












# Kazakhstan

## Fact Sheet – Third UPR cycle

## Article 19 ICCPR – Freedom of expression

Recommendations presented during the 2nd cycle	Country	Answer of the State	Similar recommendations of the Human Rights Committee CCPR/C/KAZ/CO/2	Implementation 2014-2019	Suggested recommendations for the 3rd cycle
Define criminal offences, in particular those in article 164 of the Criminal Code on incitement to national, ethnic or racial enmity or discord, or insult to the national honour and dignity or religious feelings of citizens, in accordance with international human rights law, and giving special attention to the right to freedom of expression	 Brazil	Accepted ✓	<b>Freedom of expression</b>  50. The State party should: (a) Consider <b>decriminalizing defamation</b> and, in any case, countenance the application of criminal law only in the most serious of cases, bearing in mind, as provided in general comment No. 34 (2011) on freedoms of opinion and expression, that imprisonment is never an appropriate penalty for defamation;	Of the many <b>recommendations</b> about freedom of expression raised in the UPR or by the HR Committee, <b>Kazakhstan has not implemented any.</b>  The Criminal Code that entered into force in 2015, introduced a more severe <b>liability for defamation</b> , as well as for <b>derogation of personal non-property rights</b> of the top country officials and representatives of authority. A new article “Dissemination of Knowingly False Information”, was introduced and provides a penalty of up to 10 years of imprisonment for dissemination of both information and opinions. 34 criminal cases against journalists and civil activists on a charge of defamation were initiated in 2015 alone. 2 of them ended in a guilty verdict. In 2016, 51 cases, of which 5 were found guilty, in 2017 21 cases, of which 6 guilty, and in 2018 15, of which 5 guilty.	<b>Decriminalize defamation</b> and ensure that imprisonment is never pronounced as penalty for defamation. Repeal or otherwise revise the other legal provisions limiting freedom of expression, including provisions on insult and libel, with a view to bringing them into conformity with the ICCPR. Eliminate enhanced protections for officials.
Clearly define criminal offences provided for under article 164 of the Criminal Code, such as the incitement to hatred or discord on ethnic or racial grounds, or affronts to national honour and to religious dignity and beliefs, so that they are in line with international norms on freedom of expression	 Chile	Accepted ✓	(b) Repeal or otherwise revise the <b>other legal provisions</b> limiting freedom of expression, including provisions on insult, with a view to bringing them into conformity with its obligations under the Covenant;	<b>Kazakh laws and law enforcement practices contradict international standards.</b> The Civil Code provides for no statute of limitations regarding claims with respect to protection of honour, dignity and business reputation. The new Civil Procedure Code, which came into force in 2016, partially limited the amount of payments as moral damages in cases of disparagement of honour and dignity, tying the amount of the state duty to the amount of recovery. However, this rule does not apply to claims of moral damages brought in criminal libel cases, for which the amount is limited to the equivalent of 3 USD, which is not sufficient. In practice, this may result in an increase in the number of criminal libel cases, since this allows prosecutors to avoid paying large amounts of state duty.	Limit the retaliatory measure of <b>suspending and closing mass media</b> to exceptional cases only. In accordance with the criteria of the HR Committee, eliminate the requirement of reregistration of mass media in the event of a change in topicality and frequency. The right of publication must be reserved to the mass media for a period of at least one year from the date of registration. Relieve mass media from liability for citing open sources and publishing information on government officers and officials, and officials of other organisations that are legal entities.
Adopt specific measures to guarantee an environment that promotes freedom of expression	 Uruguay	Accepted ✓	(c) Clarify the <b>vague and broad definition</b> of key terms in these laws, including the offence of incitement to “social, national, clan, class or religious discord”;	<b>A Decree of the President on the Code of Honour of State Officers, unjustifiably restricts freedom of expression.</b> That document reads: “Public officers shall not publicly express their opinions as related to the state policy issues and public activities if such opinions depart from the principal directions of the state policy. If public accusations on the count of corruption are brought against a public officer, he/she shall take measures to rebut such accusations, including in court”.	
Continue its efforts to ensure that the laws protect freedom of expression	 Latvia	Accepted ✓	(d) Refrain from using its criminal provisions and other regulations as tools to	<b>Persecution of independent media</b> , also electronic media, including their forced liquidation for alleged extremism or inability to pay extremely large fines is widespread in the country. Among them are the Informational Analytical Portal “Ratel.kz”, the newspaper “Tribuna-Sayasi Kalam”, the magazine “ADAM”, the Internet-portal “Nakanune.kz”, and others. New legislative provisions on <b>Internet control</b> are being adopted to simplify and speed up the procedure to block Internet resources. Article 41-1 was added to the Law “On Communications”, which states that the General Prosecutor’s Office and the National Security Committee have the right to temporarily suspend access to networks and/or means of communication without a court decision, if resources are used for criminal purposes, as well as for disseminating information that violates the legislation of Kazakhstan on elections containing appeals to extremist and terrorist activities, riots, and in cases of urgency, and could lead to the commission of grave crimes. This provision gives carte blanche to government agencies to freely block	
Amend provisions under the criminal code to comply with the country’s international human rights obligations with regard to the right to freedom of expression	 Austria	Accepted ✓			
Seize the practice of closing, suspending or blocking opposition print publication and online sources and ensure equitable enjoyment of freedom of expression and peaceful assembly	 Sweden	Accepted ✓			
Take effective measures to ensure freedom of expression and independence of the media, including the media expressing critical voices, and ensure protection of journalists, bloggers, human rights defenders and independent media and their work against assaults and intimidation	 Czechia	Accepted ✓			Ensure that <b>blockage</b>

Enhance its efforts with respect to the freedom of the press, freedom of expression and freedom of assembly and association	<b>Japan</b> 	Accepted ✓	<b>suppress the expression of dissenting opinions</b> beyond the narrow restrictions permitted under article 19 of the Covenant.	access to Internet resources under the pretext of “protecting society and the state”.  A number of laws that came into force in 2016 secure for the <b>state a function as the intermediary of all online traffic</b> . One of the laws provides for the responsibility of the information provider for refusing to provide information deemed “suspicious” to the state. The new system required all Internet users in Kazakhstan to establish a “national security certificate”, which allows the state to be an intermediary between users and all websites on the Internet. To illustrate, starting in 2015, <b>access</b> for users from Kazakhstan to more than 7044 materials was <b>restricted</b> based on a court decision. The same trend can be observed regarding access to Internet resources/links.  8. Over the last five years, dozens of civil society activists, bloggers, and religious figures have been indicted under Article 174 of the Civil Code for <b>inciting national, social, religious and other discord</b> . Aside from the fact that the terms “inciting,” “social discord” etc. are not sufficiently defined legally and do not comply with the principle of legal certainty and predictability, criminal cases have been mostly initiated based on findings of state linguistic experts, philologists, psychologists and political analysts who found inciting motives for discord in some text or expression. Court verdicts have lead to long imprisonments (from 3-5 to 10 or more years) and were based on the aforementioned conclusions, while opinions of independent experts and specialists were discarded. Over the last 4 years, many people have been indicted and imprisoned, among which: HRDs A. Dzhumayev, A. Ashim, Y. Narymbayev, S. Mambetalin, B. Blyalov, R. Ginatulin, S. Dosov, O. Khalabuzar; religious figures Sh. Kibirov, N. Seitzhanov, Y. Kabduakasov; bloggers S. Baikenov, M. Tkachyov, U. Aliaskarov, Ye. Taichibekov, T. Valova-Shevtsova, and many others.	<b>of Internet</b> resources is only carried out after an executive order from a Court.  <b>Bring Article 174 of the Civil Code</b> in line with the principle of legal certainty and predictability by excluding the possibility of its use to unduly restrict the freedom of speech and freedom of expression.
Take all necessary measures to guarantee, in all circumstances, the full respect of the rights to freedom of expression and of media as essential elements to an active and flourishing civil society	<b>France</b> 	Accepted ✓			
Counter the trend of repressing free speech, including restrictions on media outlets, and take concrete steps to meet its obligation to create an environment that fosters freedom of expression	<b>Norway</b> 	Accepted ✓			
Ensure changes to its criminal and civil codes, decriminalize slander and libel, and protect media freedoms and the freedom of expression, including for NGOs	<b>Australia</b> 	Accepted ✓			






An initiative of the Centre for Civil and Political Rights, supporting an NGO Coalition from the Republic of Kazakhstan



# Kazakhstan

## Fact Sheet – Third UPR cycle

### Equal access for people with disabilities




Recommendations presented during the 2nd cycle	Country	Answer of the State	Similar recommendations of the Human Rights Committee CCPR/C/KAZ/CO/2	Implementation 2014-2019	Suggested recommendations for the 3rd cycle
Finalize the ratification of the Convention on the Rights of Persons with Disabilities	 Egypt	Accepted ✓	<p><b>Equality and non-discrimination</b></p> <p>9. The Committee is concerned that the existing anti-discrimination <b>legal framework does not properly define discrimination</b> or provide for effective remedies to victims of discrimination. (...)</p> <p>10. The State party should ensure that its anti-discrimination legal framework:</p> <p>(b) provides adequate and <b>effective protection</b> against all forms of discrimination, including in the private sphere;</p> <p>(c) <b>prohibits direct, indirect and multiple discrimination</b>, in line with the Covenant and other international human rights standards; and</p> <p>(d) provides for <b>access to effective and appropriate remedies</b> to victims of discrimination. (...)</p>	<p>1. Recommendations with respect to the rights of persons with disabilities (approximately 700 000 in Kazakhstan) have been <b>implemented only partially</b>.</p> <p>2. On 20 February 2015, the President signed the law “On the Ratification of the Convention on the Rights of Persons with Disabilities (CRPD).” Kazakhstan officially <b>ratified the Convention</b> on 21 April 2015. However, Kazakhstan has not ratified the Optional Protocol to the CRPD.</p> <p>3. In connection with the ratification of the CRPD, a number of <b>programs have been developed</b>:</p> <ul style="list-style-type: none"> <li>- An action plan to improve the quality of life of persons with disabilities for 2012-2018;</li> <li>- A state program of healthcare development “Densaulyk” for 2016-2019;</li> <li>- A state program of development of education and science for 2016-2019.</li> </ul> <p>4. However, generally the legislation has some common <b>deficiencies</b>: it contains discriminatory norms; there is no public monitoring; no mechanism of participation; no “reasonable accommodation”; no account for the interests of disabled persons from different categories in the relevant field; the principles of universal design are not being followed.</p> <p>5. The state program of healthcare development, “Densaulyk,” <b>does not contain any concrete measures with respect to persons with disabilities</b>. It only has a general provision: “In accordance with international standards inter-sectorial cooperation of various state and public institutions must be aimed at reducing the risk factors of infectious and non-infectious diseases and must provide for comprehensive measures aimed at providing the persons with disabilities with equal access to healthcare services.”</p> <p>6. Persons with disabilities continue to have <b>limited access to justice</b>: (a) physically – court buildings are not adapted for access and use by disabled persons; (b) the interests of disabled persons are not protected during various stages of justice (sign language interpreters are not provided, individual assistants are not provided, etc.)</p> <p>7. <b>No mechanisms for deinstitutionalization of special-purpose state establishments</b> where large numbers of persons with disabilities are placed (boarding schools for psychochronics, persons with disorders of musculoskeletal system, and others) have been developed. Patients with mental health problems continue to be placed in the so-called “psychochronic” homes for 200-800 beds, although such mass placement of patients is unpractical for medical reasons.</p>	<p><b>Ratify the Optional Protocol to the CRPD.</b></p> <p>Continue to reform the legislation to bring it in <b>full compliance with the CRPD</b>, from the point of view of promoting the principle of non-discrimination and taking into account the necessity of ensuring reasonable accommodation to achieve equality, and introduce liability for discriminating on the basis of disability.</p> <p><b>Develop and adopt a terminology</b> for designating persons with disabilities in all current and new laws (terms such as: “discrimination on the basis of disability,” “universal design,” “reasonable accommodation,” “tactile communication,” “readers,” “inclusion,” “habilitation,” “assistive technologies,” etc.).</p> <p><b>Ensure accessibility</b> of the physical environment, transport, technologies, information and communications, facilities and services provided to the public, including access to justice; ensure physical access for persons with disabilities of various categories to all facilities where the justice services are located (courts, prosecutor’s office, Ministry of Internal Affairs, advocate offices); taken into account the specific features of persons with disabilities during pre-trial and trial proceedings, provide a sign language interpreter to persons with hearing impairments, and an assistant to persons with movement impairment; develop mechanisms of informing persons with disabilities in the field of justice; provide persons with disabilities with additional services (and reasonable accommodations) which would allow them to participate in all stages of a judicial process, including the stage of investigation and other stages of pre-trial process.</p>
Take concrete steps with a view to ensuring the implementation of the strategy for gender and the national plan for persons with disabilities	 Sudan	Accepted ✓			
Continue to guarantee the rights of persons with disabilities, notably by improving their quality of life	 Djibouti	Accepted ✓			
Take necessary steps to provide children with disabilities access to quality education	 Iran	Accepted ✓			
Continue to develop facilities and improve social services for persons with disabilities, including those affected by mental illness	 Thailand	Accepted ✓			



				<p>8. The system of <b>special social services for persons with disabilities</b>, which would make it possible to provide an independent and autonomous life to people with disabilities and to allow people with disabilities to support themselves, is poorly developed. Inclusive education is not developed altogether. Children with disabilities of various categories still have to study in separate correctional educational institutions. The mechanism for calculating the minimal consumer basket that would serve as the basis for calculation of disability allowance does not meet international standards.</p> <p>9. Regarding <b>education</b>, in all regions, the maslikhats (local representative bodies of state power) have adopted resolutions on determining the size and procedure for reimbursing home-based tuition for disabled children according to an individual curriculum and on recovering costs of home-based education for disabled children according to an individual training plan. At the same time, boarding schools for children with intellectual disabilities are poorly equipped with new textbooks, educational and methodical literature and visual aids developed on the basis of innovative technologies of teaching, education and corrective measures for children's disorders. The staff schedules of the special educational organisations have no separate payroll slots for the positions of a speech therapist and a dialectologist. Some of the problems which, if solved, would greatly contribute to the further development of inclusive education include creation of a barrier-free educational environment at educational institutions, development of mechanisms for material, technical, social, psychological-pedagogical, educational, personnel and rehabilitation support.</p>	<p>Ensure <b>equal access to inclusive education</b> at places of residence of persons with disabilities.</p> <p><b>Provide employment support</b> to those persons with disabilities who can work by creating additional jobs through private entrepreneurship, small and medium-size business, professional training and retraining. Introduce the norms of government stimulation of enterprises and organisations that support persons with disabilities, including by employing them, including the mechanisms which ensure the businesses are economically motivated to establish social partnerships with the state in the implementation of the policies to support persons with disabilities.</p> <p><b>Increase the representation</b> of persons with disabilities in the Parliament deputies' corps, as well as among public servants, at ministries, akimats (mayor's offices) and their branches.</p>
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

### Protection of human rights defenders (HRDs) and civil society

Recommendations presented during the 2nd cycle	Country	Answer of the State	Similar recommendations of the Human Rights Committee <u>CCPR/C/KAZ/CO/2</u>	Implementation 2014-2019	Suggested recommendations for the 3rd cycle
Take effective measures to ensure freedom of expression and independence of the media, including the media expressing critical voices, and ensure protection of journalists, bloggers, human rights defenders and independent media and their work against assaults and intimidation	<b>Czechia</b> 	Accepted ✓	49. The Committee remains concerned about laws and practices that violate freedom of opinion and expression, including:  (a) the extensive application of criminal law provisions to individuals exercising their right to freedom of expression, including provisions on the broadly formulated offence of incitement to “social, national, clan, class or religious discord”, defamation, insult, public insult or other encroachment on the honour and dignity of the President of Kazakhstan, public insult of a State official by the mass media or information communication networks, and dissemination of information known to be false;  (b) the blocking of social media, blogs, news sites and other Internet-based resources on national security grounds, including by using Law No. 200-V of 23 April 2014, which entrusts the Prosecutor General or his deputies with the ability to shut down or suspend a network or means of communication and access to Internet resources without a court order;  (c) interference with professional journalistic activity and the shutting down of independent newspapers and magazines, television channels and news websites for reportedly minor	The state has <b>failed to implement several individual complaints</b> that were decided by the HR Committee, regarding HRDs: R. Yesergepov, B. Toregozhina, A. Sviridov and B. Zhagiparov.  The <b>number of threats</b> made against civil society activists and HRDs has <b>increased</b> year after year: in 2014, there were 255 instances of threats against HRDs, while there were 555 cases of threats against 295 HRDs and 57 organisations in 2018. These are statistics from the Public Foundation “Kadyr Kasiet”. From them, the majority are: (a) civil society activists, journalists and trade union figures; (b) registered in Almaty, Nursultan (Astana), Karaganda, Mangistau oblast, and Western Kazakhstan oblast.  <b>Isolating inconvenient HRDs and civil society activists has been a growing trend.</b> For instance, the following individuals were imprisoned: HRDs M. Bokayev and T. Ayan (in 2016), trade union leaders N. Kushakbayev and A. Yeleusinov (in 2017). The activists were forced to sign a guilty plea in exchange for a reduced punishment (e.g., B. Blyalov). The State also uses the deprivation of the right to engage in a public activity as a penalty (e.g. in the cases of Bokayev, Ayan and Yesentayev).	Establish a <b>state mechanism for the protection</b> of human rights defenders before the next Review. Such mechanism could be created under the Ombudsmen (Commissioner for Human Rights), with the condition of its independence, bringing it in accordance with the Paris Principles.  Thoroughly <b>investigate every case</b> of threats or attacks on human rights defenders and activists. Ensure the right to an effective remedy in accordance with art. 2 of the International Covenant on Civil and Political Rights (ICCPR).  Eliminate the provision in the Criminal Code (from subjects) that allows to prosecute a <b>“leader of a public association.”</b>  Strictly adhere to the principles of <b>admissibility of evidence, legality, necessity, and proportionality</b> when making any decisions that limit the rights of human rights defenders and activists.  Recognize the need to lift the standard of evidence in cases against human rights defenders. Exclude the possibility of the <b>falsification of evidence</b> , and provide access to evidence to the defence.  Eliminate (from the Criminal Code) the possibility of imposing deprivation of the right to <b>engage in public activity as a punishment.</b>  <b>Investigate every case of arbitrary detention</b> , enforced disappearance of citizens, physical violence against detainees on 9-11 June 2019,
Repeal articles 400 and 403 of the Criminal Code to guarantee the right to peaceful assembly and freedom of association for all citizens, including human rights defenders	<b>Switzerland</b> 	Noted ✗			
Take the necessary measures to ensure that journalists, human rights defenders and activists of the civil society can freely practice their peaceful activities and without fear of administrative or other reprisals	<b>Belgium</b> 	Noted ✗			



<p>Take all necessary measures to guarantee, in all circumstances, the full respect of the rights to freedom of expression and of media as essential elements to an active and flourishing civil society</p>	<p>France</p> 	<p>Accepted</p> 	<p>irregularities or on extremism related charges.</p> <p>The Committee notes that the above laws and practices appear not to comply with the principles of legal certainty, necessity and proportionality as required by the Covenant, including with the strict requirements of article 19 (3) of the Covenant (arts. 14 and 19 ICCPR).</p>	<p>An analysis of a poll involving HRDs, conducted by Kadir-Kasiet Public Association in 2015, showed that 61% was <b>threatened due to their work as HRDs</b>, and 17% of those threats were actually carried out against them.</p> <p>Most of the threats came from the courts, police and prosecutor's offices. Consequently, the existing <b>legal remedies are either ineffective or not available</b>.</p> <p><b>The state inhibits the activity of HRDs.</b> It does not encourage or protect them as stipulated by Declaration A/RES/53/144 (84.5%, 169 persons are affected by this, based on monitoring from Public Foundation Kadir-Kasiet in 2011).</p> <p><b>The state is not investigating threats against HRDs.</b> For example, between 2011 and 2017, 70 civil society activists were assaulted, of which two resulted in deaths, but only four cases made it to trial.</p>	<p>especially in the cities of Nur Sultan and Almaty, and prosecute those responsible.</p> <p>To introduce strict <b>criminal liability of law enforcement officials</b> even for the smallest non-compliance with the procedures established in the Code of Administrative Offences and the Code of Criminal Procedure of the Republic of Kazakhstan.</p> <p>Ensure in practice the <b>presumption of innocence</b>.</p> <p>Prohibit <b>night courts</b>.</p> <p>Ensure that <b>blocking of Internet access</b> is only carried out after a valid Court order. Stop blocking access to websites of non-profit human rights organizations.</p> <p><b>Implement the individual complaints</b> that have been decided by Treaty Bodies against Kazakhstan, including those of R. Yesergepov, B. Toregozhina, A. Sviridov and B. Zhagiparov. In 2019 the HR Committee made decisions on the individual complaints of two HRDs: Dilnar Insenova and Esenbek Ukteshbaev.</p>
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Kazakhstan Fact Sheet – Third UPR cycle		Article 7 ICCPR – torture and ill-treatment			
Recommendations presented during the 2nd cycle	Country	Answer	Similar recommendations of the Human Rights Committee CCPR/C/KAZ/CO/2	Implementation 2014-2019	Suggested recommendations for the 3rd cycle
Adopt legislative measures to criminalize torture, violence against women and trafficking in persons in line with international standards	Mexico 	Accepted ✓	<p>22. The State party should <b>review its legislation</b> with a view to bringing its definition of torture into accordance with article 7 ICCPR and other internationally accepted standards and ensure that torture cannot be justified under any circumstances.</p> <p>24. The State party should take robust measures to eradicate torture and ill-treatment and to effectively investigate, prosecute and punish such acts, inter alia, by:</p> <p>(a) Ensuring that <b>standards of proof</b> and credibility for evidence applied when determining whether a criminal investigation into an alleged act of torture or ill-treatment should be pursued are appropriate and reasonable;</p> <p>(b) Ensuring that investigations into allegations of torture and other ill-treatment are carried out by an <b>independent body</b> and are not unduly delayed, and that “special prosecutor units” are themselves responsible for conducting all investigations into torture and ill-treatment and do not delegate investigative work to law enforcement agencies acting under their supervision;</p> <p>(c) Ensuring that <b>sanctions</b> for the crime of torture are commensurate with the nature and gravity of the crime, both in law and practice;</p> <p>(d) Refraining from using the charge of “<b>false reporting of a crime</b>” against alleged victims of torture or ill-treatment;</p> <p>(e) Ensuring that victims of torture and ill-treatment have, both in law and practice, access to <b>full reparation</b>, including rehabilitation, adequate compensation and the possibility of seeking civil remedies independent of criminal proceedings;</p>	<p>1. The definition of torture (Article 146.1 of the 2014 Criminal Code) is now more consistent with the Convention against Torture (CAT). However, the criminal legislation does not contain <b>definitions of other forms of ill-treatment</b>.</p> <p>2. The penalties for torture are not commensurate with the severity of the crime, a concern that was also expressed by the HR Committee. Torture is <b>not considered to be a serious enough crime</b>, and a fine or deprivation of the right to occupy a certain position may be applied as the main punishment. §2 and §3 establish more serious penalties, which, based on classification of crimes by their severity, allow a judge to classify those crimes as serious offenses.</p> <p>3. Despite the fact that the criminal procedural legislation prohibits the <b>use of confessions obtained under torture</b> or other ill-treatment, the problem continues to exist. Apart from the suspension of the criminal proceedings by a court order, the procedure for exclusion of evidence is not detailed. Consequently, confessions obtained under torture may be excluded from evidence only if a prosecutorial inspection has revealed the use of torture. However, in practice the prosecutor’s office issues an order terminating a pre-trial investigation and the court rejects petitions seeking to recognize as inadmissible any evidence obtained under torture.</p> <p>5. The <b>Office of Special Prosecutors</b> was created to investigate torture allegations. But the majority of cases continue to be investigated by bodies that in practice depend on the parties against whom the complaint of torture was filed. This was also a concern for the HR Committee.</p> <p>6. According to the prosecutor’s office’s statistics, in the 1<sup>st</sup> half of 2019, <b>119 reports of torture</b> were registered. In the same period only 13 cases were brought to court incl. the ones registered in previous years and 258 are reported having been terminated for the lack of elements of crime. Article 56.5 of the Criminal Procedure Code provides for the obligation of a judge to entrust a supervising prosecutor with an immediate fact check. Article 482.4 §3 says that judges should forward a complaint to the relevant prosecutor to conduct an investigation. However, these mechanisms do not work effectively in practice.</p> <p>8. The CAT (2001, 2008, 2014), the UN Special Rapporteur on Torture (2009), the Human Rights Council (2010), the HR Committee (2011, 2016), and human rights organizations have all provided recommendations on the <b>absence of an independent investigation mechanism</b>. However, no such mechanism has been created. The</p>	<p>Review its legislation with a view to bringing its <b>definition</b> of torture into accordance with article 7 ICCPR and other internationally accepted standards and ensure that torture cannot be justified under any circumstances.</p> <p>Ensure that <b>sanctions</b> for torture are commensurate with the nature and gravity of the crime, both in law and practice.</p> <p><b>Criminalize cruel, inhuman, or degrading types of treatment</b> or punishment by bringing clarity in the definition of torture in the Criminal Code.</p> <p>Establish the <b>right of the court to independently undertake investigations</b> into an allegation of torture (to secure evidence, ensure the right to effective remedies at the national level), thereby contributing to the independence of the investigating body.</p> <p>Strictly follow the policy of <b>zero tolerance</b> for torture and <b>implement all recommend-dations</b> issued by the CAT, the Special Rapporteur on Torture, the HR Committee and the UPR.</p> <p>Remove the penitentiary system from the jurisdiction of the MIA to the jurisdiction of a non-military body and transfer the medical service of the prison system to the <b>Ministry of Healthcare</b>.</p> <p>Bring the conditions in detention facilities in line with the <b>Minimum Standard Rules</b> for the Treatment of Prisoners, UN Rules for the Protection of Persons with Mental</p>
Intensify the efforts to not allow, in practice, the use as evidence confessions obtained under the use of torture or by other illegal methods	Uruguay 	Accepted ✓			
Ensure that all investigations into complaints related to torture and other ill-treatments are carried out promptly, impartially and thoroughly	Uruguay 	Accepted ✓			
Establish an independent investigation mechanism to effectively prevent torture and ill-treatment in detention, train personnel and guarantee effective legal representation and remedies for detainees	Germany 	Accepted ✓			
Comply without exception with the principle of non-refoulement when people are in danger of being tortured or ill-treated	Uruguay 	Accepted ✓			
Allow independent investigations in all alleged cases of torture and impose on perpetrators of acts of torture appropriate punishments which reflect the international obligations of Kazakhstan	Switzerland 	Accepted ✓			
Establish an effective and independent mechanism to investigate all allegations of torture promptly, independently and thoroughly	Montenegro 	Accepted ✓			
Ensure that allegations of torture and ill-treatment are promptly and impartially investigated, and that perpetrators are held accountable	Austria 	Accepted ✓			
Develop external relations of the national preventative mechanism	Russian Federation 	Accepted ✓			

against torture with national human rights institutions			(f) Ensuring that <b>oversight of the penitentiary system</b> is exercised by agency independent of the police and internal security forces.	Office of Special Prosecutors cannot serve as such an independent mechanism.	Disorders, Beijing and Riyadh Rules, etc.
Share its experience regarding the establishment of the independent national mechanism for the prevention of torture which may be used as a good practice in preventing torture	Morocco 	Accepted ✓	<b>Follow-up letter, 2018:</b>  [B] (a) and (b): Partially implemented.	9. <b>Medical services in prisons report to the Ministry of Internal Affairs (MIA) rather than the Ministry of Healthcare.</b> For instance, not a single medical worker has been held accountable for concealing torture.	<b>Train staff</b> of detention centres on this issue.  Ensure that investigations into allegations of ill-treatment are carried out by an <b>independent body</b> and not unduly delayed, and that “special prosecutor units” are responsible for conducting all investigations into ill-treatment and do not delegate investigative work to law enforcement agencies acting under their supervision.
Improve the working capacity of the national mechanism on the prevention of torture, by strengthening the visits to detention and police centres	Spain 	Accepted ✓	The Committee (...) requests further information on measures taken (...) to ensure that standards of proof and credibility for evidence applied are appropriate and reasonable for determining whether acts amount to torture or ill-treatment. The Committee requests information on the reforms of criminal law and criminal procedure.	10. Detainees continue to have <b>no access to necessary medical assistance</b> , a concern also voiced by the HR Committee. Medical workers at closed establishments continue to be attested workers of the MIA, which makes it difficult for detainees to have access to independent medical staff and it complicates the documenting of torture. Independent medical professionals have no access to prisons.	Refrain from using the charge of “ <b>false reporting of a crime</b> ” against alleged victims of torture or ill-treatment.
Step up efforts to fight against torture, by implementing the anti-torture law adopted in 2013, and through the systematic prosecution of perpetrators of such acts whoever they may be	France 	Accepted ✓	(...) The Committee requires that the State clarify the entity responsible for investigating allegations of torture and ill-treatment, and whether or not this entity is fully independent. The Committee also requires information regarding the special prosecutor units, specifically: (a) clarification of the mandate of the units, including their ability to investigate ex officio all torture and ill-treatment allegations; and (b) comments on information received that the units delegate investigative work to law enforcement agencies.	11. In practice, <b>no effective mechanism of filing complaints in prisons</b> has been created. In addition, the MIA installed mandatory censoring of all correspondence coming from prisoners to public organizations.	Ensure that victims of torture and ill-treatment have in law and practice, access to <b>full reparation</b> , incl. rehabilitation, adequate compensation and the possibility of civil remedies independent of criminal proceedings, not dependent on whether there is a guilty verdict in a torture case.
Continue to apply a zero-tolerance approach against torture and cruel, inhuman and degrading punishments, in line with domestic legislation and international human rights law	Australia 	Accepted ✓	(...) The Committee requires that the State clarify the entity responsible for investigating allegations of torture and ill-treatment, and whether or not this entity is fully independent. The Committee also requires information regarding the special prosecutor units, specifically: (a) clarification of the mandate of the units, including their ability to investigate ex officio all torture and ill-treatment allegations; and (b) comments on information received that the units delegate investigative work to law enforcement agencies.	12. <b>Access to penal establishments</b> for public observers and lawyers has become more difficult.	
Increase efforts to ensure independent investigation of any allegation of torture and other ill-treatment in prisons, and prosecute those who have committed such crimes	Italy 	Accepted ✓	(...) The Committee requires that the State clarify the entity responsible for investigating allegations of torture and ill-treatment, and whether or not this entity is fully independent. The Committee also requires information regarding the special prosecutor units, specifically: (a) clarification of the mandate of the units, including their ability to investigate ex officio all torture and ill-treatment allegations; and (b) comments on information received that the units delegate investigative work to law enforcement agencies.	13. Prisoners regularly resort to <b>self-mutilation and hunger strikes</b> . Such protests are considered disobedience of lawful requirements of the penitentiary’s administration (a criminal offense punishable by 5 to 10 years). Moreover, suicides and deaths in custody were a concern to the HR Committee: it recommended to establish effective prevention strategies and ensure investigations into these deaths.	
Investigate promptly and impartially all allegations of torture and ill-treatment and hold the perpetrators accountable	Liechtenstein 	Accepted ✓	[C] (c) to (f): Not implemented.	14. In 2013-2014, the <b>National Preventive Mechanism for the Prevention of Torture (NPM)</b> was established. However, it <b>does not have the power</b> to monitor places of detention, police, National Security Committee, orphanages, special boarding schools, nursing homes for the elderly and disabled people and military barracks. It also lacks material resources, the ability to carry out unscheduled inspections, and the ability to publish their findings. The HR Committee also recommended to ensure adequate resources to the NPM.	Ensure that the NPM has the right to inspect all “ <b>places of detention</b> ” in the meaning of Article 4 OPCAT, and that the NPM enjoys adequate financial and institutional independence from executive bodies.
Put in place measures to guarantee the exclusion by the judiciary of evidence obtained under torture	Austria 	Accepted ✓			



Kazakhstan Fact Sheet – Third UPR cycle		Article25 ICCPR – right to participate in public affairs			
Recommendations presented during the 2nd cycle	Country	Answer of the State	Similar recommendations of the Human Rights Committee CCPR/C/KAZ/CO/2	Implementation 2014-2019	Suggested recommendations for the 3rd cycle
Continue the Government's efforts to ensure equal access to all citizens to employment, education and participation in the political process	Egypt 	Accepted ✓	<p><b>Freedom of association and participation in public life</b></p> <p>54. The State party should bring its regulations and practice governing the registration and functioning of political parties and non-governmental organizations, as well as the legal frameworks regulating strikes and trade unions, into full compliance with the provisions of articles 19, 22 and 25 of the Covenant. It should inter alia:</p> <p>(a) Refrain from criminalizing public associations, including political parties, for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty;</p> <p>(b) Clarify the broad grounds for the suspension or dissolution of political parties;</p> <p>(c) Ensure that the new legislation on the allocation of funds to public associations will not be used as a means of undue control and interference in the activities of such associations nor for restricting their fundraising options.</p>	<p>The Constitution and legislation do <b>not recognize the rights of citizens to join so-called informal organisations</b>, i.e. those that do not require state registration as a legal entity. NGOs created by a group of citizens that does not claim the status of a public association and that has not acquired the status of a legal entity, is deemed to be an unregistered public association and its organizers are subjected to <b>administrative liability</b>. Similar problems arise with unregistered religious associations.</p> <p>There are several problematic issues pertaining to the registration procedure of non-profit organisations. Primarily, the <b>size of the registration fee</b>, for which public non-profit organisations are equated to commercial companies. Another problem is how the activities of public associations are distinguished on a territorial basis: <b>local, regional and national</b>. Registering a regional public association requires having branches in more than one oblast, while in order to register a national association, branches in more than half of Kazakhstan oblasts, including the capital and the city of national significance, are required.</p> <p>The legislation permits exceptional measures to suspend and <b>dissolve public associations</b> for any violation, however insignificant and minor, if they are committed after a previous administrative penalty. This is how several public movements and parties have been liquidated or suspended (e.g. the Communist Party of Kazakhstan). Public associations may also be subjected to administrative liability for any activities that, while fully legal otherwise, “go beyond the charter-stipulated goals and tasks.” Article 49 of the Civil Code provides that engaging on a systematic basis in activities that are not aligned with a legal entity’s statutory goals may create grounds for its liquidation.</p>	<p>Bring the legislation on the right to freedom of association in line with international human rights standards, including articles 19, 21 and ICCPR.</p> <p>Exclude from the legislation the provisions of mandatory state registration of citizens’ associations, and legal norms of liability for their work only on the basis of a lack of registration.</p> <p>Bring the restrictions and sanctions with respect to implementation of the right to freedom of association in line with international standards and admissibility criteria.</p> <p>Refrain from criminalizing public associations, including political parties, for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty.</p>
Continue its positive efforts in implementing the Gender Equality Strategy 2006-2016 and take measures to increase women's participation in public and political life	Malaysia 	Accepted ✓	<p><b>Follow-up letter from the HR Committee, 1 August 2018</b></p> <p><b>Committee's evaluation of §54</b></p> <p>(a): Not implemented</p> <p>The Committee reiterates its recommendation and requests that the State party comment on information received that the new trade union laws regarding registration have been used to deliberately prevent trade unions from being able to function. The Committee would appreciate information regarding why and under what process the Confederation was closed down, and asks for the State party's comments on the detention and arrest of Amin Yeleusinov and Nurbek Kushakbayev.</p>	<p>The Civil Code contains multiple articles that provide for <b>increased criminal liability for members of public associations</b>, including for “illegal meddling by public associations with the work of government bodies.” The Code also has a definition of a special legal subject – leader of a public association, who in the absence of a definition of the principle of legal certainty and predictability is subjected to enhanced criminal liability under several articles of the Code. Given the lack of clear criteria and definitions, and the vagueness of those terms, any opposition organisation may be prosecuted under those articles.</p> <p>Since 2017, a <b>new stricter requirement</b> has been introduced with regard to the <b>NGO reporting process</b> to the Ministry of Information and Public Development. It requires NGOs to submit full information on the organization, its founders, and the projects. It even requires additional reporting by legal entity and individual who receives foreign financial assistance.</p> <p><b>Registering political parties</b> continues to be an arduous task and does not comply with international standards. In a country with a population of 18 million, the legislation requires a party to have at least 40000 registered members, including at least 600 members in every oblast. The procedure</p>	<p>Reduce the number of members of a party required for its registration down to one thousand or less and bring the provisions on the registration of political parties in line with international standards.</p> <p>Revise the legislation on trade unions and bring it in line with international standards and recommendations of the International Labour Organisation and international trade union associations.</p> <p>Revise the provisions of criminal legislation pertaining to participation in public and religious associations in line with the doctrine of necessity in a democratic society, and the principle of proportionality.</p> <p>Ensure that the new legislation on the allocation of funds to public</p>









		<p>(b): Not implemented</p> <p>The Committee reiterates its recommendation.</p> <p>(c): Partially implemented</p> <p>The Committee notes the information provided by the State party, but requests more information about the efforts made to alleviate undue control and interference in the activities of public associations.</p>	<p>of establishing a political party is rigidly regulated by the legislation, which prescribes a number of actions such as the creation of an organisational committee, registration with notification, holding a founding congress of 1000 members within two months, and submitting the list of members within 4 months. Violating timeframes or other procedural requirements will result in a refusal to register the party.</p> <p><b>Independent trade unions</b> continue to experience pressure, including in connection with the adoption of a new Law on Trade Unions in 2014, which caused serious criticism from the International Labour Organisation and the International Federation of Free Trade Unions. The use of this law has led to the elimination of many independent trade unions, including the liquidation of the Confederation of Independent Trade Unions of Kazakhstan and the prosecution of its President L. Kharkova and leaders N. Kushakbayev, A. Yeleusinov and E. Baltabai.</p> <p>In March 2018, the opposition movement “<b>Democratic Choice of Kazakhstan</b>” was proclaimed extremist and banned, despite the absence of evidence of a violent nature, goals or activities. Dozens of sympathizers were held criminally responsible for participating in the movement’s activity or simply for likes on social media. Among them are A. Abishev, B. Khalelova, A. Tobylova, F. Ishmukhametov, M. Argynbekov, B. Zhunusov and others.</p> <p>Aside from that, authorities often use accusations of “<b>propaganda of terrorism and extremism</b>.” A number of civil society activists, including A. Zhumagulov, K. Abishev and others, have been given long sentences on said charges.</p>	<p>associations will not be used as a means of undue control and interference in the activities of such associations nor for restricting their fundraising options.</p>
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An initiative of the Centre for Civil and Political Rights, supporting an NGO Coalition from the Republic of Kazakhstan

# Kazakhstan










## Fact Sheet – Third UPR cycle




### Article 14 ICCPR – Right to a fair trial

Recommendations presented during the 2nd cycle	Country	Answer of the State	Similar recommendations of the Human Rights Committee C/PR/C/KAZ/CO/2	Implementation 2014-2019	Suggested recommendations for the 3rd cycle
Revise the Criminal Procedure Code to allow for a more equal distribution of powers between prosecutors and defence	<b>United Kingdom</b> 	Accepted ✓	38. The State party should take all measures necessary to safeguard, in law and practice, the <b>independence of the judiciary</b> and guarantee the competence, independence and tenure of judges. It should, in particular:  (a) Eradicate all forms of undue interference with the judiciary by the <b>executive branch</b> and investigate such allegations effectively; (b) Strengthen efforts to combat <b>corruption</b> in the judiciary and prosecute and punish perpetrators, including judges who may be complicit therein; (c) Ensure that the <b>Supreme Judicial Council</b> established to govern the judicial selection process is fully independent and operates with full transparency and, to that end, consider revising the membership of the Council with a view to ensuring that most of its members are judges elected by judicial self-government bodies; (d) Ensure that an independent body is responsible for <b>judicial discipline</b> , clarify the grounds for disciplinary action, including dismissal, and guarantee due process in judicial disciplinary proceedings and independent judicial review of disciplinary sanctions; (e) Review the powers of the <b>Office of the Prosecutor General</b> to ensure that the independence of the	The procedure of <b>election and appointment of judges</b> gives rise to certain doubts from the point of view of democracy and transparency: for example, the Senate can only choose candidates to become a judge of the Supreme Court among those who have been presented by the President; i.e. “elections” of judges to the Supreme Court are conducted on a “non-alternative” basis, which deprives the senators of their freedom of choice. This concern was also expressed by the HR Committee in 2016: it was in particular concerned about undue influence from the executive branch, owing to the President’s involvement in the appointment of members of the Supreme Judicial Council.  However, not only through appointment by the executive branch do the judges become dependent on it. The current management system of the judicial process limits the judges in their independence. The system of appraisal of judges by the number of <b>overturned judgments</b> that currently exists inside the judicial community may have an impact on a judge’s career, and is a disguised form of manipulation of judges. Judges are afraid of issuing judgments that are not desirable for higher instances, because an overturned judgment is considered as a shortcoming and may result in negative appraisals. In addition, the independence of judges is also limited because the power is concentrated in the hands of chairmen of courts who are appointed by the executive power. Practically, the recommendations of the UN Special Rapporteur on the Independence of Judges and Lawyers issued after a mission to Kazakhstan in 2004, remain unfulfilled. Recommendations of the previous UPR to strengthen the independence of the judiciary are included in the Government’s Action Plan 2015-2020, but to date no significant changes have been made.  It is very important for Kazakhstan to overcome the remnants of a repressive criminal-procedural past and balance out the authorities of the <b>prosecution</b> with those of the <b>defence</b> .  To this date, the criminal justice is	Take all measures necessary to safeguard, in law and practice, the <b>independence of the judiciary</b> and guarantee the competence, independence and tenure of judges. Eradicate all forms of undue interference with the judiciary by the executive branch and investigate such allegations effectively.  Limit the <b>powers of the chairmen</b> of the courts to the function of representation and control over the court’s office. Eliminate their powers with respect to judges, on initiation of disciplinary responsibility, on organization of legal proceedings in court, on taking anticorruption measures, and on respecting the standards of judicial ethics.  Strengthen efforts to <b>combat corruption</b> in the judiciary, prosecute and punish perpetrators, incl. judges who may be complicit therein.  Ensure that the <b>Supreme Judicial Council</b> is fully <b>independent</b> and operates with full transparency and, consider revising the membership of the Council with a view to ensuring that most of its members are judges elected by judicial self-government bodies.  Ensure that an independent body is responsible for <b>judicial discipline</b> , clarify in the law the grounds for disciplinary action, incl. dismissal, and guarantee due process and independent judicial review of judicial disciplinary proceedings.  Exclude from the Code of Criminal Procedure the exclusive powers of <b>prosecutors who violate the principle of equality of parties</b> before the court. Introduce a legislative requirement that any interference with human rights would only be exercised following an order of a court of law based on objective criteria established by the law.  Review the powers of the <b>Office of the Prosecutor General</b> to ensure that the independence of the judiciary is not undermined and the equality of arms principle is strictly observed.  In the Code of Criminal Procedure, provide to the maximum extent <b>equal possibilities for prosecution and defence</b> to collect evidence. Provide that evidence is recorded by an independent judge and eliminate dependence on
Revise the Criminal Procedure Code in order to strengthen the role of defence lawyers and extend the power of investigative judges in criminal proceedings	<b>Czechia</b> 	Accepted ✓			
Strengthen the comprehensive development of the judicial system concerning the juvenile courts	<b>Kuwait</b> 	Accepted ✓			
Take steps to further strengthen the impartiality and independence of the judiciary by implementing existing judicial procedures, and by promptly and thoroughly investigating any allegations or complaints of corruption in its courts	<b>Canada</b> 	Accepted ✓			
Take all necessary measures in order to provide a fair and independent judiciary system, which respect the rights of the defence	<b>France</b> 	Accepted ✓			
Intensify efforts to enhance the complete independence and functioning of the judiciary	<b>Kenya</b> 	Accepted ✓			
Pay particular attention to the process of judicial-legal reforms by strengthening the legislative framework	<b>Tajikistan</b> 	Accepted ✓			
Put in place measures to guarantee the exclusion by the judiciary of evidence obtained under torture	<b>Austria</b> 	Accepted			

			<p>judiciary is not undermined and the equality of arms principle is strictly observed;</p> <p>(f) Ensure sufficient safeguards to guarantee, in practice, the <b>independence of lawyers</b>, refrain from taking any actions that may constitute harassment or persecution or undue interference in their work, and bring to justice those responsible for any such actions.</p> <p>40. The State party should ensure that any restrictions or <b>limitations on fair trial guarantees</b> that are imposed to protect State secrets are fully compliant with its obligations under the Covenant, and particularly that the rights of affected individuals, including equality of arms, are strictly observed.</p>	<p>unnecessarily harsh and almost inquisition-like, producing very low numbers of acquittal verdicts. Moreover, the <b>equality of arms</b> remains an issue: the expanded rights of lawyers to collect evidence in the new Code of Criminal Procedure, are positive but insufficient. For example, the procedure to conduct expert checks is regulated extremely sparsely; the law does not provide any guarantees for this provision to be actually implemented, and the same goes for the procedure of lawyers questioning possible witnesses. The Code of Criminal Procedure does not contain a direct prohibition to conduct searches of lawyers' offices, and the issue of lawyers having access to the premises of law-enforcement agencies and courthouses, remains wide open. The HR Committee shared our concerns in 2016.</p> <p>A pressing issue remains the limitations to the <b>access to a lawyer of one's choice</b>, due to the lawyer not having a special clearance for state secrets. Moreover, in 2018 a <b>new Law on Lawyers and Legal Assistance</b> was adopted, which further restricts the independence of lawyers. The draft law was heavily criticized by the UN Special Rapporteur on the independence of judges and lawyers, the International Commission of Jurists, and the OSCE Office for Democratic Institutions and Human Rights; however, it was adopted with virtually no changes. This issue was also a concern for the HR Committee in 2016.</p>	<p>law enforcement agencies in matters of appointing judicial expert examinations.</p> <p>Develop and implement qualitative indicators of the <b>efficiency of law enforcement agencies and courts</b>, to eliminate the accusatory bias in the administration of justice.</p> <p>Revise the provisions of the new <b>law on lawyers and legal assistance</b> to ensure the independence of lawyers in accordance with the recommendations of the UN Special Rapporteur on the independence of judges and lawyers, the International Commission of Jurists, the International Bar Association, and the OSCE Office for Democratic Institutions and Human Rights.</p> <p>Ensure sufficient safeguards to guarantee, in practice, the <b>independence of lawyers</b>, refrain from taking any actions that may constitute harassment or persecution or undue interference in their work, and bring to justice those responsible for any such actions. Ensure that any restrictions on fair trial guarantees that are imposed to protect State secrets are fully compliant with the ICCPR, and that the rights of affected individuals, including equality of arms, are strictly observed.</p> <p>Implement the recommendations issued by the <b>UN Special Rapporteur on the independence of judges and lawyers</b> after his visit in 2004, and those adopted by the <b>HR Committee</b> in 2016.</p>
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An initiative of the Centre for Civil and Political Rights, supporting an NGO Coalition from the Republic of Kazakhstan

Kazakhstan Fact Sheet – Third UPR cycle		Article 21 and 22 ICCPR – right of peaceful assembly and right to freedom of association			
Recommendations presented during the 2nd cycle	Country	Answer State	Similar recommendations of the Human Rights Committee CCPR/C/KAZ/CO/2	Implementation 2014-2019	Suggested recommendations for the 3rd cycle
Seize the practice of closing, suspending or blocking opposition print publication and online sources and ensure equitable enjoyment of freedom of expression and peaceful assembly	Sweden 	Accepted ✓	<p><b>Freedom of association and participation in public life</b></p> <p>54. The State party should bring its regulations and practice governing the registration and functioning of political parties and non-governmental organizations, as well as the legal frameworks regulating strikes and trade unions, into full compliance with the provisions of articles 19, 22 and 25 of the Covenant. It should inter alia:</p> <p>(a) Refrain from criminalizing public associations, including political parties, for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty;</p> <p>(b) Clarify the broad grounds for the suspension or dissolution of political parties;</p> <p>(c) Ensure that the new legislation on the allocation of funds to public associations will not be used as a means of undue control and interference in the activities of such associations nor for restricting their fundraising options.</p> <p><b>Peaceful assembly</b></p> <p>52. The State party should ensure that all individuals fully enjoy, in law and practice, their right to freedom of assembly, and revise all relevant regulations, policies and practices with a view to ensuring that any restrictions on freedom of assembly, including through the application of administrative and criminal sanctions against individuals exercising that right, comply with</p>	<b>Freedom of association</b>	<b>Freedom of association</b>
Enhance its efforts with respect to the freedom of the press, freedom of expression and freedom of assembly and association	Japan 	Accepted ✓		The Constitution and legislation do <b>not recognize the rights of citizens to join so-called informal organisations</b> , i.e. those that do not require state registration as a legal entity. NGOs created by a group of citizens that does not claim the status of a public association and that has not acquired the status of a legal entity, is deemed to be an unregistered public association and its organizers are subjected to <b>administrative liability</b> . Similar problems arise with unregistered religious associations.	Bring the legislation on the right to freedom of association in line with <b>international human rights standards</b> , including articles 19 and 21 ICCPR.
Take steps to ensure that the right to peaceful assembly is not hindered	Norway 	Accepted ✓		There are several problematic issues pertaining to the registration procedure of non-profit organisations. Primarily, the <b>size of the registration fee</b> , for which public non-profit organisations are equated to commercial companies. Another problem is how the activities of public associations are distinguished on a territorial basis: <b>local, regional and national</b> . Registering a regional public association requires having branches in more than one oblast, while in order to register a national association, branches in more than half of Kazakhstan oblasts, including the capital and the city of national significance, are required.	Exclude from the legislation the provisions of mandatory state <b>registration of citizens' associations</b> , and legal norms of liability for their work only on the basis of a lack of registration.
Modify or repeal parts of the trade union law that unduly restrict freedom of association to ensure the ability of all workers to form and join independent trade unions	United States 	Noted ✗		The legislation permits exceptional measures to suspend and <b>dissolve public associations</b> for any violation, however insignificant and minor, if they are committed after a previous administrative penalty. This is how several public movements and parties have been liquidated or suspended (e.g. the Communist Party of Kazakhstan). Public associations may also be subjected to administrative liability for any activities that, while fully legal otherwise, "go beyond the charter-stipulated goals and tasks." Article 49 of the Civil Code provides that engaging on a systematic basis in activities that are not aligned with a legal entity's statutory goals may create grounds for its liquidation.	<b>Refrain from criminalizing public associations</b> , including political parties, for their legitimate activities under criminal law provisions that are broadly defined and not compliant with the principle of legal certainty.
Decriminalize defamation and revise the provisions of articles 400 and 403 of the newly adopted Criminal Code which could be abused to limit the rights to freedom of expression, assembly and association	Czechia 	Noted ✗			<b>Reduce the number of members of a party required for its registration</b> down to 1000 or less and bring the provisions on the registration of political parties in line with international standards.
Review its legislation that restricts the media freedoms, freedom of assembly and association, and bring them in conformity with international human rights law	Slovenia 	Noted ✗			Bring the <b>legislation on trade unions</b> in line with international standards and recommendations of the International Labour Organisation and international trade union associations.
Remove excessive restrictions to the exercise of the freedom of assembly in order to facilitate peaceful demonstrations	Costa Rica 	Noted ✗			Revise the provisions of criminal legislation pertaining to <b>participation in public and religious associations</b> in line with the doctrine of necessity in a democratic society, and the principle of proportionality.
Repeal articles 400 and 403 of the Criminal Code to guarantee the right to peaceful assembly and freedom of association for all citizens, including human rights defenders	Switzerland 	Noted ✗			Ensure that the <b>new legislation on the allocation of funds to public associations</b> will not be used as a means of undue control and interference in the activities of such associations nor for restricting their fundraising options.
Abolish the requirement of mandatory registrations and	Germany 	Noted ✗			<b>Right to peaceful assembly</b>

memberships in umbrella associations and trade unions			the strict requirements of article 21 of the Covenant.	full information on the organization, its founders, and the projects. It even requires additional reporting by legal entity and individual who receives foreign financial assistance.	Carry out a reform of the <b>legislation on peaceful assembly</b> and change the law enforcement practice, including the adoption of a new law which would guarantee the right to freedom of peaceful assembly and be in line with international standards, in particular the OSCE Guiding Principles and the Venice Commission of the Council of Europe, as well as art. 21 ICCPR.
Guarantee freedom of religion and belief by abolishing the mandatory registration for religious groups, and ensure that the 2011 religion law is in conformity with international human rights standards	Germany 	Noted 	<b>Follow-up letter, 2018</b> <b>Committee's evaluation of §54</b> (a): Not implemented  The Committee reiterates its recommendation and requests that the State party comment on information received that the new trade union laws regarding registration have been used to deliberately prevent trade unions from being able to function. The Committee would appreciate information regarding why and under what process the Confederation was closed down, and asks for the State party's comments on the detention and arrest of Amin Yeleusinov and Nurbek Kushakbayev.	<b>Registering political parties</b> continues to be an arduous task and does not comply with international standards. In a country with a population of 18 million, the legislation requires a party to have at least 40 000 registered members, including at least 600 members in every oblast. The procedure of establishing a political party is rigidly regulated by the legislation, which prescribes a number of actions such as the creation of an organisational committee, registration with notification, holding a founding congress of 1 000 members within two months, and submitting the list of members within 4 months. Violating timeframes or other procedural requirements will result in a refusal to register the party.  <b>Independent trade unions</b> continue to experience pressure, including in connection with the adoption of a new Law on Trade Unions in 2014, which caused serious criticism from the International Labour Organisation and the International Federation of Free Trade Unions. The use of this law has led to the elimination of many independent trade unions, including the liquidation of the Confederation of Independent Trade Unions of Kazakhstan and the prosecution of its President L. Kharkova and leaders N. Kushakbayev, A. Yeleusinov and E. Baltabai.	Set forth a <b>presumption in favour of the freedom</b> to hold peaceful assemblies.  Spell out the <b>principle of non-discrimination</b> with respect to the use of the right to peaceful assembly.  Introduce a clear concept structure regarding the <b>forms of peaceful assembly</b> that need to be regulated.
Remove the restrictions on freedom of assembly, repeal article 10 of the Law on Freedom of Assembly and ensure that the laws and regulations on demonstrations are in conformity with Kazakhstan's international human rights obligations on freedom of assembly	Germany 	Noted 	(b): Not implemented  The Committee reiterates its recommendation.	In March 2018, the opposition movement " <b>Democratic Choice of Kazakhstan</b> " was proclaimed extremist and banned, despite the absence of evidence of a violent nature, goals or activities. Dozens of sympathizers were held criminally responsible for participating in the movement's activity or simply for likes on social media. Among them are A. Abishev, B. Khalelova, A. Tobylova, F. Ishmukhametov, M. Argyzbekov, B. Zhunusov and others.	Establish the possibility to hold <b>assemblies by notice</b> . Determine the forms of peaceful assemblies that do not require notice based on the number of their participants.  Provide for the possibility of holding <b>unplanned/spontaneous meetings</b> .
Reform the legal framework on freedom of assembly and association to guarantee the full exercise of this right both for individuals and legal entities	Mexico 	Noted 	(c): Partially implemented  The Committee notes the information provided by the State party, but requests more information about the efforts made to alleviate undue control and interference in the activities of public associations.	Aside from that, authorities often use accusations of " <b>propaganda of terrorism and extremism</b> ." A number of civil society activists, including A. Zhumagulov, K. Abishev and others, have been given long sentences on said charges. <b>Right to freedom of peaceful assembly</b>  Kazakhstan did <b>not implement any of the recommendations</b> from the previous UPR cycle, nor from the HR Committee on the matter of peaceful assembly.	Include an <b>exhaustive list of places where peaceful assemblies may not be held</b> , or are restricted.  Establish <b>clear procedures</b> for agreeing on a location, time and procedure for holding peaceful assemblies between organizers and authorized state bodies.
Undertake a thorough review of the 2011 Law on Religious Associations with a view to ensuring its compliance with Kazakhstan's international obligations	Ireland 	Accepted 		All forms of assembly require <b>permission</b> rather than notification. In contradiction to international standards, current laws contain no distinction between participants and passers-by, as well as <b>observers</b> , including journalists and human rights defenders. As a result, incidental observers were held liable in a number of cases.	Establish a procedure that allows for <b>expedited and effective review of complaints</b> , including through judicial channels, against refusals or other restrictions of the right to peaceful assembly.
Take further action to prevent and tackle discrimination of religious minorities, also by revising the rules on registration of religious association, so that everyone can exercise their rights in an unrestricted manner	Italy 	Noted 		<b>Current laws do not oblige the authorities to protect participants</b> of a legal peaceful assembly. The current practice leads to mass denials of peaceful assemblies, persecutions, fines and administrative arrests of organisers and participants of unauthorised peaceful assemblies. Holding assemblies is only possible in specially designated places, determined by the maslikhats (local executive branch bodies), which makes it impossible to hold assemblies near the buildings where authorities	Establish a <b>code of conduct for law enforcement officers</b> , including the standards of training on using alternatives to use of force and firearms, peaceful resolution of conflicts, understanding crowd behaviour, and methods of negotiating and mediation, as well as the use of technical means in order to limit the use of force and firearms.

are located. Holding an assembly is only possible based on a group application; single-person meetings are not legally possible.

Article 488 of the Code on Administrative Offences and article 400 of the Criminal Code stipulate liability for violating the rules on peaceful assemblies. **Sanctions** vary from warnings and fines to an administrative arrest for a period of up to 50 days. Courts also began to apply Article 50 of the Criminal Code on the “Deprivation of the right to hold a certain position or engage in certain activities” to impose additional punishment, depriving them of the right to participate in peaceful assemblies for a certain period.

An initiative of the Centre for Civil and Political Rights, supporting an NGO Coalition from the Republic of Kazakhstan

