standard for launching an investigation into a claim of torture, the duration of such investigations, the practice of charging unsuccessful complainants with false reporting of a crime, the types and lengths of sentences imposed in relation to convictions for torture, and the types of compensation granted to victims and their families.

18. Turning to issue 17 of the list of issues, she invited the delegation to explain the reasons for the decrease in the number of investigations, prosecutions and convictions relating to trafficking in persons, and asked whether the procedure adopted in 2014 to identify victims of trafficking had been implemented. Given that most cases of trafficking were tried under article 309 of the Criminal Code concerning prostitution rather than article 128 on trafficking in persons, she asked for disaggregated data on the number of cases tried under both provisions, the differences between those provisions with regard to the elements of the crime and the person subject to prosecution, and the reasons for pursuing cases under article 309. What measures were taken to tackle corruption among law enforcement officials in relation to trafficking in persons? She requested details on the scope of the pilot project of the Ministry of Justice to provide shelters for victims of trafficking, including whether it would be rolled out in other areas of the country. In the light of reports that foreign trafficking victims were sometimes charged with violating immigration laws and expelled under administrative court decisions, she asked what legal protection was guaranteed to foreign victims, whether charging victims with violations of immigration regulations was State policy, and what protection, including access to counsel and the right to appeal, was available to foreign trafficking victims during any expulsion proceedings brought against them.

19. With regard to issue 18 on forced, bonded and child labour, she noted that in 2014 the Special Rapporteur on contemporary forms of slavery had stated that legal employment was the best protection for migrant workers against modern forms of slavery. She asked about measures taken to improve access to legal employment for migrant workers, including streamlining the application process.

20. She wondered whether the provisions of the new Code of Corrections on prison labour were compatible with article 8 of the Convention, and requested information on the rights of prisoners with regard to labour and on the legal consequences for prisoners of refusing to perform labour not prescribed by a court decision.

21. Disaggregated data would be appreciated on identified cases of child labour, as well as details on the content and progress of the Plan of Action on the Elimination of the Worst Forms of Child Labour for the period 2016-2017. She asked what steps were taken to ensure that shelters were available for victims of forced labour and that legal, financial and social support was provided to them. She wondered whether the new Criminal Code and Code of Criminal Procedure criminalized slavery and slavery-like practices, including explicit criminal liability for forced labour, domestic servitude, forced marriage, forced continuation of marital cohabitation and obstructing a woman from entering into a marriage

of her choice. If not, what steps were envisaged to revise legislation to clearly define all modern forms of slavery?

22. She wished to know whether an adequate protective framework was in place in the agricultural sector to prevent and punish abuse of migrant workers, prevent migrants from working in hazardous conditions, ensure that migrant workers were regularized and provided with contracts, ban the confiscation of migrants' identity documents, and ensure that employers paid for work performed. What plans were there to revise legislation and regulate the practices of employers? She wondered if reports were true that the introduction of individual identification numbers for migrants meant that migrants had access to emergency health care only and, if so, how the State party planned to rectify that shortcoming.

23. Further information would be welcome on restrictions in the area of labour inspection, which limited the labour inspectorate to planned visits, discounted anonymous complaints as grounds for an inspection, and included provisions in the Labour Code that fixed the number of inspections per enterprise. If reports were true that the Ministry of Labour did not enforce national legislation on forced and bonded labour, she wished to know what mechanisms were in place to identify cases of forced and bonded labour, and what measures ensured that labour inspectors were legally and financially equipped to detect such violations.

24. Turning to issue 21 on the subject of asylum seekers and refugees, she asked what procedures were applied in determining the validity of individual claims of persecution, whether there was a supervisory body to ensure that officials making such determinations complied with international standards, what procedures border guards followed when determining what kind of protection to afford, and what training they received in that regard. Furthermore, she asked what measures were taken to ensure the equal treatment of all refugees irrespective of their country of origin, to introduce complementary protection status for persons not formally recognized as refugees, and to ensure that forcible returns were not carried out while asylum decisions were pending. She wondered how the authorities determined that diplomatic assurances from other States were sufficient to ensure that repatriation would not expose the individual in question to treatment in violation of the Covenant. Did those assurances comprise private medical examinations subsequent to return and were they subject to review by an independent body to ensure compliance with international human rights standards? Lastly, what decisions had been made regarding implementation of the recommendations of the Committee against Torture which had found the State party to be in violation of article 3 of its Convention; and what steps had the State party taken to secure the return to the country of a group of asylum seekers transferred to Uzbekistan in 2012 and to grant them reparation?

The meeting was suspended at 11.30 a.m. and resumed at 11.40 a.m.

25. **Mr. Suindikov** (Kazakhstan), referring to the demonstrations held on 21 May 2016 to protest proposals for amendments to the Kazakh Land Code, explained that grenades, handguns, explosives and other weapons found at the site of the events had given law enforcement officials serious reason to believe that there was a threat of mass violence. They had therefore detained several activists in order to protect the safety of all persons present at the demonstrations. Of the 51 persons detained, most had been issued a warning or had been fined, while a few who had committed flagrant violations had been placed in administrative detention. Several persons had contested the penalties imposed on them, and decisions had been overturned in some cases. All complaints in connection with those events would be examined by a judge in keeping with legal procedures, thus providing an effective safeguard for all persons concerned.

26. Although the Procurator-General had the power to suspend civil court rulings, that power was used only in exceptional cases where there were sufficient grounds to suspect judicial error and in order to allow time for review of appeal and delivery of a final decision. The Office of the Procurator-General had exercised that prerogative six times in the past year. Likewise, the Procurator-General participated in civil proceedings only in cases in which it was necessary to protect the rights of persons requiring legal support, such as minors, persons with disabilities and persons lacking capacity.

27. **Ms. Agybayeva** (Kazakhstan) said that any eligible candidate could participate in the qualifying examination to become a Supreme Court judge. On the basis of the results of the examination, the Higher Judicial Council selected the most qualified candidates and recommended their names to the Senate, which made the final decision on appointment. Amendments introduced in 2015 to the Constitutional Act on the Judicial System and the Status of Judges provided for the reorganization of the Higher Judicial Council in order to dissociate it from the Office of the President and establish it as an autonomous State body with its own staff. The Act also amended the grounds for taking disciplinary action against judges and established precise definitions for the relevant infractions. Presidents of courts were not authorized to bring disciplinary action against judges. Other amendments to the Act would be phased in gradually.

28. Although live broadcasts of courtroom proceedings were not permitted unless agreed by the parties, in more than 80 per cent of cases, audio or video recordings were made of proceedings, in order to provide a backup to the written court record. Accordingly, security checks at court buildings did not undermine the ability of lawyers to defend their clients properly.

29. **Mr. Bazylbekov** (Kazakhstan) said that reforms introduced in recent years had led to a reduction of almost 30 per cent in the prison population, as well as to improved conditions of detention. Those included a greater variety of foods and larger prison cells, whose minimum volume had been set at 2.5 square metres for each inmate. Prisoners were offered opportunities for social rehabilitation, including education, vocational training, participation in cultural events and the possibility of receiving counselling and psychological assistance. They were entitled to continue taking advantage of those opportunities following their release. Efforts to elaborate a bill on conditions of probation were nearing completion and would enable released prisoners to receive legal, social and other forms of assistance.

30. All the complaints lodged against officials of the National Guard, who were authorized by law to perform prison monitoring and guard duty, had been examined, but no violations had been found. The prisoner, Iskander Tugelbaev, to whom reference had been made by Mr. Ben Achour, had suffered from a psychiatric illness, a bout of which had caused him to fall and incur a concussion. He had been treated at civilian and prison hospitals and had been released from prison in May 2016.

31. The number of minors held in places of detention had decreased fourfold in the past four years, and all the appropriate safeguards had been put in place to allow for public oversight of prison conditions by representatives of NGOs and official prison inspectors. Although legislation stipulated that minors could not be held in preventive detention for more than six months, there had been a few cases in which additional investigation and procedural formalities had nevertheless required a longer period of detention.

32. With regard to prison labour, prisoners performed 55 per cent of the available work tasks in prisons, and there was a need to provide them with even more. They were given jobs that corresponded to their qualifications and state of health, as a way of allowing them to earn money in order to pay compensation to victims and to support their families. Investigations in detention centres were carried out by the Ministry of Internal Affairs, and

any signs of torture that were detected were reported immediately to the appropriate prosecutor.

33. **Mr. Azilkhanov** (Kazakhstan) said that article 22 of the Constitution, which guaranteed freedom of religion or belief, was compatible with the rights embodied in article 18 of the Covenant and did not limit them. The Act of 11 October 2011 on Religious Activities and Religious Organizations explicitly provided for the right to manifest one's religion, including in association with others. The aim of the Act was to set forth the rules for the establishment of religious organizations, not to restrict religious expression as such. Discrimination against religious organizations did not exist in Kazakhstan, and the Government did not interfere in their internal affairs.

34. The penalties prescribed for persons charged with administrative offences under the Act were not considered to be too severe, and they should be seen in the general context of administrative practice. The number of persons who had been convicted under the Act had been 192 in 2013, 96 in 2014 and 40 in 2015. The downward trend was continuing in 2016, with 8 convictions thus far.

35. **Mr. Suindikov** (Kazakhstan) said that, as a crime prevention measure, persons without identity documents could be held in administrative detention until such time as their identity could be confirmed. That practice was considered to be compatible with the international obligations of Kazakhstan. Any information held by law enforcement agencies that could interfere with a person's privacy could be retrieved only with the authorization of prosecutors, who could not themselves obtain the information.

36. It was very difficult to specify which concrete acts under the Criminal Code constituted a crime of incitement to extremism, as there were many that could potentially be included. It was for that reason that expert assessments were carried out in accordance with a detailed methodology aimed at identifying all signs of extremism.

37. **Ms. Azimova** (Kazakhstan) said that the Ministry of Justice was responsible for the expert assessment system. Efforts to reform that system, to obtain international accreditation for it and to obtain assessments from international experts were currently under way.

38. There had been no discussion of the question of transferring responsibility for political party registration from the Ministry of Justice to another body, and it was currently carried out as part of general registration functions relating to all types of public and religious organizations. Although expert assessments could be carried out in respect of a religious organization, such assessments were intended to ensure its compliance with the relevant procedures rather than to assess the type of activity in which it engaged.

39. **Mr. Goloburda** (Kazakhstan) said that, according to the law, local authorities could suspend the activity of a media outlet by court order; however, measures were currently being taken to improve that situation, and there were plans to reform the Media Act in the near future. As part of preventive efforts to ensure compliance with laws on the use of the Internet, notifications of illegal content had been detected in more than 62,000 items of Internet material; of those, 39,000 had been voluntarily removed. They concerned primarily terrorist-type or pornographic content. Information concerning court decisions was available at the Supreme Court website. The right to employ a pseudonym when using the Internet was permitted not only to journalists but also to other users. The law on personal data and their protection required website owners to ensure the confidentiality of user data, and when requested by the user, to destroy or remove personal data.

40. **Mr. Suindikov** (Kazakhstan) said that Internet providers did not have direct access to citizens' personal data; rather they possessed the technology to retrieve such data legally when so authorized by the prosecutor. The judicial policy that was in effect until 2020

provided for the gradual transfer to the courts of certain prosecutorial functions; a study would be made of the issues involved for the purpose of strengthening the protection of privacy.

41. A series of cases of extremism in the media had been instituted under article 174 of the new Criminal Code, and the expert assessments carried out in those cases had found clear signs of incitement to violence, enmity and discrimination. Action had accordingly been taken against the individuals and media outlets concerned, which had enjoyed full procedural guarantees.

42. **Mr. Sarsembayev** (Kazakhstan) said that the Political Parties Act required a party to have 40,000 members as a precondition for registration. However, a minimum of 50,000 members had been required prior to 2009.

43. The Communist Party of Kazakhstan had been dissolved by court order because its membership had been steadily declining and prominent leaders had been replaced. He understood that some leaders had actually initiated the dissolution of the Party.

44. The fact that only three political parties were represented in the Kazakh Parliament was not the authorities' fault. The country's population of more than 9 million had voted for them in the elections.

45. **Ms. Azimova** (Kazakhstan) said that in October 2014 some branches of the Communist Party had requested verification of the accuracy of the list of members. The list had been verified and found to be accurate. The Party had then instituted legal proceedings and appealed against the court order. The appeal had been dismissed in February 2015 and no appeal in cassation had been filed within the six-month time limit.

46. **Mr. Mukhitov** (Kazakhstan), responding to a question about the compulsory residence registration system (*propiska*), said that it was an administrative offence to remain unregistered for more than three months. Offenders received a warning and a fine, and their landlords were also required to pay a fine. The Code on Administrative Offences contained provisions applicable to persons without identity cards and fugitives from justice.

47. Exit visas were issued unreservedly to all applicants unless their right to travel was restricted by judicial or investigatory bodies.

48. **Mr. Nurymbetov** (Kazakhstan) said that the purpose of the 2014 Trade Union Act, which required mandatory affiliation to regional or sectoral federations, was to strengthen the trade union movement during the transitional period and to promote trade union awareness of issues being addressed by the Government and other bodies. Trade unions were not compelled to be affiliated to a specific federation. Moreover, an unlimited number of trade unions could be represented within a particular company or sector. A total of 400 trade unions had been registered under the Act to date as well as three national federations with a total of 3,600,000 members: the Federation of Trade Unions of the Republic of Kazakhstan, the Confederation of Labour of Kazakhstan, and the Confederation of Independent Trade Unions of Kazakhstan. However, in light of recent comments by the International Labour Organization (ILO), the Kazakh authorities had agreed to host an ILO mission to Kazakhstan in September 2016 to receive technical assistance and to develop a road map for the improvement of legislation on trade unions.

49. **Mr. Suindikov** (Kazakhstan) said that certain media outlets had been shut down or suspended by the Procurator-General on procedural and judicial grounds. In some cases emergency action had been taken owing to terrorist threats. For example, Kazakh citizens had been given access to audio and video recordings of propaganda by the Islamic State in Iraq and the Levant (ISIL). The responsible outlet had been shut down and the Procurator-General's decision had been reviewed in court the following day.

50. Charges of slander were not brought by the Government but by private individuals. Between 30 and 40 per cent led to acquittals, a similar proportion were withdrawn, and an insignificant number of persons were convicted and deprived of their liberty. The majority of cases were heard in civil rather than criminal courts.

51. The Criminal Code provision attributing greater responsibility to leaders of public associations was due to the crucial management or leadership functions that they performed. For example, a leader in Aktobe had recently attempted to compel the members of his association to commit terrorist acts.

52. **Mr. Nurymbetov** (Kazakhstan) confirmed that the Labour Code required compliance with certain procedures before a strike could begin. Employers were required to consider the workers' demands within three days. If they failed to do so or if they rejected the demands, a conciliation commission was established, also within three days. If the commission failed to achieve a settlement, the next step was labour arbitration. If none of the mediation procedures proved successful, a strike could be called.

53. The recent ILO comments concerning strike procedures had focused on enterprises providing public services or producing hazardous materials or objects. The Parliament had just launched an independent assessment of Labour Code implementation, including the procedure for holding strikes. When the results of the assessment were issued, action would be taken in cooperation with social partners to improve the Code.

54. **Mr. Suindikov** (Kazakhstan) said that the Committee had recommended in its previous concluding observations (CCPR/C/KAZ/CO/1) that Kazakhstan should review its regulations governing freedom of assembly. A new law was currently being discussed and steps had been taken to monitor relevant measures by local authorities and to ensure that restrictions on freedom of assembly, including in town centres, were imposed only in exceptional circumstances. According to new rules recently adopted in most regions, violations of procedural requirements could not constitute grounds for rejecting demands to hold a rally or demonstration.

55. Regular training courses for the police on proper conduct during marches and demonstrations and on multicultural tolerance were organized jointly with the Organization for Security and Co-operation in Europe (OSCE) and the United Nations. Discussions were also held with civil society organizations.

56. **Mr. Abishev** (Kazakhstan) said that the State's policy on the fight against human trafficking was based on four main principles: prevention of trafficking; protection of victims; prosecution of perpetrators; and development of partnerships in fighting human trafficking and providing assistance to victims. Fortunately trafficking was not widespread in Kazakhstan. Criminal proceedings had been instituted in 267 cases in 2011, 250 in 2013, 310 in 2014, 345 in 2015, and 164 in the first part of 2016.

57. The Commission on Human Rights attached to the Office of the President was taking action to protect victims' rights in cooperation with international organizations, particularly the International Organization for Migration (IOM). An analytical report on problems encountered in preventing human trafficking had been produced. It analysed the applicable criminal legislation and the arrangements for providing social assistance to victims. The criminal legislation had been found to comply with the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Article 424 of the Criminal Code prescribed prison terms of up to 15 years for perpetrators.

58. Pursuant to the recommendations made in 2014 by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Ministry of Health and Social Development and the Ministry of Education and Science had developed

criteria for detecting signs of ill-treatment, social deprivation, and subjection to physical, psychological, sexual and other forms of violence. A set of special social services for victims had also been developed on behalf of foreigners, migrant workers and citizens of Kazakhstan. A sum of 40 million tenge had been allocated in 2016 to NGOs that provided social services to victims.

59. **Ms. Azimova** (Kazakhstan) said that pamphlets and other literature on human trafficking had been circulated.

60. Responsibility for the pilot project on crisis centres had been transferred from the Ministry of Justice to the Ministry of Health and Social Development and the Ministry of Internal Affairs. The format applicable to support for crisis centres had been reviewed, and revised budgetary standards had been developed. Funds would be allocated from the budgets of local authorities with a view to enhancing their role in the project.

61. **Mr. Azilkhanov** (Kazakhstan) said that the recently adopted Act amending legislation on the activities of NGOs had been supplemented by a financing mechanism based on grants and prizes. The State did not monopolize the funding process and decision-making was based on transparent procedures. The legislation governing other forms of NGO funding, for instance by foreign donors, had not been amended.

62. With regard to the right to conscientious objection and alternatives to military service, he said that the armed forces were composed primarily of professional soldiers. In 2013 the State had introduced the option of performing remunerated military service for one month. It was gradually introducing standards that were in line with the Committee's recommendations.

63. **Mr. Mukhitov** (Kazakhstan) said that commissions mandated to assess refugee status had been established in each region. They were composed of representatives of relevant State bodies and observers, including representatives of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and international human rights bodies. Owing to the geographical location of Kazakhstan, there had not been a major inflow of refugees. Refugees living in the country were not subjected to any form of repression by the Government.

64. **Mr. Nurymbetov** (Kazakhstan) said that child labour was primarily a problem in the cotton plantations of southern Kazakhstan. However, recent figures for child labour indicated a downward trend: 699 in 2013; 547 in 2014; and 400 in 2015. The problem of child labour in tobacco plantations in the Almaty region had been effectively addressed in 2011 with the assistance of the Philip Morris Kazakhstan campaign. Similar action was being taken in southern Kazakhstan. The interdepartmental Coordinating Council to Combat the Worst Forms of Child Labour had recently launched six campaigns that targeted cotton-processing companies.

65. The provisions of the Labour Code concerning working conditions and wages were applicable to all employees, including foreign and migrant workers. State services had conducted monitoring and oversight visits to 177 businesses that employed migrant workers during the first quarter of 2016.

66. Medical assistance was provided to all foreigners, and free medical services, such as transport by medical aircraft, were guaranteed for persons suffering from 19 serious illnesses. The basic services included primary health care as well as diagnostic, outpatient and rehabilitation services.

67. **Ms. Azimova** (Kazakhstan) said that legal assistance, primarily in criminal cases, was provided free of charge, regardless of a person's citizenship.

68. The average rate of compensation for damage suffered by victims of torture was equivalent to between US\$ 1,000 and US\$ 10,000. The new legislation on the victims' compensation fund enabled citizens to institute civil proceedings in such cases. Families who claimed to have suffered damage as a result of torture could thus lodge a claim for compensation.

69. **Ms. Seibert-Fohr**, referring to the 2015 amendments to the 2004 Communications Act, asked whether the Act now required a national security certificate to be installed on all Internet-connected devices so that the State-run Internet access provider had access to all HTTPS connections.

70. **Mr. Vardzelashvili** asked whether it was true that persons who had decided to change their gender were subjected to 30 days of psychiatric observation and to enforced sterilization.

71. **Mr. Goluburda** (Kazakhstan) said that the installation by Internet operators or users of a national security certificate was not mandatory under the Communications Act. Certificates could be used to limit access to unlawful information and to uphold appropriate service conditions for law-abiding citizens.

72. **Ms. Azimova** (Kazakhstan) said that her country was determined to pursue its constructive dialogue with foreign partners and international organizations and with Kazakh civil society organizations and independent experts with a view to achieving continuous progress in the area of human rights. Kazakhstan would seek to implement the recommendations of the Committee and the Working Group on the Universal Periodic Review and would devise monitoring indicators for that purpose in cooperation with civil society organizations.

73. **The Chair** thanked the delegation for the constructive dialogue and expressed the hope that the Government of Kazakhstan could give effective follow-up to the Committee's concluding observations.

The meeting rose at 1.10 p.m.