

Advance unedited version

Distr.: General
18 July 2025

Original: English

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 4253rd 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 introducing amendments and addenda to the several legislative acts of the Republic of Kazakhstan on the issues of the ensuring the rights of women and safety of children", in 2024;

(b) The Law "On Combating Human Trafficking", in 2024; (c) The Constitutional Law "On the Constitutional Court of the Republic of Kazakhstan", in 2022;

(d) The Constitutional Law "On the Commissioner for Human Rights in the Republic of Kazakhstan", in 2022;

(e) The Law "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on the Abolition of the Death Penalty", in 2021 and the abolition of the death penalty in the Constitution of the Republic of Kazakhstan in 2022;

(f) The Decree on the Approval of the Action Plan of the Government of the Republic of Kazakhstan to Ensure the Promotion of Equal Rights and Opportunities for Men and Women for 2024–2027, in 2024;

* 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](#).

(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, as well as the ratification of the Optional Protocol to the Convention on the Rights of the Child, 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 on measures related to human rights and the amendments in 2021 to the Law “On International Treaties of the Republic of Kazakhstan”, which enhances the role of international treaties in the national legal order, as well as the explanations provided concerning the practice of invoking the Covenant in the national courts. Furthermore, while welcoming the work of the Interagency Working Group regarding the Views of the Committee under the Optional Protocol, the Committee is concerned by reports indicating that most Views have not been implemented and that the mandate of the Interagency 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 its obligations under the Covenant. In particular, the State Party should redouble its 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 it. Furthermore, the State Party should consider extending the mandate of the Interagency Working Group including to recommend and take measures to ensure the adequate implementation of the Views and to guarantee the right of victims to an effective remedy when there has been a violation of the Covenant.**

National human rights institutions

7. The Committee notes with satisfaction that the mandate of the Human Rights Commissioner was reformed in 2022, granting it constitutional status, enhancing its immunity, and establishing a right to appeal to the Constitutional Court. It is concerned, however, that the Human Rights Commissioner retains its B status and that the President is involved in the processes to select, nominate and dismiss the Commissioner. Furthermore, while noting with satisfaction the work of the National Preventive Mechanism against Torture and Ill Treatment, the Committee is concerned about its lack of independence from the Human Rights Commissioner and that military barracks and military schools remain excluded from the visiting mandate of the National Preventive Mechanism (art. 2).

8. **Recalling its previous recommendations,⁴ the State Party should step up its efforts to ensure 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, pluralist 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 against Torture and Ill Treatment 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 its monitoring mandate.**

⁴ CCPR/C/KAZ/CO/2, para. 8.

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 for 2022-2026, as well as the measures taken to increase transparency and public access to government information. However, concerns remain about the independence of institutions tasked with combatting 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, as well as 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 combatting 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 it.

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 discrimination on all grounds protected by the Covenant, including on the basis of disability, ethnicity, age, sex, sexual orientation, and gender identity, as well as direct and indirect discrimination. The Committee welcomes the adoption of the Plan of Action on Human Rights and the Rule of Law in 2023 and 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 status, and that provides 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 or gender identity. It also 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) lesbian, gay, bisexual and transgender organizations being denied legal registration and penalized under Article 489 of the Administrative Code; 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 or gender identity;

(b) Ensure that 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, 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 of lesbian, gay, bisexual and transgender organizations, 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 resulting in deaths, injuries, property damage, and the displacement of thousands of community members. While noting 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 (2, 6 and 27).

16. The State Party should increase its efforts to prevent the occurrence of ethnic-based violence, including against persons belonging to the Dungan community, and ensure independent, impartial, thorough and effective investigation into all 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.

Combatting extremism and terrorism

17. The Committee remains concerned about the broad formulation of the concepts of "extremism", "inciting social or class hatred" and "religious hatred or enmity" in article 174 of the Criminal Code, and the use of said provision, along with the Law on Countering Extremism to unduly restrict freedoms of religion, expression, assembly and association. It is also concerned that individuals convicted on 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 subject to wide-ranging financial restrictions. The Committee regrets the lack of statistical data provided on persons investigated and/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 the Committee's 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

⁵ Ibid., para. 14.

with its obligations under the Covenant, *inter alia*, by considering revising 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 such legislation does not suppress protected conduct and speech. Furthermore, the State Party should remove people convicted of non-violent crimes, including those exercising legitimate 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 sector. 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, *inter alia* by 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 notable steps taken to strengthen the legislative and policy framework to combat violence against women and girls, reintroducing criminal liability for battery and intentional infliction of minor harm to health against dependent persons, increasing penalties and mandating law enforcement 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 standalone offense, 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 recommendations⁶, the State Party should strengthen its efforts to eliminate gender-based violence, including domestic violence, by:**

(a) **Explicitly criminalizing domestic violence as a standalone offense and enacting specific legislation to prohibit and penalize 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, punished with penalties commensurate with the gravity of the offence;**

⁶ Ibid., para. 12.

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

(e) Ensuring that judges, prosecutors, law enforcement officials 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, as well as 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 until 2026 and the implementation of the “Health Nation” project, the Committee remains concerned about reported disparities in access to safe abortion and the high rates of early pregnancy and abortion among girls aged 15 to 18, as well as the limited availability of affordable contraception. It is also concerned by reports of the practice of forced contraception, sterilization, and abortion, particularly targeting persons with intellectual and 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. The State Party should:

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

(b) Eradicate forced sterilization and provide for the free and informed consent of patients for all sterilization procedures and ensure that any alleged violation of forced sterilization is thoroughly investigated, 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 terminating 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, the majority of which reportedly resulted from excessive and lethal use of force by law enforcement, particularly following a televised “shoot to kill without warning” order. The Committee is further concerned that law enforcement officials 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 officials, 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 officials allegedly involved in cases of deprivation of life during the events of January 2022 and 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, perpetrators are prosecuted and, if convicted, appropriate penalties are imposed, 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 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 hold accountable those responsible for ordering the shootings and did not 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 testimonies 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, as well as 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 persons

29. The Committee regrets reports indicating that procedural safeguards and due process guarantees are not consistently respected in practice by law enforcement officials, particularly in the context of assemblies, including 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 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 the mass detentions following assemblies, and ensure that perpetrators are prosecuted and, if convicted, punished in accordance with human rights standards.**

⁷ Ibid., para. 18.

31. While noting that the legal grounds for pretrial detention, as set out in Article 136 of the Criminal Procedure Code, are generally aligned with international standards and the 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% 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 a period of time that is as short 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), developing 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 for torture in connection with the January 2022 events, the Committee is concerned that many other investigations of torture during said events have been closed on 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 to the gravity of the crime and could contribute to impunity (art. 7).

34. **Recalling its previous recommendations⁸, 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 its 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 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), ensuring that perpetrators are prosecuted and, if convicted, punished appropriately and that victims receive full reparation;**

(c) **Ensuring that victims of torture and ill-treatment have, both in law and practice, access to full reparation, including rehabilitation, adequate compensation and the possibility of seeking civil remedies independent of criminal proceedings;**

⁸ Ibid., paras. 22 and 24.

(d) Taking all measures necessary to prevent torture and other cruel, inhuman or degrading treatment or punishment, including by strengthening the training provided to judges, prosecutors, law enforcement officials 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 the conditions of detention, including the implementation of preventive measures aimed at reducing suicide and deaths in custody, as well as the transfer of responsibility for health care 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 health-care services that guarantee continuity of treatment and care, including for HIV and drug dependence, guaranteeing 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 the health-care services consist of an interdisciplinary team with sufficient qualified personnel acting in 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: (a) about 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) that migrants and victims of forced labour may be deported without an opportunity to invoke the Law on Countering Human Trafficking or to an adequate screening for trafficking; and (c) that migrant children are particularly vulnerable to human trafficking due to factors including the failure to register children under 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 increased referrals for prosecution under Articles 128 and 135 of the Criminal Code and efforts to enhance penalties for trafficking offenses, the Committee is concerned that the application of other criminal provisions, such as Article 308, to charge trafficking offenses involving coercion or sexual exploitation have 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 having violated 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 asylum seekers, refugees and stateless persons

39. The Committee recognizes positive developments in the State Party, such as the extension of visas in Decree No. 961 of 30 November 2022 “On approval of the Migration Policy Concept of the Republic of Kazakhstan for 2023-2027”, and the provision of social benefits to foreign nationals. While Article 10 of the national Law “On Refugees” authorizes asylum applications without valid identity 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 special needs, such as unaccompanied children and persons with disabilities. The Committee also regrets reports indicating that migrants have been detained without legal representation, access to interpretation services, or the ability to review or appeal their 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 unhindered access to fair, efficient and effective refugee status determination procedures for people who seek international protection at all border points.**

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 electing Supreme Court judges affords the Senate limited discretion to only select 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 based on recommendations of the Supreme Judicial Council—an entity whose members are themselves appointed by the President. Moreover, the Committee notes with concern reports of mandatory membership in a state chamber and the requirement to register with a government-managed digital information system, which may constrain their independence (arts. 2 and 14).

42. **Recalling the Committee’s previous recommendations⁹, 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**

⁹ Ibid., para. 38.

Principles on the Independence of the Judiciary and that their 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, as well as poor quality legal 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. Additionally, the Committee regrets reports that defendants are frequently denied full access to their case files, despite such access being guaranteed under the Criminal Procedure Code (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 access to all case materials and by ensuring that detained persons have effective access to legal counsel of their choice from the moment they are taken into custody by law enforcement officials. 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 services and welcomes the information from the delegation of the State Party that some conscientious objectors have, in practice, been permitted to perform an 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 an 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. Recalling the Committee's previous recommendations¹⁰, 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 recognizing that alternative service of a civilian nature 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 application of the 2011 Law on Religious Activities and Religious Associations, amended in December 2021, continues to impose 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. Reiterating its previous recommendations¹¹, the State Party should guarantee the effective exercise of freedom of religion and 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 narrowly construed restrictions permitted under article 18 of the Covenant.

Right to privacy and freedom of expression

49. The Committee welcomes the 2020 reform reclassifying defamation from a criminal to an administrative offense. It is concerned, however, about reports that under the

¹⁰ Ibid., para. 46.

¹¹ Ibid., para. 48.

administrative code convicted individuals can face high fines and up to 30 days in jail. The Committee regrets that the State Party has not repealed or amended Law No. 200-V “On Communication” (Article 41-1 of 23 April 2014), allowing 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 authorities have used internet blackouts to restrict access to media outlets, that independent outlets face surveillance, harassment and shutdowns, and about systemic restrictions of online expression, 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 its 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 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.

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 that the notification-based procedure established in the Law is, in practice, reportedly used to selectively deny permissions, 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 right of peaceful assembly and ensure that any restriction complies with the strict requirements of article 21 of the Covenant, 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 appeal 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 framework governing non-governmental organizations, 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 that human rights defenders and non-governmental organizations, especially those with foreign funding or links to marginalized groups, face increasing scrutiny and restrictions, and about reports indicating that: (a) the “foreign funding registrar”, published since 2023 by the State Revenue Committee of the Ministry of Finance, has negatively impacted human rights groups in the State Party; and (b) efforts by the Ministry of Culture and Information to improve legislation on non-governmental organizations may result in measures that further discredit or obstruct the work of independent non-governmental organizations and activists (art. 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 and enabling environment for non-governmental organizations without fear of retaliation. It should, inter alia:

(a) Increase its efforts to ensure its regulations and practice governing the registration, functioning and activities of political parties, trade unions and non-governmental organizations, fully comply with the articles 19, 22 and 25 of the Covenant;

(b) Refrain from criminalizing non-governmental organizations for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty;

(c) Conduct an independent review of the “foreign funding register” and its impact on non-governmental organizations and human rights defenders and ensure that any future legislation concerning civil society and non-governmental organizations is not used as a means of undue control or interference in their operations, nor 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 for 2023-2025 to Protect Children From Violence, Prevent Suicide, and Ensure Children’s Rights and Welfare, as well as the Women’s Rights and Child Safety Act in 2024, the Committee regrets the lack of information on whether all forms of corporal punishment are prohibited under the Women’s Rights and Child Safety Act or other laws. The Committee is also concerned about reports of violence, abuse and neglect in residential care institutions, and about gaps in the legal framework regarding birth registration, particularly of children born to undocumented parents outside medical institutions, as well as 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 sanctioned and that child victims have access to adequate remedies, including specialized care;

(b) Review the legislative framework and take all necessary steps 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 necessary measures to avoid statelessness and guarantee that all children born to undocumented parents outside medical institutions have their births registered, receive birth certificates, and have access to Kazakh nationality where otherwise they would 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 (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 the submission of the report and will be expected to submit within one year its replies, which will constitute its fourth periodic report. The Committee also 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.
