



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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29 August 2016

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee against Torture, I have the honor to refer to the follow-up to the examination of the third periodic report of Kazakhstan, in accordance with the Guidelines for Follow-Up to Concluding Observations (CAT/C/55/3).

At the end of its 53rd session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/KAZ/CO/3, para. 30) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 8, 10, 13 and 15 of the concluding observations.

On behalf of the Committee, allow us to express appreciation for your letter of 20 November 2015, providing your Government's response on the above-mentioned paragraphs (CAT/C/KAZ/CO/3/Add.1), and to make the following comments:

Effective investigation of allegations and prosecution of perpetrators of torture and ill-treatment (para. 8)

The Committee appreciates the information provided by the State party, which addresses some but not all of the recommendations made. It considers that initial steps have been taken towards the implementation of its recommendations, but remains concerned at the continued lack of effective investigations, including the absence of mandatory medical examinations. The Committee would therefore appreciate receiving information on any further steps taken by the Government to implement this recommendation (2/B2).

Transfer of detention authority to the Ministry of Justice (para. 10)

The Committee appreciates the thorough information provided by the State party, including information about the new instructions issued and the amendments to the Code of Criminal Procedure, but remains concerned about the fact that detention and investigation facilities are reported to still remain under the Ministry of the Interior. Therefore, the Committee considers that this recommendation has not been implemented (3/C).

.../...

H.E. Mr. Yerlan Alimbayev
Chargé d'affaires a.i.
Permanent Mission of Kazakhstan
to the United Nations Office at Geneva
Email: mission@kazakhstan-geneva.ch



Human Rights Commissioner (Ombudsman) and the National Preventive Mechanism (para. 13)

The Committee appreciates the thorough information received from the State party addressing its recommendations and considers that initial steps have been taken towards their implementation. It notes in particular that the reports of the NPM are made public and that they are not subjected to approval by the President, as well as the legislative measures under way to expand the NPM mandate in terms of the institutions covered. The Committee would appreciate receiving information on any progress in this regard (2/C).

Administration of justice (para. 15)

The Committee appreciates the extensive information provided by the State party regarding the reform of the justice system and considers that substantive legal steps have been taken towards the implementation of its recommendations. However, the Committee would appreciate receiving updated information regarding practical changes in this connection (3/B1).

The Government of Kazakhstan is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the third periodic report of Kazakhstan.

The Committee looks forward to a continued constructive dialogue with the authorities of Kazakhstan on the implementation of the Convention.

Accept, Excellency, the assurances of our highest consideration.

Jens Modvig
Chairperson
Committee against Torture

Abdelwahab Hani
Rapporteur for Follow-up to Concluding Observations
Committee against Torture