



JOINT SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE (CCPR)

144th SESSION, 23 JUNE - 25 JULY

**KAZAKHSTAN: ISSUES RELATED TO THE RIGHTS OF MIGRANTS, ASYLUM
SEEKERS, AND REFUGEES**

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ABOUT THE GLOBAL DETENTION PROJECT (GDP)

The Global Detention Project (GDP) is committed to ending arbitrary and harmful migration-related detention practices around the world, and to ensuring respect for the fundamental human rights of all migrants, refugees, and asylum seekers. To achieve this, we seek to:

- Increase public knowledge and awareness of immigration detention policies.
- Expand coverage of immigration detention by human rights monitoring bodies and other international agencies.
- Expand partnerships with local and international civil society organisations working to end arbitrary and harmful immigration detention practices.
- Strategically target research and advocacy so that it effectively challenges arbitrary and harmful detention laws and policies.

ABOUT THE INTERNATIONAL LEGAL INITIATIVE (ILI)

The International Legal Initiative (ILI) was established in 2010 in Almaty, Kazakhstan and in 2017 in Geneva. The mission of the International Legal Initiative (ILI) is the protection and promotion of human rights in Central Asia, including: protecting civic space; protecting and monitoring the trials of freedom of peaceful assembly and association; supporting the development of civil society; preparing analysis of draft laws and legislation to ensure compliance with international human rights standards; international advocacy; strategic litigations, including complaining to UN Treaty Bodies; education on human rights; and the protection of labour migrants, victims of trafficking, refugees, and victims of torture. ILI is currently the one of the leading human rights organisations in Kazakhstan.

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This submission has been prepared by the Global Detention Project (GDP) and the International Legal Initiative (ILI) for consideration by the Human Rights Committee (CCPR) (“the Committee”) ahead of its examination of Kazakhstan’s State Report. The submission details our concerns in relation to Kazakhstan’s implementation of the ICCPR, specifically in the context of immigration detention and the violation of the rights of migrants, asylum seekers, and refugees.

CONTEXT

Central Asia’s most prosperous state, Kazakhstan attracts a large number of migrant workers from surrounding countries. According to IOM data, between 2020 and 2023 724,534 foreign nationals migrated to the country—86% of whom were from Uzbekistan, followed by the Russian Federation (10%), and Tajikistan (5%).¹ The Migration Data Portal reports that in 2020, there were 3.7 million migrants in the country—while the Ministry of Interior cites a figure of 1.9 million for that same year.² Exact numbers of migrants in the country are hard to ascertain, given that many are present irregularly.

Key legislation which relates to the treatment of migrants, refugees, and asylum seekers includes:

- [Code on Administrative Infractions](#) (235-V (2014))
- [The Law on Migration](#) (477-IV (2011))
- [The Law on the Legal Status of Foreigners](#) (2337 of 19 June 1995)
- [The Law on Refugees](#) (216-IV (2009))
- [Penal Code](#) (226-V (2014))

MIGRANT DETENTION (ARTICLES 2, 9 AND 14)

Reports indicate that Kazakh authorities target specific nationalities for immigration-related enforcement measures, in violation of responsibilities under the ICCPR. In the aftermath of the Moscow Crocus City Hall terrorist attack in March 2024, for which four Tajiks were

¹ International Organisation for Migration, “Kazakhstan - International Migrant Workers Survey - Round 2,” <https://dtm.iom.int/datasets/kazakhstan-international-migrant-workers-survey-round-2>

² International Organisation for Migration, “Kazakhstan,” 2024, (477-
https://dtm.iom.int/sites/g/files/tmzbd11461/files/reports/MTM%20Data%20Mapping_Kazakhstan_EN.pdf

arrested and charged for terrorism offences, Kazakhstan has intensified its crack down on irregular migrants—targeting Tajiks and Uzbeks in particular.

In March 2024, authorities conducted widespread raids, which led to the detention and deportation of hundreds of migrant workers. According to local media, 1,240 migrants were deported following this operation—with each person banned from re-entering for five years.³ There is very little information however, regarding **where, in what conditions, and for how long** migrants were detained, and the GDP and ILI share concerns that detainees were treated with a lack of due process.

Non-citizens are also getting targeted for arrests aimed at quelling social unrest. In January 2022, for example, when mass protests erupted in response to a sharp increase in the price of gas (known as the “Qandy Qantar” protest), President Tokayev quickly laid blame on “bandits” and foreign “terrorists.” Migrants and asylum seekers were amongst those swept up in police raids. Many of those arrested faced torture or other ill-treatment by law enforcement personnel—including beatings, electric shocks, burning with steam irons, and inserting needles under fingernails to extract confessions.⁴ In one case, about 100 foreigners—Uzbeks, Kyrgyz, and Tajik citizens— as well as Kazakhstani citizens were detained on the Almaty-Bishkek highway and held in a detention facility in Koshmambet village.⁵

Since then, ILI has been supporting the 23 Uzbek citizens who were held in Koshmambet and who experienced treatment amounting to torture while in detention. Critically, the majority of these Uzbeks were deported after being notified of court rulings via Whatsapp on 14 January 2022, and received five-year entry bans. Only three of the detainees were able to participate in the subsequent investigations and trials regarding the abuse. In January 2025, the Karasay District Court found six police officers guilty of torturing detainees and awarded the equivalent of USD 21,000 in compensation to the three Uzbeks. The remaining Uzbeks, however, received nothing. **ILI and the GDP are deeply concerned by Kazakh authorities’ failure to provide adequate compensation to these migrants.**

ILI has also documented evidence of some of the detained migrants subsequently being subjected to labour exploitation. In one case, a police officer and subcontractor associated with one of Kazakhstan’s largest construction companies were implicated in coercing detained migrants into forced labour.

DEPORTATION, REFOULEMENT, AND EXTRADITIONS (ARTICLES 6 AND 7)

In its response to the CCPR’s List of Issues, Kazakhstan noted: “(326) The Refugees Act prohibits the expulsion or return of refugees to the border of a country where their lives or freedom are threatened on account of their race, religion, nationality, social group or belief.”⁶

³ Kun.uz, “Kazakhstan Deports Over 1,200 Illegal Migrants, Including Uzbeks,” 17 March 2025, <https://kun.uz/en/news/2025/03/17/kazakhstan-deports-over-1200-illegal-migrants-including-uzbeks>

⁴ See: Amnesty International, “Amnesty International Report 2022/23,” <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>

⁵ 98 people were held here, but only 44 victims have been officially recognised.

⁶ International Covenant on Civil and Political Rights, “Third Periodic Report Submitted by Kazakhstan Under Article 40 of the Covenant,” 2 April 2024,

However, there is evidence indicating that Kazakhstan often fails to ensure that no person is returned to a country where their life or freedom would be threatened, violating its obligations under international law—including under the ICCPR.

In one case, the government deported a Russian conscientious objector (Mikhail Zhilin) who, according to reports, had applied for asylum in Kazakhstan. His application was denied and he was deported to Russia—where he was sentenced to 6.5 years in a high security prison.⁷

Even though Article 10 of the country's Refugee Act⁸ stipulates that individuals without valid identity documents or who enter the country irregularly can apply for asylum, which the State Party partially notes in its response to the CCPR's List of Issues,⁹ there is no formal procedure in place for handling this. As UNHCR has noted, there are no practical mechanisms for the referral of asylum authorities to appropriate authorities within the country. This leaves asylum seekers at border points vulnerable to detention and refoulement without any consideration of their asylum application.¹⁰

The Penal Code (Article 392) also provides that irregularly crossing the border can be punished by a fine or imprisonment, as well as deportation.¹¹ According to ILI documentation, a significant number of persons fleeing persecution and torture in China's Xinjiang province have been held for violating the Penal Code on these grounds. Moreover, a charge of illegal crossing is not automatically lifted if refugee status is granted, interfering with refugees' ability to obtain citizenship.¹²

Despite Article 9 of the country's Criminal Code providing against extradition when there are "grounds for believing that in this state he would be in danger of torture, violence or other cruel and degrading treatment or punishment, as well as in the case of a threat of the death penalty," the country is party to several agreements such as the Shanghai Convention on Combating Terrorism, Separatism and Extremism, which obligate Astana to cooperate on extraditions—but which do not provide guarantees for individuals' protection. On 17 May 2023, Kazakhstan and China also signed an intergovernmental agreement on the exchange of information regarding citizens of both states—paving the way for Kazakhstan to share data and information on asylum seekers from China, which poses a significant security threat to such refugees.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FKAZ%2F3&Lang=en

⁷ Novaya Gazeta, "Russian officer who fled from mobilisation was sentenced to 6.5 years in prison," 24 March 2023, <https://novyagazeta.eu/articles/2023/03/24/russian-officer-who-fled-from-mobilisation-was-sentenced-to-6-5-years-in-prison-en-news>

⁸ Government of Kazakhstan, "Refugee Act (unofficial translation)" https://adilet.zan.kz/eng/docs/Z090000216_

⁹ International Covenant on Civil and Political Rights, "Third Periodic Report Submitted by Kazakhstan Under Article 40 of the Covenant," 2 April 2024, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FKAZ%2F3&Lang=en

¹⁰ UNHCR, "UNHCR Submission for the Universal Periodic Review – Kazakhstan – UPR 48th Session (2025)," <http://bit.ly/44Sq6gH>

¹¹ Government of Kazakhstan "Penal Code of the Republic of Kazakhstan," https://www.unodc.org/uploads/icsant/documents/Legislation/Kazakhstan/3_Penal_Code_of_the_RK.pdf

¹² International Legal Initiative, "Submission of the International Legal Initiative on Universal Periodic Review of the Republic of Kazakhstan," 2024, <https://upr-info.org/sites/default/files/country-document/2024-11/InternationalLegalInitiativePublicFoundation.pdf>

As UNHCR states, “it should be noted that obligations arising from international refugee law and human rights law take precedence over obligations arising from other international and regional agreements.”¹³

In recent years authorities have arrested several human rights defenders on extradition charges where individuals risk serious risk of harm on removal from Kazakhstan.

Most recently, in February 2024 Kazakh authorities arrested Aqylbek Muratbai, a Karakalpak human rights defender living in the country, at Tashkent’s request. Karakalpak activists’ vulnerability to torture and politically motivated prosecution in Uzbekistan has, however, been documented by a variety of actors. In 2023 the UN Special Rapporteur on the Situation of Human Rights Defenders and the Special Rapporteur on Freedom of Peaceful Assembly and Association highlighted the physical and psychological abuse another Karakalpak activist had faced in Uzbek detention.¹⁴ Muratbai was released after a year in detention, however his asylum request was rejected, leaving him in a precarious legal situation.¹⁵ He is the sixth Karakalpak activist to be detained in Kazakhstan since 2022.¹⁶

RECOMMENDATIONS

In light of the above information, the GDP and ILI encourage the Committee to:

- **Urge the State party to provide disaggregated statistics detailing the number of detained migrants, refugees, and asylum seekers in the country.**
- **Encourage the State party to clarify where non-nationals are detained in the country, providing the name and location of each detention facility in which they are confined.**
- **Demand that Kazakhstan immediately halt all practices amounting to torture, inhuman and degrading treatment in detention centres, and that allegations of torture and mistreatment be investigated and perpetrators prosecuted.**
- **Ensure that Kazakhstan provides adequate compensation to all non-nationals who experience torture and abuse at the hand of Kazakh law enforcement personnel.**
- **Encourage Kazakhstan to establish an asylum referral procedure at border entry points.**
- **Remind the State party that no person should be expelled, extradited, removed, or pushed back to a country where there are substantial grounds to believe that they will face persecution, and to ensure the implementation of the principle of non-refoulement. Authorities should bring domestic legislation in line with international legislation—specifically the Convention relating to the Status of Refugees.**

¹³ UNHCR, “UNHCR Submission for the Universal Periodic Review – Kazakhstan – UPR 48th Session (2025),” <http://bit.ly/44Sq6gH>

¹⁴ UN Special Rapporteur on Human Rights Defenders, “Uzbekistan Must Refrain from Persecuting Defenders of Minority Rights: UN Experts (Press Release),” 9 November 2023, https://srdefenders.org/uzbekistan-must-refrain-from-persecuting-defenders-of-minority-rights-un-experts-press-release/?utm_source=chatgpt.com

¹⁵ Front Line Defenders, “Human Rights Defender Muratbai Aqylbek Released from Detention,” 18 February 2025, <https://www.frontlinedefenders.org/en/case/human-rights-defender-aqylbek-muratbai-released-detention?>

¹⁶ Human Rights Watch, “Kazakhstan: Arrest of Karakalpak Activist at Uzbekistan’s Behest,” 25 February 2024, <https://www.hrw.org/news/2024/02/26/kazakhstan-arrest-karakalpak-activist-uzbekistans-behest#:~:text=Muratbai%20is%20the%20sixth%20Karakalpak,is%20a%20party%20to%20both>

- **Remind Kazakhstan of the primacy of international human rights legislation over international and regional political agreements.**