



HAUT-
COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE: 2021-102/CESCR/FU

10 November 2021

Excellency,

In our capacity as Chair and Rapporteur for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights respectively, we have the honour to refer to the examination of the second periodic report of Kazakhstan at the Committee's sixty-fifth session, held in 2019. In the concluding observations (E/C.12/KAZ/CO/2), the Committee requested Kazakhstan to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 11(a) and (b), 20 and 33 of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/KAZ/FCO/2) received in March 2021 under its follow-up procedure. The Committee examined the report at its seventieth session, held from 27 September to 15 October 2021, and wishes to communicate the following assessment:

Paragraph 11 (a): Adoption of comprehensive anti-discrimination legislation – Assessment: Insufficient progress. In its follow-up report, the State party mentioned that the direct or indirect discrimination is prohibited and that separate anti-discrimination legislation is currently being analysed. The Committee thus notes that the State party has not adopted a comprehensive anti-discrimination legislation covering all the prohibited grounds of discrimination, especially sexual orientation and gender identity.

The Committee therefore assesses that the progress is insufficient and requests the State party to provide detailed information about the measures taken in this respect in its next periodic report on the implementation of the Covenant.

Paragraph 11 (b): Non-discrimination against foreign and internal migrants – Assessment: Sufficient progress. The Committee welcomes the measures taken to combat discrimination against foreign and internal migrants, including the improvement of the process of obtaining residence registration. The Committee notes with appreciation that foreign and internal migrants enjoy equal rights under the Covenant with regard to certain social benefits, such as health care and housing.

The Committee thus assesses that there is sufficient progress in the implementation of this recommendation.

Her Excellency
Mrs. Zhanar AITZHANOVA
Permanent Mission of the Republic of Kazakhstan
To the United Nations Office and other international organizations in Geneva
Email: mission@kazakhstan-geneva.ch

Paragraph 20: Maximum available resources – Assessment: Sufficient progress. The Committee notes with appreciation the increase of the level of public social expenditure, especially in the areas of social security, health care and education.

In light of the above, the Committee assesses that there has been sufficient progress of this recommendation.

Paragraph 33: Trade Union rights – Assessment: Insufficient progress. The Committee welcomes the important measures taken by the State party to strengthen the role of trade unions. However, the Committee regrets that, according to information at its disposal, domestic law is still not in full conformity with the Covenant. Despite the amendments to date, a concrete practical impact is not yet visible. Moreover, due to information available, the incidence of arrests and conviction of trade union leaders in connection with their activities and reports of assaults, intimidation and harassment of trade union activists may still occur in the State Party.

The Committee concludes that there is insufficient progress in relation to the implementation of this recommendation and requests the State party to include more information thereon in the next periodic report.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurance of our highest consideration.



Heisoo Shin
Rapporteur for follow-up
Committee on Economic, Social
and Cultural Rights



Mohamed Ezzeldin Abdel-Moneim
Chair
Committee on Economic, Social
and Cultural Rights