



**STATEMENT BY THE GROUP OF NON-GOVERNMENTAL ORGANISATIONS OF
KAZAKHSTAN REGARDING THE THIRD (PERIODIC) REPORT OF THE
REPUBLIC OF KAZAKHSTAN ON THE IMPLEMENTATION OF OBLIGATIONS
UNDER THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

(for submission to the UN Human Rights Committee)

May 2025

The Kazakhstan NGO Group for the preparation and submission to the UN Human Rights Committee of the Statement regarding the Third (periodic) report of the Republic of Kazakhstan on the implementation of obligations under the International Covenant on Civil and Political Rights included: Association of Religious Associations of Kazakhstan, Initiative on Special Childs' Rights, Kazakhstan Feminist Initiative "Feminita", International Foundation for the Protection of Freedom of Speech "Ədil Səz", Public Association "Kazakhstan International Bureau for Human Rights and the Rule of Law", Public Association "Taldykorgan Human Rights Centre", Public Association "Taldykorgan Regional Centre for Support of Women", Association of Legal Entities "Union of Crisis Centres in Kazakhstan", Public Foundation "Aman-Saulyk", Public Foundation "Ar.Rukh.Khak", Public Foundation "Children's Fund of Kazakhstan", Public Foundation "Doctor S.N." Public Foundation "Erkindik Kanaty", Public Foundation "Meirim", Public Foundation "Legal Media Centre", Public Foundation "Fund for the Development of Parliamentarism in Kazakhstan", Legal Policy Research Centre, Youth Information Service of Kazakhstan, Kazakhstan NGOs Coalition against Torture, Kazakhstan NGO Working Group for the Protection of Children's Rights.

GENERAL INFORMATION AND FRAMEWORK

I. Scope of international obligations

1. On a positive note, it should be noted that during the period since Kazakhstan's previous report on the implementation of its obligations under the ICCPR, the Republic of Kazakhstan has acceded to:

- the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty;
- the Optional Protocol to the Convention on the Rights of the Child on a communications procedure;
- the Optional Protocol to the UN Convention on the Rights of Persons with Disabilities.

2. At the same time, as of May 2025, the Republic of Kazakhstan has not acceded only to:

- the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;
- the Convention relating to the Status of Stateless Persons;
- the Convention on the Reduction of Statelessness;
- the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- the Rome Statute of the International Criminal Court.

Recommendation (Article 2 (paragraph 2) of the ICCPR): to accede to the above mentioned international human rights treaties.

3. National legislation has not yet been fully brought in line with the assumed international legal obligations. That is despite the fact that, according to the Constitution of the Republic of Kazakhstan and the Law of the Republic of Kazakhstan "On International Treaties of the Republic of Kazakhstan," those treaties have priority over national legislation and should be applied directly, this rarely occurs in law enforcement practice, including in the judiciary.

Recommendation (Article 2 (paragraph 2) of the ICCPR): ensure that international human rights treaties that have been ratified by the Republic of Kazakhstan are directly applied in law enforcement practice, including in judicial practice.

4. Despite the fact that the Administrative Procedural Code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan "On Legal Acts" and the Law of the Republic of Kazakhstan "On the Procedure for Organizing and Conducting Peaceful Assemblies in the Republic of Kazakhstan" for the first time contain references to the fundamental principles of international law as it concerns human rights and freedoms, which can be assessed as a positive step, the state does not apply them in its law enforcement practice, including the Syracuse principles of interpretation of restrictions and deviations from the provisions of the International Covenant on Civil and Political Rights, as well as others.

Recommendation (Article 2 (paragraph 2) of the ICCPR): ensure the fundamental principles of international law as it concerns human rights and freedoms, in particular the principles of the presumption in favour of law, justification and necessity of restrictions on human rights and freedoms in a democratic society, legal certainty and predictability, non-discrimination and proportionality, are applied in law enforcement practice, including in

judicial practice.

5. In ensuring and protecting fundamental human rights and freedoms and eliminating violations of the same, the Republic of Kazakhstan hardly ever uses supporting documents that are adopted within the United Nations, the Organization for Security and Cooperation in Europe and other international organisations, the so-called “soft law,” as well as such sources of international human rights law as decisions of supranational human rights bodies (“case law”), including UN convention bodies.

6. As of May 2025, the UN Convention bodies (UN Committee against Torture, UN Human Rights Committee and UN Committee on the Elimination of Discrimination against Women) have considered more than 70 individual complaints regarding Kazakhstan, the vast majority of which observations (opinions, resolutions) were ruled in favour of the applicants. However, with the exception of two cases (A. Gerasimov and R. Bayramov) when compensation was paid to the victims of torture, in all other cases the Republic of Kazakhstan failed to implement those resolutions in terms of restoring the violated rights as have been established by treaty bodies, and/or in terms of eliminating the root causes of those violations, e.g. violation of the right to peaceful assembly.

7. At the same time, in its objections to the claim of the citizen of the Republic of Kazakhstan, Lukpan Akhmedyarov, on the execution of the UN Human Rights Committee’s Observations (CCPR/C/129/D/2535/2015), in June 2021 the defendant – the Ministry of Finance of the Republic of Kazakhstan stated that: “According to the statement of the Republic of Kazakhstan concerning the recognition of the competence of the Human Rights Committee under Article 1 of the Optional Protocol, the Republic of Kazakhstan declared that it recognizes the competence of the Human Rights Committee in terms of accepting and considering communications from individuals falling under the jurisdiction of the Republic of Kazakhstan against actions or inaction of public authorities in relation to acts or decisions adopted by them that took place after the effective date of this Optional Protocol for the Republic of Kazakhstan. Thus, the Republic of Kazakhstan recognized the competence of the UN Committees only in terms of consideration of citizens’ applications. For this reason, the recommendations of the UN Committees are not binding on the Republic of Kazakhstan and do not have pre-judicial significance”.

Recommendations (Article 2 (paragraph 2) of the ICCPR):

- **to legislate the powers of the state bodies responsible for the implementation of resolutions (observations, opinions) of the UN convention bodies at the highest level, as well as the procedures and deadlines for the relevant process;**
- **to enshrine in the legislation the obligations of a specific state body to provide information to the UN treaty body about the measures taken to implement resolutions (observations, opinions), and to mandatorily notify the author of a report;**
- **whenever the relevant interpretation is necessary, employ and make use of the relevant articles of an international human rights treaty that is contained in the General Comments (UNHRC and UNCAT) or General Recommendations (UN CEDAW).**
- **to amend the criminal procedure legislation, the civil procedure legislation and the legislation on administrative offenses with provisions that resolutions (observations, opinions) of international human rights bodies under ratified international treaties may**

serve as new circumstances for the resumption of criminal, civil or administrative proceedings, respectively;

- to implement paragraphs 1-2 of the UN Basic Principles and Guidelines concerning the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law;

- to enshrine in the legislation the obligation of the state to translate resolutions (observations, opinions) of the UN treaty bodies into the state language of the Republic of Kazakhstan and allocate necessary funds therefor, place such resolutions on all available resources of legal information and ensure wide distribution, including among authorized state bodies;

- to introduce into the compulsory program and conduct training courses on human rights, minimum standards and resolutions (observations, opinions) of the UN treaty bodies in all educational institutions for advanced training of civil servants, as well as in law universities, colleges and schools across the country.

II. Constitutional and legislative basis

8. In 2020, the Administrative Procedural Code of the Republic of Kazakhstan was adopted, which established modern foundations for administrative justice, and this can be regarded as a positive step towards establishing modern legal principles for regulating relations between individuals and the state. In 2022, the institution of the Constitutional Court was restored in Kazakhstan, which constituted an important step towards ensuring the rule of law and enhancing the effectiveness of legal remedies. At the same time, legislation and law enforcement practice do not sufficiently provide the means and procedures for effective legal protections.

9. The state bodies and institutions responsible for maintaining public order (ordre public) as well as national security agencies, in the exercise of their functions are not sufficiently controlled by representative authorities (Parliament), courts or other competent independent institutions and bodies. The state is clearly dominated by the executive branch of government, the separation of powers is largely nominal, and the system of checks and balances is largely ineffective.

10. Legislation pertaining to human rights and freedoms suffers from uncertainty and imprecise language all of which allows the authorities to interpret certain provisions of the law based on a principle of political expediency which is largely a subjective matter, or based on a multitude of reference provisions, and largely inconsistent with the principle of legal certainty, predictability and proportionality.

11. In the law enforcement practice, representatives of the executive branch often do not follow the international obligations of the Republic of Kazakhstan, constitutional provisions or norms of the law but instead apply by-laws (instructions, rules, guidelines, etc.) which in a number of cases go against not only the international norms but also the Constitution and current legislation of the country.

III. Institutional and human rights framework

12. The Republic of Kazakhstan has a number of national institutions dealing with human rights, such as the Human Rights Commission under the President of the Republic of Kazakhstan, the Commissioner for Human Rights of the Republic of Kazakhstan (the Ombudsman), the

Commissioner for Children's Rights in the Republic of Kazakhstan, the Commissioner for the Rights of Socially Vulnerable Categories of the Population under the President of the Republic of Kazakhstan, and others. The Constitutional Law "On the Commissioner for Human Rights in the Republic of Kazakhstan" was adopted in November 2022 bringing this human rights body closer to the Paris Principles. The rest of the national human rights institutions are not in compliance with the Paris Principles.

Recommendation (Article 2 (paragraphs 2-3) of the ICCPR): to continue to bring the institution of the Commissioner for Human Rights in the Republic of Kazakhstan, as well as other national human rights institutions, in particular the Commissioner for Children's Rights in the Republic of Kazakhstan, the Commissioner for the Rights of Socially Vulnerable Categories of the Population under the President of the Republic of Kazakhstan and other human rights institutions, into compliance with the Paris Principles.

PROMOTION AND PROTECTION OF HUMAN RIGHTS

I. Cooperation with human rights mechanisms

13. Recommendations, summary observations and comments by the UN treaty bodies following the results of review of the government reports on the implementation of ratified international human rights treaties or UN special procedures missions are hardly ever published or indeed followed.

Recommendation (Article 2 (paragraph 2) of the ICCPR): ensure that the recommendations by the UN treaty bodies are published and the public is informed about their implementation.

II. Implementation of international human rights obligations under the ICCPR

Equality and non-discrimination (Article 2, 3, 26 and 27 of the ICCPR)

14. Despite the fact that since 2004 the UN Human Rights Council, the UN treaty bodies, a number of Special Procedures that visited the Republic of Kazakhstan, have issued multiple and repeated recommendations, Kazakhstan still has virtually no anti-discrimination legislation, anti-discrimination institutions and procedures. There is a complete lack of judicial practice when it comes to discrimination, despite the fact that the existing negative processes and facts indicate the presence of problems in society. Most often, advocates, legal advisers and judges consider that a statement of claim should contain not a demand for the elimination of discrimination, but rather an indication of the violation of a specific right.

15. In the law enforcement practice, correct legal classification of offenses indicating facts of discrimination is avoided. The flaws in the national legislation, the vagueness of the legal characteristics of the forms and types of discrimination, the lack of criteria on which to judge the presence of discrimination in a particular case, all of this makes it impossible for the injured party to prove the facts of discrimination.

16. In December 2023, the President of the Republic of Kazakhstan approved an Action Plan on

Human Rights and the Rule of Law containing a number of provisions to strengthen the protection of human rights. Paragraph 24 of the Plan states establishment of a permanent working group on anti-discrimination legislation and on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and/or establishment of a separate structural unit within the National Centre for Human Rights on the Elimination of All Forms of Discrimination. As of May 2025, an interdepartmental working group for the development of anti-discrimination legislation was created under the Ministry of Culture and Information of the Republic of Kazakhstan, and a working group was also established as part of the Expert Council under the Commissioner of the Republic of Kazakhstan to provide analysis of the problems associated with the protection against discrimination and a special sector in the office of the Commissioner on this issue, so far no practical results have been shown.

Recommendations (Article 2 (paragraph 1), 3, 26 and 27 of the ICCPR):

- to develop and adopt a set of legislative, administrative and organizational measures to create effective anti-discrimination institutions, mechanisms and procedures;**
- to implement in full the recommendations of the UN Human Rights Council, the UN treaty bodies and the UN special procedures in the area of protection against discrimination.**

17. Following the third cycle of the UPR in 2019, a total of 13 recommendations were submitted to the Republic of Kazakhstan covering the rights of sexual minorities and transgender people; nine of them were rejected. Those recommendations included the adoption of a comprehensive anti-discrimination legislation that would include protections based on sexual orientation and gender identity, offer changes to legal gender recognition procedures, and would bring those procedures in line with human rights and obligations. Essentially, Kazakhstan has adopted only one recommendation on the rights of LGBTIQ+ people: “Guarantee an environment that would enable the activity of civil society, activist groups and human rights defenders to protect the rights of lesbian, gay, bisexual, transgender and intersex people.” As of today, this recommendation has not been implemented. Following the fourth cycle of the UPR in January 2025, a total of 18 recommendations were submitted to the Republic of Kazakhstan on this issue. Furthermore, a request for information on the protection of LGBTIQ+ people was also included in the List of Issues Prior to Reporting on Kazakhstan's third periodic report by the Human Rights Committee.

18. Whenever there is an attempt to raise issues when communicating with the state, civil society activists protecting the rights of LGBTIQ+ people face a great deal of misunderstanding, ignorance and red tape. LGBTIQ+ activists and human rights defenders have to go to great lengths to prove to the state that the rights of LGBTIQ+ people are important and international obligations must be respected. Trans activists and human rights defenders face transphobia and stigma from government officials, which makes their work much more difficult.

19. Since 2019, the situation with the rights of transgender people in Kazakhstan has taken a turn to the worse. The country has a very high level of transphobia and intolerance toward transgender people, which results in virtually all rights being violated. Numerous studies and a significant number of documented cases of violence and discrimination based on SOGI speak to

this fact. In July-August 2024, homophobic organisations initiated a petition for the adoption of legislation against LGBTIQ+ people, which was supported by a number of members of Parliament. Discussion of this issue at public hearings was organised by the Ministry of Culture and Information of the Republic of Kazakhstan. Despite the fact that no decision to adopt such legislation was taken, it was decided to conduct research into the negative impact of information about LGBTIQ+ people on children, society and traditional values. This once again proves that the country has a very high level of phobia and stigma toward LGBTIQ+ people.

20. In 2020, when a revised edition of the Code of the Republic of Kazakhstan “On the Health of the People and the Healthcare System” came out, it introduced discriminatory provisions that violate the right of transgender people to the highest attainable level of health. The state has limited transgender people’s access to medical examination boards by raising the age of eligibility from 18 to 21. Which means that transgender people under 21 have now lost their right to receive medical and social assistance and the opportunity to change their documents. In addition, Kazakhstan has a legislative requirement according to which transgender people, in order to have a basis to change their documents, must undergo a mandatory surgical correction. This requirement is contained in the Code of the Republic of Kazakhstan “On the Marriage, Matrimony and Family.” This obstacle is almost impossible to clear for transgender people, many of whom are deprived of the opportunity to change their documents and gender markers.

Recommendations (Article 2 (paragraph 1) and Article 26 of the ICCPR):

- **to develop and implement anti-discrimination legislation that includes gender identity and sexual orientation as a protected characteristic;**
- **to expand Article 145 “Violations of Equal Rights of Men and Citizens” of the Criminal Code of the Republic of Kazakhstan by including gender identity and sexual orientation as a parameter on which discrimination and violence can be committed;**
- **to cancel the requirement contained in the Code of the Republic of Kazakhstan “On the Marriage, Matrimony and Family” that speaks of transgender people having to undergo surgical correction in order to be eligible to change their documents; cancel the requirement for a psychiatric diagnosis; make the procedure accessible, non-discriminatory and voluntary, make sure gender-affirming assistance is provided during the procedure;**
- **to change the age limit as set forth in the Code of the Republic of Kazakhstan “On the Health of the People and the Healthcare System” from 21 years to 18 years for transgender people to be able to receive medical and social assistance, make the procedure accessible and remove the requirement of psychiatric diagnosis.**

Right to freedom of movement (Article 12 of the ICCPR)

21. Article 21 of the Constitution of the Republic of Kazakhstan enshrines the right to freedom of movement for all persons lawfully present in the territory of Kazakhstan, without any discrimination. The specific law regulating migration is the Law of the Republic of Kazakhstan "On Migration of the Population". It should be noted that the regulation of migration, particularly labour migration, as well as internal migration, has become noticeably more stringent over the

past several years, especially with regard to population registration.

22. A restriction on the right to freedom of movement within the territory of Kazakhstan remains the country's existing institution of compulsory registration of place of residence, inherited from the Soviet passport system and the "propiska" regime. Although the term "propiska" no longer appears in the Rules on Population Registration, which define the powers of internal affairs bodies to carry out registration (recording) of citizens of the Republic of Kazakhstan, foreigners and stateless persons permanently residing in the Republic of Kazakhstan at their place of residence, as well as their registration at their place of temporary stay (residence), it is actively used in practice by both citizens and state officials, and even in some legal acts. This confirms that the institution of registration of population essentially continues to resemble the Soviet "propiska" regime.

23. It should be noted that matters of social security, including access to qualified medical care, education, as well as the exercise of electoral rights, the right to leave Kazakhstan and others are dependent upon the registration institution. This system has been repeatedly criticised by international organisations, including in the Concluding Observations of the UN Human Rights Committee on Kazakhstan's second periodic report.

24. Over the period that has elapsed, almost nothing has changed. Thus, according to the Code of the Republic of Kazakhstan on Administrative Offences (Administrative Code of the Republic of Kazakhstan), administrative liability is still provided for the absence of registration at place of residence of Kazakhstan citizens and for lack of registration at place of temporary stay (residence) for a period from ten calendar days to one month and more. Moreover, the Kazakhstani legislator did not limit punishment to unregistered persons alone; owners of residential and other premises where unregistered citizens reside are also subject to administrative penalties. A person without registration is essentially deprived of the right to social guarantees, access to qualified medical care, education, lawful employment, and furthermore, the right to vote and stand for election. Such a restriction cannot be recognised as commensurate and proportionate in its consequences relative to the hypothetical danger to public order, despite the fact that it is established by law.

25. It is also necessary to highlight, as a matter of serious concern, Article 29, "Preventive Restriction of Freedom of Movement," in the Law of the Republic of Kazakhstan "On the Prevention of Offences." According to this article, preventive restriction of freedom of movement is an individual preventive measure applied to individuals who lack a fixed place of residence and/or identity documents, provided there are no signs of criminal or administrative offences in their actions and if it is impossible to establish their identity by other means. The preventive restriction of freedom of movement is enforced by internal affairs authorities with judicial sanction and involves the temporary isolation of such individuals in a special facility of the internal affairs bodies for a period of up to thirty days.

Recommendations (Article 12 of the ICCPR):

- implement the recommendations given to Kazakhstan by the Human Rights Committee following the submission of national reports on the implementation of obligations under Article 12 of the ICCPR, in particular, to bring the system of compulsory registration of

place of residence into full compliance with the provisions of the ICCPR;

- abolish the requirement for an address certificate (confirmation of registration at place of residence) for the purposes of issuing identity documents;**
- abolish the linking of access to social guarantees and benefits to place of registration of population;**
- remove Article 29 from the Law of the Republic of Kazakhstan "On Crime Prevention";**
- conduct an analysis of the impact of restrictions on freedom of movement on the realisation and protection of other fundamental rights and freedoms enshrined in the Constitution. The result of such analysis should be changes to legislation and state policy regarding freedom of movement and choice of place of residence.**

Right to legal personality (Article 16 of the ICCPR)

26. It should be noted that, despite the coronavirus pandemic, the authorities of Kazakhstan agreed in 2020-2021 to conduct a large-scale identification campaign to detect and reduce statelessness. This campaign was carried out following the agreements and cooperation between the Ministry of Internal Affairs of the Republic of Kazakhstan, the Ministry of Justice of the Republic of Kazakhstan, the Office of the United Nations High Commissioner for Refugees (UNHCR), and NGOs. The campaign lasted for two years and resulted in the identification and documentation of more than 9,000 people across the country. At the same time, efforts by UNHCR and NGOs to persuade the government of the need to ratify the conventions on the status of stateless persons and the reduction of statelessness have failed to produce positive outcomes, as the authorities invoke potential threats to national security and financial burdens upon the state budget. Furthermore, a range of practical difficulties exists in relation to the acquisition of citizenship.

27. Up to 2017, clause 2 of Article 10 of the Constitution of the Republic of Kazakhstan stated: «A citizen of the Republic may not under any circumstances be deprived of citizenship, the right to change citizenship, and may not be exiled from Kazakhstan.» In March 2017, it was amended to read as follows: «A citizen of the Republic may not be deprived of citizenship, the right to change citizenship, and may not be exiled from Kazakhstan. Deprivation of citizenship is allowed only by court decision for committing terrorist crimes, as well as for causing other serious harm to the vital interests of the Republic of Kazakhstan.» According to clause 3 of the same Article, the Republic of Kazakhstan does not recognize a dual citizenship so it is evident that the deprivation of citizenship of the Republic of Kazakhstan for committing the aforementioned crimes leads to the emergence of stateless persons; in other words, this provision of the Constitution promotes statelessness.

Recommendations (Article 16 of the ICCPR):

- to review current legislation and include a provision stating that a person born in the country will unconditionally be considered a citizen if otherwise they would become/remain stateless; automatically grants citizenship to children born on its territory who cannot acquire citizenship of another country without additional conditions for implementing this norm, such as permanent residence requirements; the state recognizes as a citizen a child of its own citizens (both in the case of both parents and in the case of one parent being a citizen) born outside the country who cannot acquire citizenship of another country;**
- to bring the definition of a stateless person in line with Article 1.1 of the 1954 Convention relating to the Status of Stateless Persons;**

- to develop procedures for determining stateless status, resulting in stateless persons being able to obtain legal residence permits and full access to human rights;
- to amend current legislation so that renunciation, loss, or deprivation of citizenship occurs only if citizenship of another state is present or acquired.

Right to privacy (Article 17 of the ICCPR)

28. Kazakhstani legislation contains a number of provisions relating to the protection of privacy, including the inviolability of the home, entry into the home, and the conduct of searches and inspections only in cases and in accordance with procedures established by law. At the same time, these restrictions do not currently fully comply with the principles of clarity, precision, specificity, certainty, proportionality and lawfulness of limitations on the right to privacy as defined by the Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights.

29. Since 2013, the Law of the Republic of Kazakhstan "On Personal Data and its Protection" has been in effect; the rights of personal data subjects such as employees are enshrined in the Labour Code of the Republic of Kazakhstan, whilst the status of electronic information resources containing personal data is defined in the Law of the Republic of Kazakhstan "On Informatisation". It was expected that the status of information containing details about private life would be comprehensively regulated by the Law of the Republic of Kazakhstan "On Access to Information" adopted in 2015. However, contrary to expectations, the legislators confined themselves to merely stating that restricted access information includes "information classified as state secrets, personal, family, medical, banking, commercial and other secrets protected by law, as well as official information marked 'For Official Use'". The law also stipulates that the right to access information may be restricted only by legislation and only to the extent necessary for protecting the constitutional order, maintaining public order, safeguarding human rights and freedoms, and preserving public health and morality.

30. Generally, Kazakhstani courts adopt the position that the right to privacy should be subject to certain limitations in order to balance the interests of individuals against those of society and the state, which represents the "public interest". When reviewing the application of the aforementioned provisions of Kazakhstani legislation on these matters, it must be recognised that the most extensive intrusions and violations of rights occur when state bodies collect information, where any considerations of proportionality and necessity are swept aside under the guise of protecting national security and state interests.

Recommendations (Article 17 of the ICCPR):

- develop more stringent regulatory measures restricting state bodies' access to information held by third parties (private organisations), including reporting arrangements, whilst minimising the burden placed upon third parties for collecting additional information, and applying constitutional and legal safeguards where third parties act on behalf of the state;
- ensure predictability of objectives and consequences and rigorous assessment of compliance with the public interest regarding the domestic legal framework governing the storage and use of information about citizens' private lives by law enforcement agencies;

- ensure that the use of video surveillance data is subject to legal regulation aimed at protecting privacy, with clear provisions governing the lawful use of video cameras, including surveillance of neighbours, hotel guests, customers and clients;
- to bring Kazakhstani legislation into compliance with international standards for the protection of the right to privacy, adopt legislation as outlined in General Comment No. 16 of the Human Rights Committee on Article 17 of the ICCPR, which should define all concepts used in Article 17 of the ICCPR in accordance with Human Rights Committee recommendations and international practice, together with mechanisms for implementing all international norms to which Kazakhstan is party.

The right to freedom of conscience, religion or belief (Article 18 of the ICCPR):

31. Current legislation and law enforcement practice in the area of freedom of thought, conscience and religion are largely inconsistent with international standards. They are based on the principles of “presumption of guilt”, subjectively interpreted ideological and political expediency and discriminatory approach to regulating the activities of religious associations; they are permissive and restrictive in nature, impose many prohibitions and restrictions that do not fully or partially meet the criteria of admissibility of restrictions on human rights and freedoms formulated in international law, do not comply with the principles of legal certainty and predictability.

32. In the law enforcement and national security activities of law enforcement and national security bodies, religious associations have been identified as sources of threats to national security. Religious associations are subject to unequal liability for violations of the law compared to other legal entities; the rights to worship “in community with others” (prohibition of activities without registration), to recognition of legal status, to missionary activity and religious education, to purchase and use religious literature and religious items, to establish and maintain international contacts, etc. are restricted.

33. State bodies continue to promote the values of inter-ethnic harmony and to carry out image events. At the same time, recommendations aimed at specific actions to improve the situation with freedom of religion or belief are not implemented. The main problem with the legislation is the understanding of the right to freedom of religion or belief as a collective right, which allows the establishment of religious organisations by a group of persons, subject to many conditions: at least fifty citizen-initiators, religious expertise and other restrictive procedures.

34. The Law of the Republic of Kazakhstan “On Religious Activity and Religious Associations”, which contains several rules that do not comply with international law and its principles (predictability, legal certainty, proportionality), continues to operate without serious changes. Essentially, it is a sectoral law where most of the rules relate to the activities of religious organisations, which contradicts the rules of international law, in particular Article 18 of the International Covenant on Civil and Political Rights and Article 18 of the Universal Declaration of Human Rights. These articles describe the right to freedom of religion or belief primarily as an individual right. Furthermore, the right to freedom of expression guaranteed in Article 19 of the ICCPR is also violated through the imposition of censorship, which is prohibited in the Constitution of the Republic of Kazakhstan. Any religious literature and other information materials of religious content on a tangible medium must undergo a mandatory religious expert examination. Only after a positive conclusion can they be distributed, and even then, only in

religious buildings or in specially approved places.

35. On 29 December 2021, amendments to the Law of the Republic of Kazakhstan “On Religious Activity and Religious Associations” were adopted. These amendments were presented as a liberalisation of the current legislation, mainly because the requirement to obtain a permission for holding religious events outside the religious buildings was replaced with a notification. At the same time, the notification procedure to be undergone for a religious association planning to hold such an event is actually not such a notification procedure *per se*, but contains many conditions. An event may even be refused at all.

36. Since the middle of 2023, high-ranking representatives of state bodies have periodically voiced in the media a proposal to tighten the rules of the current legislation in the area of religious activity. These statements, by their content, cause serious concern and indicate a continuing domestic policy of repressive nature with regard to the right to freedom of religion and belief.

Recommendations (Article 18 of the ICCPR):

- to review or adopt a new Law on Freedom of Conscience and Religious Associations to bring national legislation in line with the commitments undertaken to implement the provisions of Articles 18 and 19 of the International Covenant on Civil and Political Rights, taking into account the recommendations of the UN Human Rights Committee, experts from the OSCE Office for Democratic Institutions and Human Rights and the UN Special Rapporteur on Freedom of Religion or Belief following his/her visit to Kazakhstan in 2014;
- to abolish the mandatory registration of religious associations, prioritising the individual dimension of the right to freedom of religion or belief, ensuring that religious minorities can freely practise their beliefs both privately and collectively;
- to introduce a voluntary procedure for religious associations to obtain legal personality as legal entities, reducing the number of citizens required for registration to 10 members;
- to abolish the procedure of compulsory religious expertise as contrary to Article 19 of the International Covenant on Civil and Political Rights and Article 20 of the Constitution of the Republic of Kazakhstan;
- to ensure, by means of legislation, the possibility of refusing to do military service on the grounds of religious or pacifist beliefs through the introduction of alternative military service;
- to review the provisions of administrative and criminal legislation on administrative or criminal liability for violations of legislation on religious activities, guided by the principles of legal certainty, predictability and proportionality;
- to review legislation on extremism and terrorism, bringing its rules in line with the International Covenant on Civil and Political Rights, the recommendations of the UN Human Rights Committee and the UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism following his/her visit to Kazakhstan in 2019.

The right to freedom of speech and expression (Article 19 of the ICCPR):

37. In June 2020, Article 130 “Defamation” was removed from the criminal law, which the

authorities announced as decriminalisation of defamation. However, in reality, instead of criminal offence, defamation simply became an administrative offence, and the Code of Administrative Offences of the Republic of Kazakhstan provides for administrative punishment for defamation in the form of administrative arrest for up to 20 days. Therefore, defamation was not transferred to the category of civil-law relations, but remained in public-law relations, although the punishment was significantly reduced.

38. The new Law of the Republic of Kazakhstan “On Mass Media” was adopted in June 2024, which, along with the laws “On Online Platforms and Online Advertising”, “On Communications” and “On Access to Information” forms a legal framework for the creation and operation of mass media and the use of online platforms (social networks). There is a certain gap in the provision of legal guarantees for the realisation of everyone’s right to freedom of expression, which leads to the fact that various forms of expression are subject to bans and restrictions. For example, solitary pickets in Kazakhstan are treated as a form of peaceful assembly requiring authorisation from local authorities, while the UN Human Rights Committee considers solitary pickets involving one person as a form of expression protected by Article 19 of the ICCPR.

39. Other inconsistencies of the national legislation with international standards on the protection of the right to freedom of expression are as follows:

- the mass media outlets’ registration procedure is of permissive nature, and there is a long list of grounds for suspending and terminating both the activities of mass media outlets and the distribution of mass media products. The blocking of mass media websites is indiscriminate and may be performed through out of court procedure;
- there remains criminal liability for certain elements of defamation against certain categories of officials and insult, although simple defamation entails only administrative liability, moreover, instead of using defamation charges, the authorities have started employing other provisions of the Criminal Code of the Republic of Kazakhstan to prosecute journalists and citizens, particularly for disseminating false information and making knowingly false accusations;
- journalists are not endowed with legal guarantees in carrying out their professional activities, and there are no effective sanctions for violations of journalists’ rights in the country, either at the level of law or in practice. The UN Plan of Action on the Safety of Journalists and the Problem of Impunity has not been implemented in Kazakhstan;
- numerous forms of censorship and self-censorship are developed, there is no public model of broadcasting and no alternative form of media ownership other than private and state ownership, etc.

40. In September 2023, the Law of the Republic of Kazakhstan “On Online Platforms and Online Advertising” came into force. The innovations in the document include: definitions of “blogger” (influencer), “online platform user”, their rights and obligations; the requirement to label online advertising, but without details and mechanism for the implementation of this requirement; the procedure for filing and consideration of complaints by users, as well as the introduction of administrative responsibility for the dissemination of false information. At the same time, the law does not explain in detail what exactly is meant by false information, which makes it potentially dangerous for all Internet users.

41. The main challenge in applying the rules on liability for dissemination of false information in Kazakhstan is the lack of balance between freedom of expression and countering false

information. The wording of the article on liability for dissemination of false information and its application in practice do not comply with international standards and are often political in nature. Vague definitions and selective application create fear among Internet users and have a chilling effect on freedom of expression. The law's definitions are vague, leading to abuse by state bodies and courts. The article is not worded clearly and understandably, the principle of legal certainty is not observed, and there is no clear idea of the legal consequences and scope of application of this legal rule. Punishment is imposed even if there are no potential threats to society and order in case information is disseminated.

42. The main challenges in the exercise of the right to freedom of expression and freedom of speech in the digital environment are:

- out of court procedure for blocking websites, blogs, which is actively used in Kazakhstan;
- presence of criminal and administrative liability for dissemination of false information without reference to any possible damage, harm, or unintentionality;
- weak guarantees and legal mechanisms to protect personal data from unauthorised dissemination.

43. Adoption of the Law of the Republic of Kazakhstan “On Access to Information” in 2015 became a starting point for increasing the level of openness, transparency and accountability of the government and other authorities, the websites of state bodies have improved and become more informative, citizens have the opportunity to participate or watch online open meetings of collegial bodies. There is an opportunity for public discussion of draft laws and regulations, budget information. Open data collected and stored by state bodies became available. Kazakhstan has expanded the scope of the Law of the RoK “On Access to Information” to include an additional wide range of organisations, agencies, including enterprises and companies of the quasi-public sector in the category of information holders.

44. At the same time, the existing problems in the area of access to information in Kazakhstan remain:

- restrictions on the right of access to information do not meet the three-part test typical of restrictions on all non-absolute rights. Restrictions on the right of access to information are not clearly specified in the Law of the Republic of Kazakhstan “On Access to Information”, which leaves a wide space for the possibility of illegal actions on the part of information holders;
- a clear tendency to increase the number of documents, data, information of the authorities, which is subject to restriction as FOUO, i.e. information for official use only. Even information on budgetary expenditures is included in the FOUO information. Accordingly, public access to such information is restricted, which increases the risks of corruption and inefficient use of such funds;
- lack of proportionate and effective accountability of public officials for violation of the right to access information;
- lack of clear regulation on holding meetings of collegial state bodies, local representative bodies and self-government bodies open to the public.

Recommendations (Article 19 of the ICCPR):

- **to develop packages of relevant amendments to laws that create conditions for the exercise of the rights to freedom of expression, freedom of speech, freedom of the media, freedom of information, and adopt them to ensure, *inter alia*, the implementation of treaty body recommendations on these rights, including their exercise in the digital environment;**

- to itemise the concept of “false information” and exclude its broad interpretation in order to avoid court cases against journalists and bloggers, as well as the development of self-censorship in society; bring to uniformity the judicial practice in terms of administrative liability only in cases where it is proved that substantial harm was caused by the dissemination of false information, with the establishment of intent and consequences in the form of creating conditions for the violation of public order or causing such harm to rights and legitimate interests;
- to develop a country action plan on safety of journalists and ending impunity, based on a similar UN plan, and implement it together with the Ministry of Culture and Information the Republic of Kazakhstan and the Ministry of Internal Affairs of the Republic of Kazakhstan;
- restore administrative liability for obstructing the professional activities of journalists, so that it can be applied in cases not involving: harm to health and life; violence or threats; serious damage to editorial property or equipment;
- develop a package of amendments to reduce the list of information classified as "For Official Use", and to regulate access to open meetings of state bodies, local executive and representative bodies, self-governing bodies, and other information holders;
- to abolish the practice of imposing additional penalties in the form of a ban on engaging in public and journalistic activities, as well as on participating in public events and publishing on social media.

The right to freedom of peaceful assembly (Article 21 of the ICCPR):

45. Kazakhstan’s legislation and law enforcement practice in the field of the exercise of the right to freedom of peaceful assembly is largely inconsistent with international standards. The legal regulation of all forms of public events and actions, except for single pickets, but including flash mobs, performances, meetings with candidates for deputy or deputies of representative bodies of power, handing out petitions, effectively require permission and must be carried out according to uniform rules with mandatory submission of an application at least 10 days before the event. Even for single pickets, notification must be made at least three days in advance, and the authorities can still deny permission for the picket.

46. Public events for which permission has not been received from the authorities, regardless of their peaceful nature, are severely suppressed, and the organisers and participants are subject to administrative liability, including administrative arrest for up to 25 days. The judicial authorities decide, in almost all cases, in favour of the prosecutor's office, the police and the local executive authorities.

47. In June 2020, the Law of the Republic of Kazakhstan “On the Procedure for Organising and Holding Peaceful Assemblies in the Republic of Kazakhstan” was adopted. The authorities claimed that the new law introduced a notification procedure for holding peaceful assemblies and significantly strengthened guarantees for the protection of this right. However, an analysis conducted by civil society experts shows that the legislation concerning the right to freedom of peaceful assembly continues to fall short of international standards. In particular, it:

- unreasonably uses the concept of “other public events”, which is very vague and not in line with the principle of legal certainty and predictability;
- in violation of international standards, excludes foreigners, stateless persons, refugees, minors, persons sentenced to a non-custodial sentence and persons with an unspent or unexpunged

criminal record, as well as persons with no or limited legal capacity, from the subjects of the right to peaceful assembly;

- sets the notification procedure for organising and holding pickets, meetings and rallies essentially similar to the permission requirement, while keeping the permission requirements for marches and demonstrations;
- in violation of international standards, unreasonably restricts the places for assemblies and rallies in residential areas to one or more specialised places approved by local authorities, while restricting marches and demonstrations are one route, and also limiting the time of peaceful assemblies;
- forbids spontaneous peaceful assemblies;
- sets discriminatory rules against peaceful assemblies organised by political opposition and civic activists compared to official or cultural events;
- sets unreasonable requirements for the presence of journalists at peaceful assemblies and does not guarantee the rights of observers from human rights organisations.

48. In the last five years, law enforcement agencies have brought hundreds of civil activists to administrative responsibility for organising and participating in the so-called “unauthorised” peaceful assemblies, with administrative penalties in the form of fines and administrative arrests. Dozens of people have been brought to administrative responsibility, including sentences of up to 25 days’ administrative detention, for discussing the initiative to hold a peaceful assembly, even when the assembly itself did not subsequently take place.

49. Representatives of the political opposition and civil activists convicted for various crimes, as a result of politically motivated pre-trial investigations and court proceedings, are often given additional punishment in the form of prohibition to organise and participate in peaceful assemblies for a period of 1 to 5 years.

Recommendations (Article 21 of the ICCPR):

- **to bring Kazakhstan’s legislation and law enforcement practice in the field of ensuring guarantees of the right to peaceful assemblies in line with international standards, in particular with the provisions of General Comment No. 37 of the UN Human Rights Committee and in view of the recommendations of the UN Special Rapporteur on the right to freedom of peaceful assemblies and freedom of association, who visited the Republic of Kazakhstan in 2015;**
- **in the revised legislation and general approaches to law enforcement practice:**
 - **to ensure that any restrictions on the right to freedom of peaceful assemblies pursue a legitimate objective, are established by law, are proportionate to the objective being pursued, and are necessary in a democratic society;**
 - **to set forth, unequivocally and clearly, a presumption in favour of the freedom of organisation and holding of peaceful assemblies;**
 - **to spell out the principle of non-discrimination with respect to the use of the right to peaceful assembly;**
 - **to introduce a clear concept structure with respect to the forms of peaceful assembly that need to be regulated;**
 - **to ensure the right to freedom of peaceful assembly for foreigners, stateless persons, refugees and eliminate unjustified restrictions on the right to peaceful assembly for persons recognised by a court as having no or limited legal capacity;**
 - **to provide effective guarantees for the protection of freedom of speech and**

expression when having discussions in social networks around the issues related to the organisation of peaceful assemblies, irrespectively of whether applications to the authorities with notices of such gatherings are filed or not;

- to establish a possibility to hold peaceful assemblies by notice;
- to determine the forms of peaceful assemblies that do not require notice based on the numbers of their participants;
- to provide for the possibility of holding unplanned/spontaneous meetings;
- to include an exhaustive list of places and locations where peaceful assemblies may not be held, or are restricted;
- to establish clear procedures for agreeing on a location, time and procedure for holding peaceful assemblies between organisers and authorized state bodies;
- to establish procedure that allow for expedited and effective review of complaints, including through judicial channels, against refusals or other restrictions of the right to freedom of peaceful assembly;
- to respect the right to security and freedom and the right to be presumed innocent until proven otherwise, including by ensuring that no one is subjected to “preventive detention” for exercising their right to peaceful assembly;
- to establish the main rules of conduct for law enforcement officers, including the standards of training of law enforcement officers in using alternatives to brute force and firearms, including peaceful resolution of conflicts, understanding crowd behaviour, and learning methods of convincing, negotiating and mediation, as well as the use of technical means in order to limit the use of brute force and firearms;
- to ensure that no one is held criminally liable for exercising their right to freedom of peaceful assembly or is subjected to threats of violence or violence, abuse, harassment, intimidation, or repressions.

Right to freedom of association (Article 22 of the ICCPR):

50. The legislation of the Republic of Kazakhstan ensuring the right to freedom of association is largely inconsistent with international standards. State registration of any public associations of citizens is mandatory; the activities of unregistered public associations are prohibited by law and entail administrative or criminal liability for organisers or participants and suspension or liquidation of the association.

51. It follows from the law enforcement practice of the judicial and prosecutor’s office that in certain cases an NGO created by a group of citizens who do not claim the status of a public association and who have not acquired the status of a legal entity is deemed to be an unregistered public association and its organisers are subjected to administrative liability.

52. It is worth noting that there are a number of problematic issues pertaining to the procedure of registration of non-for-profit organisations in Kazakhstan, in particular, distinguishing on a territorial basis: local, regional and national. 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. Had the regional or national status of a public association given it any additional rights, advantages or powers, the state’s requirement for registration of the branches in a certain number of administrative and territorial entities would have been understandable. But such a status provides no such benefits or advantages whatsoever.

53. Kazakhstan legislation permits exceptional measures to suspend and terminate public associations for any violations, however insignificant and minor, if they are committed after a previous administrative penalty. 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 of the Republic of Kazakhstan 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.

54. The Criminal Code of the Republic of Kazakhstan contains a number of articles that provide for increased criminal liability for members of public associations and their heads as compared with regular citizens who are not members of such associations, including for “illegal meddling by public associations with the work of government bodies.” The current Criminal Code of the Republic of Kazakhstan 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 Criminal Code of the Republic of Kazakhstan.

55. There is no law “on foreign agents” in the Republic of Kazakhstan, but since 2017, a special requirement for reporting by non-government organisations to the Ministry of Culture and Information has been introduced. This reporting requirement provides for full information on the non-government organisation, its founders, programmes and projects, as well as additional reporting by any legal entities and individuals who receive foreign financial assistance for legal support, sociological polls and studies, as well as collection, analysis and distribution of any information. Such reporting requires full and detailed information on all funds received and expenditures.

56. At the end of 2022, the legislation was amended and currently the Register of persons receiving money and/or other property from foreign states, international and foreign organisations is published semi-annually. This provision barely applies to commercial organisations and is discriminatory and stigmatising for non-commercial public organisations.

57. In early 2025, a number of members of Parliament, including those from the ruling party, initiated the development of legislation on “foreign agents”, and in April 2025 a working group was established within the Committee on Civil Society Affairs of the Ministry of Culture and Information of the Republic of Kazakhstan to develop a draft Law on Non-Governmental Organisations. Numerous informational materials discrediting and stigmatising independent civil society organisations, particularly human rights organisations receiving foreign support, have appeared in the mass media and on social networks.

58. The registration procedure for political parties continues to be extremely difficult and does not meet international standards. None of the opposition political parties that have attempted to register repeatedly in the last few years have succeeded.

59. According to the Expert Council of Human Rights Defenders, which compiles a list of political prisoners in Kazakhstan, it includes 31 people as of May 2025. Although the authorities do not recognise the existence of political prisoners in the country, human rights defenders believe that convictions of political opposition activists or civil activists on charges under

Articles 174 “Incitement of social, national, tribal, racial, class or religious discord”, 179 “Propaganda or public calls for seizure or retention of power, as well as seizure or retention of power or violent change of the constitutional order of the Republic of Kazakhstan” and 405 “Organisation and participation in the activities of a public or religious association or other organisation after a court decision to ban their activities or liquidate them in connection with their extremism or terrorism” in politically motivated and sometimes closed trials, give reasons to believe that the definition of “political prisoner” is applicable to these individuals.

60. In addition, representatives of the political opposition and civil activists convicted for various offences, often as a result of politically motivated pre-trial investigations and court proceedings, are given additional punishment in the form of a ban for a period of 1 to 5 years from participating in socio-political activities, although this concept does not comply with the principle of legal certainty and predictability.

61. In 2020 and 2023, the Law of the Republic of Kazakhstan “On Trade Unions” was amended to somewhat ease the conditions for the establishment and registration of trade unions, and the Labour Code of the Republic of Kazakhstan was amended to change the conditions for strikes. Nevertheless, pressure on independent trade unions continues, the Confederation of Independent Trade Unions of Kazakhstan has never been able to have itself registered after its liquidation, strikes are recognised as illegal and leaders and activists of independent trade unions are held liable.

Recommendations (Article 22 of the ICCPR):

- **to bring legislation regulating the right to freedom of association in line with international human rights and freedoms standards that establish the right of a person to create or participate in associations and unions, including Articles 19, 22, and 25 of the International Covenant on Civil and Political Rights, including informal ones;**
- **to 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;**
- **to bring the restrictions and sanctions with respect to implementation of the right to freedom of association in line with international standards and admissibility and proportionality criteria;**
- **to eliminate discriminatory and stigmatizing rules regarding reporting by public organisations, including with respect to funding from foreign sources;**
- **to revise the legislation on political parties and bring it in line with international standards and principles of presumption in favour of law, non-discrimination, legal certainty and predictability and proportionality;**
- **to 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;**
- **to revise the provisions of criminal legislations pertaining to participation in public and religious associations in line with the doctrine of necessity in a democratic society, and principle of proportionality;**
- **to analyse the control and oversight mechanisms of state bodies in relation to public associations and other non-profit organisations in order to exclude unlawful interference by the state.**

Right to marriage and family, rights of the child (Article 23, 24 of the ICCPR):

62. In April 2024, the Code of the Republic of Kazakhstan “On Marriage (Matrimony) and Family” was amended to include Article 5-1 “Family Support Centres”, whose main activity should be aimed at implementing measures of state family policy... coordination of work to cover persons (families) in difficult life situations with support”. They are also given the function of “providing support to persons with signs of domestic violence with the possibility of temporary accommodation for up to one month”, which compromises the quality of rehabilitation and socialisation services for victims of domestic violence, because one month is not enough.

63. Current legislation in Kazakhstan recognises only marriages concluded by state bodies. Thus, so-called "religious marriages" are not recognised as official matrimony. However, girls are highly vulnerable in terms of the protection of their rights, and substantial risks exist in this respect.

64. According to data reported in the media, referencing the 2022 national report "Kazakhstani Families" by the Kazakhstan Institute for Social Development, the country is witnessing growth in informal cohabitation. According to the 2021 Kazakhstan census, more than 6 per cent of all marriages - for both men and women - are unregistered marriages. Various reasons are cited, including religious marriages. Particular risks emerge when such religious ceremonies involve underage girls.

Recommendations (Article 23, 24 of the ICCPR):

- to initiate amendments to the Criminal Code of the Republic of Kazakhstan on liability for forcing minors to marry or for entering into de facto marital relations with minors;
- to introduce legal responsibility of religious leaders for the rite of marriage with persons under the age of marriage;
- introduce into legislation provisions on parental liability for forcing their children to enter into marriage before reaching the age of marriage.

The right to participate in the government of one’s country (Article 25 of the ICCPR):

65. The electoral process in Kazakhstan does not meet a number of key international standards for democratic and free elections. The main problems include: the lack of a transparent system for registration of new political forces, as well as the lack of political conditions for parties and candidates to compete, their unequal access to the mass media, the lack of impartiality of election commissions, the coercion of voters to vote, the closed nature of a number of election procedures to observers, and the opacity of the vote count.

66. The Constitution of the Republic of Kazakhstan and the Constitutional Law of the Republic of Kazakhstan “On Elections in the Republic of Kazakhstan” allow the President to call early elections without any justification explaining the necessity, logic and reasonableness of this decision. Therefore, the announcement of early elections can be arbitrary.

67. Since 2019, the socio-political life of Kazakhstan has been accompanied by a series of electoral processes. During this time, five electoral campaigns took place only at the republic level: two presidential elections, two elections of deputies to the Majilis of the Parliament and

Maslikhats of the RK, and two referendums.

68. On 5 June 2022, the first republic-wide referendum since 1995 related to amendments to the Constitution of the Republic of Kazakhstan was held, when 56 amendments to 33 articles of the Constitution were supposed to be introduced. Voting took place “in a package”, i.e. citizens were offered to vote not for each separate article or amendment, but for all at once. There were only 30 calendar days between the publication of the text of the amendments and the day of voting on the referendum questions. A similar situation occurred with the referendum on the construction of a nuclear power plant in Kazakhstan on 6 October 2024, when merely 35 calendar days passed between the publication of the Decree calling the referendum and polling day.

69. Since the previous report on the implementation of the ICCPR, amendments to the election legislation have been adopted, including relaxation of political party registration requirements, partly in response to previous OSCE/ODIHR recommendations, in practice freedom of association is still not ensured and it is still virtually impossible to register a party that is not affiliated with the authorities. Political groups that attempted to register prior to the elections speak of serious administrative obstacles. These obstacles provide the authorities with wide discretionary powers in the registration process, as well as a lack of effective judicial remedies.

70. According to recent amendments to the election legislation, independent candidates can run for the lower house of Parliament in single-mandate constituencies, as well as for maslikhats – local representative bodies. In practice, they also faced restrictions in 2023, mainly cancellation of registration, mainly due to discrepancies in the financial or property data provided.

71. Most major TV channels and newspapers during the electoral period promote government policies and give extensive editorial coverage, limiting the diversity of opinions. The advantages enjoyed by the ruling “Amanat” party and its candidates narrow the choices and information available to voters.

72. The situation of NGOs working on democratic reforms and free elections and not affiliated with the authorities has deteriorated. The amendments to the election legislation introduced a procedure for mandatory accreditation of non-profit organisations with the Central Election Commission, whereas previously any public organisation could observe elections. At the same time, according to the new requirements, the registered charter of the organisation must be amended to include the type of activity “observation of elections at all levels”, which, in fact, is the state interference in the affairs of public organisations, and which is expressly prohibited by paragraph 2 of Article 5 of the Constitution of the Republic of Kazakhstan and paragraph 3 of Article 22 of the International Covenant on Civil and Political Rights. At the stage of consideration of the draft law, it was also proposed not to allow public organisations receiving foreign funding to observe elections, however, after a series of loud statements by Kazakhstan’s public organisations and the reaction of the international community, the legislator abandoned this wording of the amendment.

73. According to the current legislation, observers have the right to take photographs, audio and video recordings without interfering with the voting process and the tabulation of results. This right continues to be violated, and observers noted that they were prohibited from photographing and videotaping the electoral process. Photography and videotaping were also grounds for the removal of independent observers from polling stations. Despite the fact that the ban on filming

was motivated by the requirement to protect voters' personal data, it concerned not only filming of voters, but also members of the polling station commission and other observers who were on duty. Moreover, there is a legal conflict here, which is that according to the electoral legislation observers have these rights, but according to the rules in force at polling stations, they are obliged to obey the chairman of the polling station commission, who in turn does not allow photo, audio and video recording. In addition, the conduct and publication of opinion polls and exit polls are extremely limited, which does not allow for an adequate reflection of the opinion of Kazakhstanis.

74. It should also be noted that the level of professional skills of election commission members remains extremely low, including legal, procedural and general human competences.

75. The UN Committee on the Elimination of Discrimination against Women has specifically recommended, as an effective measure, a review of the concept of family and gender policies with a view to establishing 50 per cent quotas for women's representation in all domains of life, to accelerate women's full and equal participation in leadership positions in elected and appointed bodies, in particular in ministries, the Senate, the diplomatic service, the armed forces, local administrations and representative bodies. However, in reality, women's representation in the legislative, executive and judicial systems at decision-making levels has decreased.

Recommendations (Article 25 of the ICCPR):

- to fulfil its obligations under international human rights treaties and to hold free and fair elections, to guarantee the full impartiality and independence of election commissions, to take strong measures to prevent pressure on voters and respect fundamental freedoms during election campaigns;
- to ensure that the electoral timetable is properly respected;
- in the case of early elections, to establish a clear list of legal circumstances in which early elections may be considered;
- to make obligatory the open submission and publication of each polling station's reports on the official website of the Central Election Commission;
- to ensure that all allegations of election-related human rights violations are independently investigated;
- to review the electoral legal framework (for elections and referendums) well in advance of the next elections through a genuine participatory and consultative process, bring it in line with international standards and commitments, guarantee constitutionally protected rights and freedoms, and remove gaps and ambiguities;
- to increase the representation of persons with disabilities in electoral bodies, in accordance with the principle of adequate and fair representation, and ensure that the technical, spatial and other conditions of electoral bodies are appropriately adapted for persons with disabilities, in order to encourage the participation of such persons in these bodies;
- to develop effective long-term measures to increase the participation of youth and women in civil society organisations and political life, avoiding a formal quota system;
- to review the provisions on opinion polls and amend them in line with international standards to guarantee freedom of expression;
- review and bring into compliance with international standards the provisions on the rights of election observers;
- to introduce incentives for political parties to promote women to leadership positions and

decision-making bodies within their party structures, and to increase the visibility of women candidates during election campaigns;
- to ensure that women are trained in political leadership, campaigning and negotiation skills.

Zhanaozen – 2011, Qantar-2022

76. In the Concluding Observations on the Second Periodic Report of Kazakhstan on the Implementation of the International Covenant on Civil and Political Rights, the UN Human Rights Committee recommended: “The State party should carry out an independent, impartial and effective investigation into the individual deaths and injuries in connection with the events in Zhanaozen, as well as into all allegations of torture and ill-treatment, with a view to ensuring proper accountability for perpetrators, restoration of the rights of convicted persons to a fair trial, and effective remedies, including adequate compensation, for all victims of human rights violations or their families.”

77. In April 2023, the UN Human Rights Committee, in its List of Issues prior to the submission of the Third Periodic Report on the Implementation of the ICCPR, asked to describe all the measures taken to respond to the allegations that the investigations conducted in relation to the deaths and injuries in the context of the protests in Zhanaozen on 16 and 17 December 2011 were neither independent, impartial nor effective, and that they involved torture, threats and intimidation. It also asked to provide information on the number of complaints received alleging torture or ill-treatment of detainees throughout the investigations, including forced confessions and fair trial violations, such as denial of access to counsel and information on the number of investigations carried out, the prosecutions and convictions handed down, the sanctions imposed and the remedies provided for victims or their families. These recommendations were not implemented.

Recommendation: to implement the recommendations of the UN Human Rights Committee regarding the events in Zhanaozen on 16 – 17 December 2011.

78. In January 2022, Qantar-2022 tragic events unfolded in Kazakhstan during which, according to official data, the use of lethal weapons resulted in the deaths of over 238 people. Among them, 19 law enforcement officers died. According to human rights activists, the death toll is slightly higher, including 7 minors and 10 women.

79. The protests during Qantar 2022 began as a show of support for the demands of the residents of Zhanaozen, who were calling for a reduction in the price of liquefied gas. The peaceful demands of the Zhanaozen residents were supported nationwide and then evolved further into political demands to give freedom for political prisoners and the resignation of the government. However, these protests were subsequently exploited by organised militant groups consisting of religious radicals, criminal elements, bandits, looters, petty hooligans, and organised crime groups, leading to chaos and mass unrest in some regions of the country.

80. In mid-January 2022, several human rights organisations formed the Human Rights Alliance in Support of Fundamental Rights to ensure observance and restoration of human rights, activists sent numerous appeals to the state authorities of Kazakhstan, requesting investigations into the deaths of protest participants, torture and ill-treatment. However they received refusals to

provide information citing Article 201 of the Criminal Procedure Code of the Republic of Kazakhstan which prohibits the disclosure of pre-trial investigation data as well as the ban on the dissemination of personal data.

81. Qantar-2022 elicited an international reaction and statements expressing concern over the human rights situation during the events: the rights to peaceful assembly and protest; the use of lethal weapons; the rights to freedom and personal security; arbitrary detention, ill-treatment and torture, the misuse of the term “terrorists” and more.

82. As the analysis showed, the legislation on the use of lethal weapons does not deter the forces of law and order, and the level of training of law enforcement officers is extremely low. In some regional centres, security forces (military, police and National Guard) used excessive force against peaceful protesters, resulting in numerous injuries and deaths. The use of lethal force by the security forces on 5, 6 and 7 January 2022 to suppress the protests was not justified and resulted in a large number of victims. In addition, there was a subsequent history of violent repression, including deaths due to torture and serious injuries.

83. The Internet was disconnected from 5 to 10 January 2022. Television and mobile communications were intermittent, and it was impossible to make a mobile phone call outside Kazakhstan. The authorities themselves disseminated unverified information, which they subsequently denied. All rumours and myths were largely due to lack of information.

84. During Qantar-2022 the principle of distinguishing between peaceful and non-peaceful civilians in the use of weapons was not respected. The authorities made no timely attempt to distinguish or identify the participants in the conflict. As a result, the massive loss of civilian lives suggests that the vast majority of casualties during Qantar-2022 were arbitrary and unlawful.

85. Investigations into possible abuse or excess of authority in connection with the use of lethal weapons by law enforcement and military personnel were ineffective. According to the information of the General Prosecutor’s Office of the Republic of Kazakhstan, on the fact of death of 213 civilians in 180 cases the pre-trial investigation has been terminated due to the absence of the elements of criminal offence, 19 cases have been interrupted (8 - for failure to identify persons, 11 - due to the appointed expertise), 12 cases are pending and two cases have been made their way to court. Another 5 deaths from torture were brought to court and 1 case has been suspended.

86. In the course of January events, characteristic violations of the rights of persons were revealed during detention, delivery, drawing up a detention protocol, providing legal and medical assistance, choosing a preventive measure, detention, pre-trial investigation, and protection against torture and other cruel, inhuman or degrading treatment, based on international obligations of the Republic of Kazakhstan and provisions of the national legislation

87. After mass detention of protesters (more than 10,000 people were detained during Qantar-2022), a huge flow of citizens who reported missing relatives was documented. People taken into custody could not exercise their right to notify a third person of their arrest or detention and of the place where they are being held. Numerous violations of the right to consult doctors, receive medical care and treatment were recorded. In Almaty, detainees held in an ambulance hospital

for gunshot wounds and injuries were forcibly removed from the hospital and placed in a detention centre.

88. In most cities, neither a lawyer of their choosing nor the relatives could get access to those detained during 2 or 3 weeks in reliance on the state of emergency, which was in effect until 19 January 2022. The unimpeded access of lawyers to the detainees was only granted after 20-25 January. None of the detainees could use the right to “call”, while people taken into custody have the right to notify a third person of their arrest or detention and the place where they are being held.

89. Almost all complaints to the prosecutor's office were not considered properly in accordance with the law. During the pre-trial investigation, lawyers and relatives of the detainees continuously complained about red tape, non-provision of information, change of investigators, non-committal replies to all petitions, dubious evidence of guilt, dubious examinations, coercion to confess guilt, threats to relatives.

90. During the January Events, victims everywhere spoke of being forced to confess to things they had not committed. Courts ignored defendants' statements about confession of guilt under torture and refused motions to exclude illegally obtained evidence from the criminal case file. Testimonies of “secret” witnesses were widely used in the trials on the January Events. The courts did not respond to the protests of the victims and the accused in this regard.

91. The trials for cases classified as “top secret” under Articles 175, 179, and 262 of the Criminal Code of the Republic of Kazakhstan (membership in a criminal organisation, attempted coup d'état, and overthrow of the constitutional order) were entirely closed to the public. This included the trial of the former chairman of the National Security Committee of Kazakhstan, K. Masimov, and his deputies. Many criminal cases, even those involving ordinary employees of national security agencies (especially in connection with the use of lethal weapons against peaceful citizens), were also classified. This created significant difficulties for relatives and the victims themselves in obtaining information and understanding the objectivity and fairness of the verdicts rendered.

Recommendations:

- **the lists of those killed during Qantar-2022 to be published with full data: name, year of birth, city, date of death, cause, circumstances of death, and place where the corpse was found;**
- **to conduct a thorough, comprehensive and objective investigation (international or parliamentary) into the necessity and proportionality of the use of lethal weapons by the military and law enforcement agencies, with a thorough analysis of all actions of the security agencies during Qantar-2022, and make the results of the investigation available to the public;**
- **to conduct a thorough investigation to establish the identity and departmental affiliation of individuals in civilian clothes, with weapons in their hands, without insignia, who were target shooting at civilians under cover of uniformed military and law enforcement officers;**
- **to conduct a thorough investigation into the actions of trained organised groups in places where civilians were gathering, who initiated and provoked mass unrest and chaos;**
- **to conduct a thorough investigation and bring to justice the management of the law**

enforcement agencies in connection with the deaths of citizens, torture and other ill-treatment carried out by their subordinates;

- to resume proceedings on all terminated and classified cases concerning human deaths during Qantar-2022, to ensure that all military men and law enforcement officers who were involved in unlawful actions against civil population be held accountable.