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Report of the Working Group on the Universal Periodic Review*

Kazakhstan

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its twentieth session from 27 October to 7 November 2014. The review of Kazakhstan was held at the 7th meeting, on 30 October 2014. The delegation of Kazakhstan was headed by Elvira Azimova, Deputy Minister of Justice of the Republic of Kazakhstan. At its 14th meeting, held on 4 November 2014, the Working Group adopted the report on Kazakhstan.

2. On 15 January 2014, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Kazakhstan: Germany, Kuwait and South Africa.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Kazakhstan:

(a) A national report submitted/written presentation prepared in accordance with paragraph 15 (a) (A/HRC/WG.6/20/KAZ/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/20/KAZ/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/20/KAZ/3).

4. A list of questions prepared in advance by Belgium, the Czech Republic, Germany, Mexico, the Netherlands, Norway, Slovenia, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America was transmitted to Kazakhstan through the troika. These questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation stated that the first universal periodic review of Kazakhstan provided an opportunity for the Government to assess its achievements and challenges in the promotion and protection of human rights.

6. The national report of the second review, which provided information on the implementation of the recommendations of the first review, was subject to broad discussions with representatives of civil society and independent experts, before its submission to the Human Rights Council. The advisory body, entitled “Dialogue Platform on the Human Dimension”, comprised representatives of government agencies, civil society, parliament and international organizations. It has been tasked with coordinating the implementation of recommendations from the universal periodic review, from the mandate holders of the special procedures of the Human Rights Council and from the human rights treaty bodies. The Government adopted an action plan for effective implementation of the recommendations of the first review and indicated that a similar approach would be utilized for the implementation of recommendations received during the second review.

7. The delegation expressed Kazakhstan’s commitment to the promotion and protection of human rights and fundamental freedoms, which have remained the highest priorities.

Sustainable development also remained a priority area in the country's development. Initiatives such as "Global Energy Strategy" and the "Green Bridge" partnership programme aimed at achieving sustainable development. The main State priorities outlined in the policy document "Strategy – 2050" called for progress toward durable democracy, the rule of law and protection of fundamental rights and freedoms.

8. Kazakhstan has recorded substantive economic growth. The country's gross domestic product increased substantially and Kazakhstan has featured among the top five fastest growing economies in 2013. This has enabled Kazakhstan to significantly increase budget spending on education and health.

9. Kazakhstan has achieved the Millennium Development Goals on poverty reduction, access to education and gender equality. The country has therefore adopted the agenda of the "MDG +", including advanced targets.

10. The protection of maternal and infant health remained an important national priority. Efforts to improve related indicators contributed to the achievement of Goal 6 and a reduction in HIV/AIDS and tuberculosis infection rates. The Government continued its efforts to reduce greenhouse gas emission indicators in order to achieve Goal 7.

11. Due to progress in industrialization, Kazakhstan has achieved high levels of employment with decent wages. The Government supported small and medium-sized businesses. The National Chamber of Entrepreneurs was established in order to protect the rights of businesses. Recently, a national concept of corporate social responsibility has been in the process of discussion.

12. The delegation reported on measures undertaken to improve the population's access to public services, including through the use of information technology. Representatives of civil society took part in various advisory and expert groups that worked to analyse and practice the human rights legal framework.

13. The Government has been modernizing the national pension system. It also took measures to ensure access to housing through various programmes. Programmes have also been implemented to improve infrastructures, focusing primarily on access to drinking water in rural areas.

14. The protection of the rights of persons with disabilities, especially children and young people, remained an integral part of social policy. The Government has implemented a national action plan to protect and improve quality of life for persons with disabilities. The delegation noted the Government's cooperation with civil society on various social projects. The delegation also reported on work towards the creation of an Ombudsman for the Rights of the Child.

15. The Government has revised its approaches to migration and made improvements in the visa regime, including the introduction of visa-free travel for tourism and investment, to attract foreign labour and capital.

16. The delegation noted some achievements made in ensuring inter-ethnic and interreligious peace and harmony in the country and expressed its readiness to share Kazakhstan's experiences in establishing unique inter-ethnic and interfaith bodies, including the "Assembly of People" and the "Congress of World Religions".

17. The Government undertook the revision of a number of laws, including its Criminal and Criminal Procedural Codes, in order to strengthen the rule of law and improve the administration of justice. The revised Criminal Codes paid special attention to the broader use of alternative measures to imprisonment and strengthened legal safeguards for persons involved in criminal procedures. A law was adopted to ensure legal assistance by the State, especially to persons belonging to vulnerable groups. An online database of domestic

legislation has been created to ensure free access to legal documents. The delegation noted a number of measures taken to ensure better protection of persons' rights and liberty, including continuous modernization of law-enforcement agencies.

18. The delegation provided responses to a number of advanced questions. Regarding the death penalty, Kazakhstan has been firmly moving towards gradual abolition. Despite the fact that Kazakhstan has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP 2), the Government has followed international standards by declaring a moratorium on the death penalty and by utilizing alternatives to life imprisonment.

19. In relation to the use of torture, the delegation stated that Kazakhstan has applied a strict policy of zero tolerance. A national preventive mechanism has been established to prevent torture based on the model of "Ombudsman +".

20. The Government continued to pay special attention to combating trafficking in human beings. With respect to visits of the special mandate holders of the Human Rights Council, the delegation emphasized that, in 2009, Kazakhstan issued a standing invitation to all special mandate holders.

21. Domestic legislation was reformed to bring it into line with the 1951 Convention relating to the Status of Refugees. Therefore, stateless persons have been entitled to the right to work in Kazakhstan. The law prohibited the expulsion of refugees and asylum seekers in the case of threats to life and freedom.

22. The delegation expressed the Government's commitment to continue its work towards further improvement of national legislation and practice in human rights, taking into account international standards and commitments. The Government acknowledged that building democracy and the rule of law requires continuous efforts and progressive realization.

B. Interactive dialogue and responses by the State under review

23. During the interactive dialogue, 73 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

24. China commended Kazakhstan's democratic reforms and the efforts to protect women's rights, reduce domestic violence, protect children, maintain inter-ethnic and interreligious harmony, combat extremism and terrorism and improve social security and health care. China made recommendations.

25. Costa Rica congratulated Kazakhstan's human rights progress, particularly on human rights education and environmental rights. It was concerned about repression of peaceful protests and obstacles to freedom of expression and assembly. It inquired about measures to address the needs of the victims of nuclear testing. It made recommendations.

26. Cuba noted Kazakhstan's efforts to address unemployment, especially among young people, protect the environment and persons with disabilities and increase education spending. Cuba made recommendations.

27. The Czech Republic commended the legislative reforms relating to Kazakhstan's first UPR. However, it regretted that many of the recommendations it had accepted during the review had not yet been fully implemented. The Czech Republic made recommendations.

28. Djibouti noted with satisfaction the Kazakhstan 2050 Strategy, which was a new policy adopted by the Government to ensure full enjoyment of human rights. Djibouti made recommendations.

29. Egypt commended efforts to ensure equal access to employment and education and the political process for all ethnicities and faiths. It invited the delegation to outline its best practices regarding diversity in schools. Egypt made recommendations.
30. Estonia noted Kazakhstan's steps to reform its legislation and judicial system to implement the recommendations of the first review. However, many of those recommendations remained unfulfilled. It encouraged Kazakhstan to ease restrictions on civil society, avoid penalizing non-governmental organizations (NGOs) that received foreign funding and strengthen measures to combat violence against women and children. Estonia made recommendations.
31. Ethiopia noted with satisfaction Kazakhstan's efforts to achieve universal enrolment, protect women and children against violence, increase women's political representation, combat human trafficking and counter terrorism. It noted Kazakhstan's road map for transitioning to a "green economy".
32. Finland was concerned about the deterioration of freedom of expression and asked what steps Kazakhstan would take within the following year to ensure freedom of expression for all. Finland made recommendations.
33. France asked whether Kazakhstan's national torture prevention mechanism was operational, what resources were available to it and whether its activities were driven by targets. France made recommendations.
34. Germany noted with appreciation Kazakhstan's efforts to improve human rights and commended its interreligious dialogue and cooperation with international organizations. However, some issues remained of concern. Germany made recommendations.
35. Hungary commended Kazakhstan's almost universal enrolment in primary and secondary education but was concerned that migrant and refugee children were often excluded from education. Despite several UPR recommendations, libel remained a punishable offence under the new criminal law. It welcomed the plan of action on the rights of persons with disabilities. Hungary made recommendations.
36. India commended the amendments to Kazakhstan's Labour Code and the adoption of a new criminal court to protect minors. It encouraged Kazakhstan to continue its efforts to improve the status of women and girls. India made recommendations.
37. Indonesia commended Kazakhstan's implementation of the first UPR recommendations, the development of its normative and institutional human rights framework and the activities undertaken by the Human Rights Commissioner (Ombudsman). Indonesia made recommendations.
38. The Islamic Republic of Iran commended progress in protecting the rights of persons with disabilities. It noted the adoption of the national plan to combat human trafficking. It made recommendations.
39. Iraq noted the measures to combat the use of torture. It commended several social projects on combating human trafficking and the adoption of a national plan to combat human trafficking. Iraq made recommendations.
40. Ireland encouraged Kazakhstan to seek to attain top-level status for its national human rights institutions. It hoped that the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the rights to freedom of peaceful assembly and of association would visit the country. Ireland made recommendations.
41. Italy commended the moratorium on the death penalty, the establishment of a national preventive mechanism against torture and efforts to promote interfaith dialogue.

However, several issues of concern remained regarding those areas. Italy made recommendations.

42. Japan encouraged Kazakhstan to continue its efforts to promote the rule of law by securing judicial independence and access to legal representation, and by preventing corruption and torture and ill-treatment by law enforcement agencies. Japan made recommendations.

43. Kenya acknowledged efforts to promote the independence of the judiciary. It welcomed the steps being taken to ratify core human rights instruments. Kenya made recommendations.

44. Kuwait welcomed the establishment of juvenile courts, measures to support the right to freedom of expression, and the implementation of an interdepartmental work plan to eliminate the worst forms of child labour. Kuwait made a recommendation.

45. Kyrgyzstan noted with satisfaction progress made in implementing the recommendations of the first review and Kazakhstan's cooperation with the United Nations human rights bodies. It noted the enactment of various laws and the establishment of the Coordinating Council for Cooperation with NGOs. It made a recommendation.

46. The Lao People's Democratic Republic welcomed progress in enhancing gender equality, combating human trafficking and developing the education system. It commended efforts to promote freedom of expression and media and to protect children's rights. It made a recommendation.

47. Latvia welcomed amendments to legislative acts to prevent domestic violence, especially against minors. It was concerned that the new Criminal Codes might increase self-censorship and hence restrict freedom of expression. Latvia made recommendations.

48. Lebanon commended the adoption of a national plan to combat human trafficking, the progress made in preventing such crimes and the rehabilitation of victims of trafficking. Lebanon made recommendations.

49. Liechtenstein commended the adoption of a national preventive mechanism against torture but noted that torture and ill-treatment remained issues of serious concern. It welcomed efforts to combat violence against women. Liechtenstein made recommendations.

50. Malaysia encouraged Kazakhstan to take steps so that its national human rights institutions comply with the principles relating to the status of national institutions (Paris Principles). It commended the national plan on human trafficking, the advancement of women's and children's rights and the reform of the judicial and legal system. Malaysia made recommendations.

51. Maldives encouraged Kazakhstan to create safe havens for victims of domestic violence. It commended the adoption of the national plans to support persons with disabilities and to combat human trafficking. It made a recommendation.

52. Montenegro noted that women were underrepresented in political life and asked about measures to eliminate stereotypes regarding women and men roles. It enquired about plans to complete the ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Montenegro made recommendations.

53. The Netherlands remained concerned about limited implementation of previous UPR recommendations. It noted that the treatment of so-called "non-traditional" religious groups had deteriorated and fell short of international standards. The Netherlands made recommendations.

54. Norway commended efforts to reform the prison system and the adoption of a national preventive mechanism against torture. It expressed concern about deterioration of freedom of speech, particularly restrictions on independent media and further criminalization of libel. Norway made recommendations.

55. Pakistan welcomed efforts to promote gender equality, especially in public life, and the enactment of legislation on combating domestic violence. It noted Kazakhstan's commitment to the prevention of tuberculosis. Pakistan made recommendations.

56. The Philippines acknowledged efforts to provide high-quality health care for all, and progress in achieving universal primary and secondary education and in combating domestic violence. It welcomed the adoption of the national plan on human trafficking. It made recommendations.

57. The delegation noted that no one religion dominated in Kazakhstan, that religions were not separated as being either traditional or non-traditional and that all religions received equal treatment and protection under the law. The registration process for religious groups was simple and the Act on Religious Activities and Religious Associations complied with international standards and did not infringe on the rights of any faith. Following the 2014 visit by the Special Rapporteur on freedom of religion or belief, who had taken positive note of the regulation of religious activities, consultations were being held with experts on amendments to the Religious Activities Act.

58. The delegation stated that Kazakhstan was party to various instruments to protect children's rights. Legislation provided protection, in particular to vulnerable children, while an inter-agency system protected neglected children from violence and ill-treatment. A Committee for the Protection of Children's Rights supported the inter-agency provision of social, medical, legal and other services for children. The new Criminal Code established criminal liability for the sexual or economic exploitation of children, kidnapping or trafficking of children and for violence perpetrated against children. A lifetime ban on working with children was imposed on persons who had been convicted of sexual offences against children. Kazakhstan had achieved Goal 2 on achieving universal primary education. Furthermore, it enjoyed high levels of literacy and had launched a State programme to develop education that would ensure high quality instruction throughout the country. The children of immigrants enjoyed the same rights to secondary, technical and tertiary education as Kazakh citizens. Levels of female participation in education were high, with gender parity visible throughout the education system and high numbers of female teachers in secondary schools.

59. The delegation stated that the new Criminal Code was intended to increase public confidence in the justice system, extend the powers of the court and reduce the prison population. New categories for offences should serve to prevent crime and two new chapters provided for medical crimes and computer-related crimes. Persons convicted of corruption were banned from holding official State positions. Alternative measures to deprivation of liberty were emphasized, while the penalties for dangerous crimes had been toughened.

60. Regarding the questions on defamation, the delegation stated that a defamation case could only be launched at the request of a citizen. Although defamation was addressed by the Criminal Code, proceedings were akin to civil cases and the public prosecutor played no role in such cases. The process of launching a case had been simplified, in order to protect citizen's rights and guarantee that cases could be dealt with more quickly and thoroughly.

61. The rights and responsibilities of detainees were read aloud to them on arrest and evidence obtained from a person whose detention had not complied with procedures was inadmissible. Cooperation and plea deals had been introduced, along with various limitations on criminal proceedings. Citizens' rights and freedoms were protected by two-

step judicial monitoring and all the measures introduced complied with the international and domestic obligations of Kazakhstan. Appeals could be made against decisions by the prosecutor and some of the prosecutor's authority had been transferred to the court under the new Criminal Code.

62. At present, the Government was considering the ratification of CRPD and efforts were under way to provide for persons with disabilities, particularly with regard to improving access to services and transport and fostering a positive approach to persons with disabilities in society. National policies ensured the provision of modern medical assistance and free aid and rehabilitation was available to victims of radiation from the Semipalatinsk nuclear test zone, as well as other social benefits and compensation.

63. The Trade Unions Act of 2014 clearly indicated the organization of the trade union movement and increased its role in protecting workers' rights and interests. Trade unions could be formed without prior authorization and local trade unions could join together to form an organization.

64. Kazakhstan enjoyed a wide range of media outlets, the majority of which were not operated by the State. Digital broadcasting was being introduced and satellite broadcasts were available throughout the country. Internet access was being expanded and the State provided support to help regional media outlets move online. The suspension or cease of media activities could be ordered by the outlet owner or the court.

65. The delegation noted that the new national human rights action plan would be developed for the period 2015-2020. It is envisaged that the new plan would include a special section, outlining necessary measures for the protection of the rights of human rights defenders.

66. Portugal expressed regret that the number of crimes that were grounds for the imposition of the death penalty had increased under the new Criminal Code. It enquired about planned measures to improve respect for women's rights and to reduce gender inequalities. Portugal made recommendations.

67. The Republic of Korea welcomed the national plan in support of persons with disabilities, the project to ensure the effectiveness of criminal cases against violations of constitutional rights and the adoption of the Broadcasting Act. It made recommendations.

68. The Russian Federation noted with satisfaction progress in achieving inter-ethnic and interfaith accord, economic development, political stability, realization of the right to education, health and access to health care as well as in improving national legislation. It made recommendations.

69. Senegal welcomed the moratorium on the death penalty, the inclusion of human rights as a subject in school curricula and the implementation of the Kazakhstan 2050 Strategy. Senegal made a recommendation.

70. Serbia encouraged Kazakhstan to improve legislation and institutional framework, taking into consideration recommendations from the review. It welcomed efforts made in combating domestic violence. It noted efforts to combat gender discrimination and a need for a more inclusive gender policy. Serbia made recommendations.

71. Sierra Leone commended Kazakhstan's efforts to meet its human rights obligations. It encouraged Kazakhstan to eliminate structural inequalities and the segregation of women at work and to provide undocumented migrants with access to essential medical care, education and public services. It made recommendations.

72. Singapore commended improved access to quality health care, the decline in maternal and infant mortality, the increase of women holding senior appointments in the

Government and judiciary and progress in combating domestic violence. Singapore made recommendations.

73. Slovenia noted with concern violence against women and children and the lack of legislation criminalizing all forms of violence against women. It inquired about Kazakhstan's intention to bring media freedom legislation in line with international standards. It encouraged Kazakhstan to combat all forms of discrimination. Slovenia made recommendations.

74. Spain welcomed progress on non-discrimination on the basis of gender, the reduction of grounds for the imposition of the death penalty and the establishment of a national preventive mechanism against torture. Spain made recommendations.

75. Sri Lanka took note of Kazakhstan's endeavours to ensure socioeconomic development and commended measures to protect children's rights. It welcomed efforts to combat counter terrorism and trafficking in persons. It made recommendations.

76. The Sudan welcomed the adoption of the national plan in support of persons with disabilities and the strategy for gender equality. It commended the amendments to the Labour Code and the Criminal Code. The Sudan made recommendations.

77. Sweden noted that Kazakhstan had not yet abolished the death penalty. It drew attention to setbacks regarding free speech and media freedom. Kazakhstan had also failed to liberalize legislation on freedom of assembly. Sweden made recommendations.

78. Switzerland considered that the ambiguous terms used in certain articles of the amended Criminal Code could impede the activities of human rights defenders. It expressed concern regarding the inadequacy of the penalties for cases of torture and ill-treatment. Switzerland made recommendations.

79. Tajikistan noted several achievements made by Kazakhstan in implementing its human rights obligations. It welcomed the adoption of new regulations for the registration of migrants and efforts to support national minorities. It made recommendations.

80. Thailand commended the strategy for gender equality and projects to eliminate discrimination against children with HIV/AIDS and their families. It urged Kazakhstan to expedite the process of ratification of CRPD. Thailand made recommendations.

81. Turkey welcomed the national action plan for the implementation of UPR recommendations, plans to modernize the law enforcement system and rules regarding family reunification visas. It was concerned that the quota system on the recruitment of foreign labour might lead to discrimination. Turkey made recommendations.

82. The United Kingdom of Great Britain and Northern Ireland encouraged Kazakhstan to implement its National Human Rights Action Plan. It expressed concerns about restrictions on civil society, freedom of expression and religious freedom. It made recommendations.

83. The United States of America commended efforts to address impunity for torture and to establish a national preventive mechanism. It expressed disappointment at legislative restrictions on freedom of expression, non-registered religious organizations and trade unions. It made recommendations.

84. Uruguay commended Kazakhstan's cooperation with the international human rights system, particularly with the Special Procedures. It noted measures to improve the prison system and welcomed the decrease of maternal and child mortality. It made recommendations.

85. Uzbekistan noted progress in developing and strengthening national human rights mechanisms, including extending the mandate of the Ombudsman. It noted with satisfaction

Kazakhstan's cooperation with OHCHR and special mandate holders and treaty bodies of the United Nations. It made recommendations.

86. The Bolivarian Republic of Venezuela acknowledged progress on the implementation of UPR recommendations. It commended Kazakhstan's health system, the Work Programme 2020 and the State Programme of Education Development 2020. It made recommendations.

87. Afghanistan commended Kazakhstan's efforts in implementing recommendations of the first cycle of the UPR, adopting a number of programmes and policies and reinforcing the mandate of the Human Rights Commissioner. It made a recommendation.

88. Algeria noted measures taken during the reporting period of the first review to protect human rights, including to improve women's participation in the State decision-making process and the rights of migrant workers and minorities. It made recommendations.

89. Argentina emphasized Kazakhstan's cooperation with OHCHR and United Nations human rights mechanisms, and encouraged Kazakhstan to adopt a comprehensive law that includes a definition of direct and indirect discrimination. It made recommendations.

90. Armenia noted with satisfaction efforts to protect the rights of minorities, combat human trafficking and ensure the right to health through access to free medical care. It made recommendations.

91. Australia welcomed progress in prison reform and towards eliminating the use of torture. It highlighted Kazakhstan's commitment to decriminalize slander and libel but noted with concern that independent journalists continued to face pressure and restrictions. Australia made recommendations.

92. Austria commended the introduction of a National Torture Prevention Mechanism in 2013. It expressed concern over reports of torture and ill-treatment in prisons and setbacks regarding freedom of expression and media. Austria made recommendations.

93. Azerbaijan noted with satisfaction the strengthening of legislation and Kazakhstan's active cooperation with the human rights mechanism of the United Nations, as well as activities aimed at ensuring religious and ethnic pluralism. It made recommendations.

94. Bangladesh noted Kazakhstan's commitment to human rights' protection and implementation of UPR recommendations. It commended progress in the areas of women's participation and education. Poverty and inequality are areas that need attention. It made recommendations.

95. Belarus noted with satisfaction the implementation of recommendations of the first review, Kazakhstan's cooperation with international human rights mechanisms and continuous efforts in improving human rights laws. It made recommendations.

96. Belgium congratulated Kazakhstan for its excellent cooperation with treaty bodies and special procedures. It made recommendations.

97. Bosnia and Herzegovina expressed appreciation for Kazakhstan's efforts to comply with its international obligations and for the adoption of the Migration Act and of the 2011 Act on Religious Activities. It made a recommendation.

98. Brazil commended measures to reduce poverty and unemployment and to achieve universal enrolment at the primary and secondary education levels. Brazil stressed the importance of combating discrimination and violence against women, migrants, refugees and asylum seekers. It made recommendations.

99. Brunei Darussalam welcomed Kazakhstan's initiative to enhance the right to social security and was encouraged by efforts to protect its environment. It made recommendations.

100. Canada welcomed progress in combating trafficking for the purpose of sexual and labour exploitation. It urged Kazakhstan to continue those efforts. Canada made recommendations.

101. Chile noted the alignment of the Ombudsman with the Paris Principles. The Kazakhstan 2050 Strategy should improve the protection of all human rights in cooperation with United Nations human rights mechanisms. It made recommendations.

102. Mexico welcomed Kazakhstan's standing invitation to the special procedures of the Human Rights Council and commended the steps taken to implement the recommendations made by various human rights bodies. Mexico made recommendations.

103. The Democratic People's Republic of Korea commended tolerance between Kazakhstan's ethnic groups and noted that the Fourth Congress of Leaders of World and Traditional Religions would be held there. It made a recommendation.

104. Mauritania noted that the National Human Rights Action Plan 2009-2012 had laid the cornerstone for the protection of fundamental human rights and freedoms. It expected the adoption of a new plan, including measures to protect human rights defenders.

105. Morocco commended Kazakhstan's cooperation with the United Nations Children's Fund (UNICEF), the action taken to establish a national preventive mechanism against torture and the priority given to the right to a healthy environment. Morocco made recommendations.

106. The delegation stated that over 100 ethnic groups peacefully coexisted in Kazakhstan and that the rights and interests of all ethnic and minority groups were protected through policy and legislative measures. Given its experience and the positive evaluation of its policies for inter-ethnic harmony by international organizations, including the United Nations, Kazakhstan stood ready to share its experience with others.

107. All complaints of torture were considered by a special prosecutor, who received complaints through a secure post-box placed in every detention facility. The definition of torture under the new Criminal Procedure Code complied with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Evidence obtained through torture was inadmissible. Victims of torture were eligible for compensation.

108. In response to questions on the freedom of assembly, the delegation stated that the possibility of restricting the freedom of assembly was set out in domestic legislation and adhered to international human rights standards. The need for improving the current legislation has been acknowledged, and work was ongoing to improve the legislative framework for democratic freedoms. Many peaceful assemblies had taken place in the past without prior approval. Article 400 of the new Criminal Procedure Code provided for lesser penalties with respect to infringements of the law on public assemblies as compared with the previous Code.

109. The delegation stated that a national preventive mechanism on torture had been introduced for all places of detention. A coordinating council had been established, whose members were drawn exclusively from civil society and included lawyers, doctors and social workers. Persons working for the national preventive mechanism enjoyed unlimited access to a wide range of places of detention and the mechanism had been allocated significant resources.

110. During the period under review, the Human Rights Commissioner (Ombudsman) was accredited by the International Coordinating Committee of the National Human Rights Institutions. The Human Rights Commissioner worked directly with the human rights mechanisms of the United Nations and the Council of Europe, and a number of NGOs, including Human Rights Watch. Work to bring the mechanism into line with the Paris Principles is set to continue, taking into account the recommendations put forward by delegations during the review.

111. The delegation stated that children with disabilities who were able to study attended specialist and correctional schools and centres, while the rest were educated at home. A particular focus was given to inclusive education, and the State programme to develop the education system included targets for establishing zones of inclusive education. Children who studied at home would be enrolled in distance learning courses. All children, regardless of gender, studied the same curriculum and all children studied a course called self-knowledge that focused on society's values, the role of the family and questions of gender.

112. Kazakhstan had acceded to International Labour Organization Conventions No. 138 concerning Minimum Age for Admission to Employment and No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The Government had established a list of work that children were prohibited to perform, including farm work, and criminal liability for using child labour had been tightened.

113. The appreciation of justice system reform expressed by delegations was welcomed. The justice system was based on the principles of judicial independence, equality before the law and the presumption of innocence. In 2013, the World Economic Forum had noted improvements to the justice system of Kazakhstan, notably the competitive selection of judges and the transparent and accessible system, which used modern technology and provided for alternative dispute resolution. The new Code of Criminal Procedure strengthened the role of the court in protecting human rights and the role of the defendant in legal proceedings. International standards had been introduced on the training and qualifications of judges.

114. Kazakhstan noted an influx of foreigners and efficiency of administrative measures on their support and further development, as well as favourable steps taken to attract foreign investment, which included the revision of migration policy and introduction of a non-visa regime with the aim of investment and tourism for civilians of some countries.

115. Kazakhstan has continuously made reforms of the penitentiary system aimed at bringing it into line with international standards. Detainees enjoyed in practice all rights enshrined in the constitutional and domestic legislation. Various measures were specified, including alignment of facilities with international standards, including improvements to medical services, and revised food standards for persons who remain in custody, especially women, children and persons with disabilities.

116. The delegation emphasized various measures taken to address and prevent domestic violence, including the adoption of preventive laws, the establishment of State-supported crisis centres and a dedicated hotline. Regarding measures related to sexual exploitation of minors, Kazakhstan specified an ongoing commitment to improve legislation and strengthen provisions, and cited an increase to the age of criminal liability. The delegation noted several preventive measures to combat human trafficking and cited recommendations by the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences, which have been included in a draft of the Government's Plan for the period of 2015-2017.

117. The delegation highlighted several policies and programmes implemented to improve the access to health care of mothers and children. The Government took measures

to reduce infant mortality rate/s over the past five years and to achieve the goal of making available full reproductive health services by 2015. Concerning migrant workers, Kazakhstan referenced a set of new procedures and improved legislation to engage foreign workers.

118. The delegation welcomed positive comments regarding Kazakhstan's achievements in gender policy and reaffirmed Kazakhstan's commitment to implement its obligations under the Convention on the Elimination of All Forms of Discrimination against Women and other relevant international polices. In reference to early marriages, the delegation noted clear prohibitions under the legislation as well as criminal sanctions in cases of abduction and forced marriages.

119. In relation to the ratification of (ICCPR-OP 2), the delegation noted the associated financial obligations and stated that the accession to the Protocol would be considered when those obligations could be realistically achieved.

120. The delegation noted that there were many recommendations regarding criminal laws. Kazakhstan adopted entirely new approaches in the new Criminal and Criminal Procedure Codes, which will come into force in January 2015. Therefore, during the follow-up period of the review, Kazakhstan will be able to report about its achievements in this area.

121. Regarding the ratification of the Rome Statute of the International Criminal Court, the delegation noted the current legal practices and lengthy procedures of the Court. Kazakhstan would follow the developments of the Court before making a decision to join it.

122. Kazakhstan referenced two forthcoming mandate holder visits by the Special Rapporteur on the rights to freedom of peaceful assembly and of association and by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. The delegation recalled that Kazakhstan issued, in 2009, a standing invitation to all special procedures of the Human Rights Council.

123. In conclusion, the delegation reaffirmed Kazakhstan's commitment to the universal periodic review and thanked all delegations for their active participation in the interactive dialogue.

II. Conclusions and/or recommendations**

124. The following recommendations enjoy the support of Kazakhstan, which considers that they have already been implemented.

124.1 Adopt legislative measures to criminalize torture, violence against women and trafficking in persons in line with international standards (Mexico);

124.2 Speed up the effective implementation of the six universal periodic review recommendations made by the Czech Republic and accepted by Kazakhstan in 2010 (Czech Republic);

124.3 Adopt legislation for fighting discrimination, in particular discrimination against women, and include mechanisms for effective protection and access to legal remedies (Argentina);

** The conclusions and recommendations have not been edited.

- 124.4 **Define criminal offences, in particular those in article 164 of the Criminal Code on incitement to national, ethnic or racial enmity or discord, or insult to the national honour and dignity or religious feelings of citizens, in accordance with international human rights law, and giving special attention to the right to freedom of expression (Brazil);**
- 124.5 **Clearly define criminal offences provided for under article 164 of the Criminal Code, such as the incitement to hatred or discord on ethnic or racial grounds, or affronts to national honour and to religious dignity and beliefs, so that they are in line with international norms on freedom of expression (Chile);**
- 124.6 **Enact specific legislation that prohibits discrimination against women and on the basis of sexual orientation, and develop a system through which all individuals can safely report cases of discrimination and access avenues of redress (Canada);**
- 124.7 **Strengthen the protection of women by considering the enactment of a specific law on violence against women (India);**
- 124.8 **Strengthen the legislative framework through the criminalization of all forms of violence against women and children, including within the family, and foresee infrastructures to shelter victims (Belgium);**
- 124.9 **Revise the legislation to cover all forms of violence against women (Slovenia);**
- 124.10 **Enact the draft law on domestic violence in full compliance with the international human rights standards (Slovenia);**
- 124.11 **Put in place legislation which formally criminalizes violence against women (Sierra Leone);**
- 124.12 **Revise the Criminal Procedure Code to allow for a more equal distribution of powers between prosecutors and defence (United Kingdom of Great Britain and Northern Ireland);**
- 124.13 **Revise the Criminal Procedure Code in order to strengthen the role of defence lawyers and extend the power of investigative judges in criminal proceedings (Czech Republic);**
- 124.14 **Ensure, in the framework of migration control and extradition agreements, the protection of the rights of the persons concerned by ensuring that their physical integrity and due process rights are not violated (France);**
- 124.15 **Intensify the efforts to not allow, in practice, the use as evidence confessions obtained under the use of torture or by other illegal methods (Uruguay);**
- 124.16 **Ensure that all investigations into complaints related to torture and other ill-treatments are carried out promptly, impartially and thoroughly (Uruguay);**
- 124.17 **Establish an independent investigation mechanism to effectively prevent torture and ill-treatment in detention, train personnel and guarantee effective legal representation and remedies for detainees (Germany);**
- 124.18 **Strengthen domestic mechanisms to prevent illegal detention in the office premises of law enforcement agencies by introducing in the criminal legislation penalties for misconduct/illegal conduct, including the use of violence (Tajikistan);**

- 124.19 Grant independent international observers access to detention facilities upon reasonable advance notice, as well as the right to speak with inmates in private, in order to monitor compliance with international obligations regarding treatment of prisoners (Netherlands);
- 124.20 Effectively address the issue of child marriage by encouraging girls to continue their education beyond the secondary level, and establish laws which eliminate early forced marriages of children (Sierra Leone);
- 124.21 Undertake a thorough review of the 2011 Law on Religious Associations with a view to ensuring its compliance with Kazakhstan's international obligations (Ireland);
- 124.22 Adopt specific measures to guarantee an environment that promotes freedom of expression (Uruguay);
- 124.23 As recommended in the previous review, grant to "non-traditional" religious groups the same rights in practice as those enjoyed by other groups and permit their peaceful activities free from government interference, as prescribed by international law (Netherlands);
- 124.24 Continue its efforts to ensure that the laws protect freedom of expression (Latvia);
- 124.25 Amend provisions under the criminal code to comply with the country's international human rights obligations with regard to the right to freedom of expression (Austria);
- 124.26 Seize the practice of closing, suspending or blocking opposition print publication and online sources and ensure equitable enjoyment of freedom of expression and peaceful assembly (Sweden);
- 124.27 Take effective measures to ensure freedom of expression and independence of the media, including the media expressing critical voices, and ensure protection of journalists, bloggers, human rights defenders and independent media and their work against assaults and intimidation (Czech Republic);
- 124.28 Ensure a safe and enabling environment for journalists to perform their work independently and without undue interference, and increase measures to prevent attacks and violence against them (Italy);
- 124.29 Enhance its efforts with respect to the freedom of the press, freedom of expression and freedom of assembly and association (Japan);
- 124.30 Take all necessary measures to guarantee, in all circumstances, the full respect of the rights to freedom of expression and of media as essential elements to an active and flourishing civil society (France);
- 124.31 Increase the number and frequency of labour inspections, particularly in the primary sector, with adequately trained inspectors and without prior notifications, in line with Kazakhstan's international obligations (Spain);
- 124.32 Ensure equal access to education for all children, including migrant and refugee children, by abolishing legal and administrative preconditions such as the propiska (Hungary);
- 124.33 Comply without exception with the principle of non-refoulement when people are in danger of being tortured or ill-treated (Uruguay);

- 124.34 Uphold the principle of non-refoulement and ensure that all asylum seekers are given prompt access to accessible, fair and individualized refugee status determination (Brazil);
- 124.35 Consider initiating a strategy for comprehensive legal framework on prevention of gender-based discrimination and improving the role of women in society (Serbia);
- 124.36 Put forward its best efforts to reform legislation dealing with the relatively high rate of domestic violence against women and ensure that those violations are effectively investigated and perpetrators of such acts are prosecuted (Republic of Korea);
- 124.37 Further revise the current legislation on combating trafficking in persons for a better prosecution of these crimes (Iran (Islamic republic of));
- 124.38 Provide, in accordance with its obligations under international human rights law, effective protection for the family as the fundamental and natural unit of society (Egypt);
- 124.39 Counter the trend of repressing free speech, including restrictions on media outlets, and take concrete steps to meet its obligation to create an environment that fosters freedom of expression (Norway);
- 124.40 Take steps to ensure that the right to peaceful assembly is not hindered (Norway);
- 124.41 Allow independent investigations in all alleged cases of torture and impose on perpetrators of acts of torture appropriate punishments which reflect the international obligations of Kazakhstan (Switzerland);
- 124.42 Adopt a comprehensive law to fight discrimination, pursuing to the recommendations issued both by the Committee on the Elimination of Racial Discrimination (CERD) and the Committee on the Elimination of Discrimination against Women (CEDAW) (Chile);
- 124.43 Adopt a comprehensive legislation with regard to discrimination, in particular discrimination against women, as well as complementary measures with the purpose of informing the population, punishing discrimination and hate speech and fighting impunity in this field (Belgium);
- 124.44 Establish an effective and independent mechanism to investigate all allegations of torture promptly, independently and thoroughly (Montenegro);
- 124.45 Ensure that allegations of torture and ill-treatment are promptly and impartially investigated, and that perpetrators are held accountable (Austria);
- 124.46 Allow religious groups to worship and communicate religious believes freely (United States of America);
- 124.47 Ensure changes to its criminal and civil codes, decriminalize slander and libel, and protect media freedoms and the freedom of expression, including for NGOs (Australia).
125. The following recommendations enjoy the support of Kazakhstan, which considers that they are in the process of being implemented.
- 125.1 Finalize the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) (Egypt);
- 125.2 Conclude the procedures for the ratification of CRPD (Iraq);

- 125.3 Complete the process of the ratification of CRPD (Algeria);
- 125.4 Continue to take necessary steps towards the ratification of CRPD (Japan);
- 125.5 Continue its work towards the speedy ratification of CPRD (Russian Federation);
- 125.6 Complete, without delay, the ratification process of CRPD (Kenya);
- 125.7 Complete the ratification process of CRPD (Republic of Korea);
- 125.8 Ratify CRPD (Hungary) (Spain);
- 125.9 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) (Portugal) (Uruguay) (Argentina);
- 125.10 Continue progressively improve domestic legislation in accordance with the international obligations of Kazakhstan (Russian Federation);
- 125.11 Extend the mandate of the Ombudsman for Human Rights in accordance with article 2 of the Paris Principles and guarantee its independence (Germany);
- 125.12 Redouble its efforts in strengthening the Ombudsman with a view to achieving a full compliance status with the Paris Principles (Indonesia);
- 125.13 Accelerate the process of bringing the status of the Human Rights Commissioner in line with the Paris Principles and strengthening the mandate of the Commissioner in compliance with the Paris Principles (Afghanistan);
- 125.14 Strengthen the mandate of the Human Rights Commissioner, safeguarding its full independence (Chile);
- 125.15 Continue the practice of strengthening the Office of the Human Rights Commissioner in compliance with the Paris Principles (Pakistan);
- 125.16 Strengthen further the mandate of its national human rights institution and provide the necessary resources for it to function independently (Malaysia);
- 125.17 Strengthen the capacity of the national human rights mechanisms (Uzbekistan);
- 125.18 Establish an institutional mechanism for further strengthening the protection of children (India);
- 125.19 Establish a separate Office of the Ombudsman on the Rights of the Child (Russian Federation);
- 125.20 Continue its efforts to establish the office of the Ombudsman for the Rights of the child (Iran (Islamic Republic of));
- 125.21 Introduce the office of the Ombudsman for the rights of the child to effectively promote and protect the rights of the child (Morocco);
- 125.22 Develop external relations of the national preventative mechanism against torture with national human rights institutions (Russian Federation);
- 125.23 Share its experience regarding the establishment of the independent national mechanism for the prevention of torture which may be used as a good practice in preventing torture (Morocco);

- 125.24 **Improve the working capacity of the national mechanism on the prevention of torture, by strengthening the visits to detention and police centres (Spain);**
- 125.25 **Continue its efforts to develop and implement the National Human Rights Action Plan (Iran (Islamic republic of));**
- 125.26 **Continue further improvement of the protection and promotion of human rights in the country (Azerbaijan);**
- 125.27 **Continue applying an inclusive approach for the implementation of national programmes in the area of employment¹ (Belarus);**
- 125.28 **Continue to promote and protect human rights in all sectors (Djibouti);**
- 125.29 **Continue its positive efforts to promote human rights (Senegal);**
- 125.30 **Continue implementing the State Programme “Work Roadmap 2020” (Cuba);**
- 125.31 **Continue efforts to maintain harmony and tolerance among different ethnic and religious groups in the country, and share its good experience with other countries in this area (China);**
- 125.32 **Continue intensifying the efforts on the protection of children’s rights and interests (China);**
- 125.33 **Consider developing Human Rights Indicators as suggested by OHCHR as an instrument that allows for a more precise and coherent evaluation of national human rights policies (Portugal);**
- 125.34 **Continuously carry forward its State policy of ensuring harmonization of inter-ethnic and interreligious relations, and share its excellent practices with other countries (Democratic People’s Republic of Korea);**
- 125.35 **Continue its cooperation with the United Nations and international human rights mechanisms to overcome the remaining obstacles and challenges (Lao People’s Democratic Republic);**
- 125.36 **Continue active cooperation with human rights mechanisms (Azerbaijan);**
- 125.37 **Continue its policy of respect and tolerance of all religions without discrimination (India);**
- 125.38 **Continue to take the necessary measures to combat all forms of gender inequality (Pakistan);**
- 125.39 **Continue its positive efforts in implementing the Gender Equality Strategy 2006-2016 and take measures to increase women’s participation in public and political life (Malaysia);**
- 125.40 **Strengthen efforts to improve the situation of women and combat against discrimination and violence against women and children (Sri Lanka);**

¹ The recommendation as read during the interactive dialogue: Continue applying inclusive approach for the implementation of national programmes.

- 125.41 Continue to improve socioeconomic conditions to eradicate inequality in line with the recent reforms undertaken by the Government (Bangladesh);
- 125.42 Abolish the death penalty (Sweden);
- 125.43 Abolish the death penalty (Portugal);
- 125.44 Abolish the death penalty (Germany);
- 125.45 Abolish the death penalty (Slovenia);
- 125.46 Proceed with the abolition of the death penalty (Spain);
- 125.47 Maintain the moratorium on the death penalty with a view to its abolition (Italy);
- 125.48 Step up efforts to fight against torture, by implementing the anti-torture law adopted in 2013, and through the systematic prosecution of perpetrators of such acts whoever they may be (France);
- 125.49 Continue to apply a zero-tolerance approach against torture and cruel, inhuman and degrading punishments, in line with domestic legislation and international human rights law (Australia);
- 125.50 Strengthen further legislative and institutional mechanisms to combat all forms of exploitation and violation of women's and children's rights (Philippines);
- 125.51 Strengthen the comprehensive development of the judicial system concerning the juvenile courts (Kuwait);
- 125.52 Enact legislation criminalizing all forms of violence against women and girls (Portugal);
- 125.53 Take steps to further strengthen the impartiality and independence of the judiciary by implementing existing judicial procedures, and by promptly and thoroughly investigating any allegations or complaints of corruption in its courts (Canada);
- 125.54 Take concrete steps with a view to ensuring the implementation of the strategy for gender and the national plan for persons with disabilities (Sudan);
- 125.55 Strengthen information, cultural and educational work by reviving traditions of honouring the foundations of the family for the protection of motherhood, childhood and the family; for the elimination and prohibition of discrimination against children or vulnerable groups on the basis of gender and against children born out of wedlock; and for the prevention of the use of child labour and prevention of violence, including domestic violence (Tajikistan);
- 125.56 Ensure the effective implementation of the recently adopted rules regarding the types of visas for family reunification (Turkey);
- 125.57 Continue the Government's efforts to ensure equal access to all citizens to employment, education and participation in the political process (Egypt);
- 125.58 Continue its efforts to ensure legal protection against abuse of women, children and the elderly in families (Latvia);
- 125.59 Continue its effort to prevent domestic violence and further promote gender equality (Singapore);

- 125.60 Further revise its legislation to include protection against all forms of violence against women (Serbia);
- 125.61 Strengthen Government efforts to ensure protection and provide redress to victims of domestic violence (Maldives);
- 125.62 Maintain its efforts in the area of combating trafficking in persons, especially women and children, based on the relevant National Action Plan endorsed in 2012 (Egypt);
- 125.63 Further promote the fight against human trafficking through the specialized official authority (Lebanon);
- 125.64 Continue to offer rehabilitation and assistance to victims of trafficking through relevant local and international organizations (Lebanon);
- 125.65 Continue its efforts regarding the implementation of the national plan to combat human trafficking (Sudan);
- 125.66 Continue measures for combating human trafficking, including by broadening international, regional and bilateral cooperation (Uzbekistan);
- 125.67 Continue paying attention to the prevention and eradication of human trafficking (Belarus);
- 125.68 Take all necessary measures in order to provide a fair and independent judiciary system, which respect the rights of the defence (France);
- 125.69 Intensify efforts to enhance the complete independence and functioning of the judiciary (Kenya);
- 125.70 Pay particular attention to the process of judicial-legal reforms by strengthening the legislative framework (Tajikistan);
- 125.71 Pursue the implementation of the State programme on further modernization of the law enforcement system (Turkey);
- 125.72 Increase efforts to ensure independent investigation of any allegation of torture and other ill-treatment in prisons, and prosecute those who have committed such crimes (Italy);
- 125.73 Investigate promptly and impartially all allegations of torture and ill-treatment and hold the perpetrators accountable (Liechtenstein);
- 125.74 Provide systematic training to judges, prosecutors and lawyers on the application of legislation prohibiting discrimination and violence against women (Liechtenstein);
- 125.75 Put in place a system of comprehensive data collection on all forms of violence against women, and encourage reporting of all forms of violence against women and girls, including domestic and sexual violence (Liechtenstein);
- 125.76 Adopt necessary mechanisms to implement the recommendations of the Special Rapporteur on freedom of religion or belief (Mexico);
- 125.77 Maintain its positive record on the peaceful coexistence of people of different religions, in particular by organizing the Congress of Leaders of World and Traditional Religions, which brings together senior representatives of world and traditional religions (Bosnia and Herzegovina);

- 125.78 Make efforts to maintain the process of introducing legal amendments to protect vulnerable members of society, including children, disabled persons and women, and ensure that the changes are enacted in practice, for example, through the greater representation of women in decision-making processes (Norway);
- 125.79 Continue strengthening awareness-raising campaigns to increase women's presence in State bodies and in the main companies in the country (Spain);
- 125.80 Continue to support employment generation among the young people (Sri Lanka);
- 125.81 Continue promoting its effective social policies to increase the standard of living of its people, particularly in the neediest areas (Venezuela (Bolivarian Republic of));
- 125.82 Continue carrying out employment programmes, especially for the young people, the disadvantaged and disabled, as envisioned in its Programme of Employment throughout the year 2020 (Brunei Darussalam);
- 125.83 Continue the efforts directed towards the promotion of the right to health in the country (Armenia);
- 125.84 Continue the efforts aimed at reducing the burden of tuberculosis in the country (Pakistan);
- 125.85 Continue its effort to improve access to quality health care of its people (Singapore);
- 125.86 Enhance women's access to sexual and reproductive health services and provide comprehensive education on sexuality, especially to female adolescents (Thailand);
- 125.87 Continue consolidating its effective health programmes and providing universal quality health care for its entire people (Venezuela (Bolivarian Republic of));
- 125.88 Continue improving the level of education of the population and putting into practice, among other measures, the State Programme of Education Development up to 2020 (Cuba);
- 125.89 Continue its affirmative actions in the education sector by investing more in education (Bangladesh);
- 125.90 Continue to guarantee the rights of persons with disabilities, notably by improving their quality of life (Djibouti);
- 125.91 Take necessary steps to provide children with disabilities access to quality education (Iran (Islamic republic of));
- 125.92 Continue to develop facilities and improve social services for persons with disabilities, including those affected by mental illness (Thailand);
- 125.93 Further promote policies and programmes which offer full and equal participation of all ethnic groups (Sierra Leone);
- 125.94 Further promote and protect the rights of the national minorities (Armenia);
- 125.95 Ensure the compatibility of the quota system on the recruitment of foreign labour force with universal human rights standards (Turkey);

125.96 **Implement the road map for the country's transition to a green economy through the various measures planned (Brunei Darussalam).**

126. **The following recommendations did not enjoy the support of Kazakhstan and would thus be noted:**

126.1 **Consider the possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) (Egypt);**

126.2 **Ratify ICRMW (Sierra Leone);**

126.3 **Consider ratifying ICRMW (Kyrgyzstan);**

126.4 **Consider becoming a party to ICRMW (Indonesia);**

126.5 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP 2) (Sierra Leone);**

126.6 **Accede to the Second Optional Protocol to ICCPR (Italy);**

126.7 **Ratify the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty (Montenegro);**

126.8 **Ratify the Optional Protocol to CRPD (Hungary) (Spain);**

126.9 **Ratify the Second Optional Protocol to ICCPR (Germany);**

126.10 **Sign and ratify the Second Optional Protocol to ICCPR (Portugal);**

126.11 **Sign and ratify the Second Optional Protocol to ICCPR (Spain);**

126.12 **Consider ratifying the Second Optional Protocol to ICCPR (Slovenia);**

126.13 **Ratify the Rome Statute of the International Criminal Court (Costa Rica);**

126.14 **Ratify the Rome Statute of the International Criminal Court (Austria);**

126.15 **Ratify the Rome Statute of the International Criminal Court and the Agreement on the Privileges and Immunities of the International Criminal Court (Estonia);**

126.16 **Accede to and fully align its national legislation with all the obligations under the Rome Statute of the International Criminal Court (Latvia);**

126.17 **Ratify the Rome Statute of the International Criminal Court in its 2010 version, including the Kampala amendments on the crime of aggression, and review its national legislation in order to ensure full alignment with the Statute (Liechtenstein);**

126.18 **Make further efforts to accede and fully align its national legislation with the Rome Statute of the International Criminal Court (Republic of Korea);**

126.19 **Accede to the Rome Statute of the International Criminal Court (Uruguay);**

126.20 **Review the implementation of the National Human Rights Action Plan 2009-2012 to assess its effectiveness, evaluate possible strong points or**

areas for improvement, and identify needs for capacity-building and opportunities for international cooperation in the promotion and protection of human rights (Philippines);

126.21 Take further action to prevent and tackle discrimination of religious minorities, also by revising the rules on registration of religious association, so that everyone can exercise their rights in an unrestricted manner (Italy);

126.22 Amend the Labour Law to embody the principle of equal remuneration between men and women (Iraq);

126.23 Adopt measures with a view to reducing inequalities between men and women regarding labour conditions, especially remuneration gaps (Algeria);

126.24 Strengthen the legal framework for the protection and non-discrimination of lesbian, gay, bisexual, transgender and intersex people (Spain);

126.25 Take steps to align domestic legislation with international standards, particularly with regard to the definition of trafficking in persons, and the application of the principle of equal remuneration of pay for men and women in its labour laws (Philippines);

126.26 Abolish the death penalty for all crimes, including war crimes, treason and terrorist acts (France);

126.27 Put in place measures to guarantee the exclusion by the judiciary of evidence obtained under torture (Austria);

126.28 Review the 2011 Religion Law with a view to ensuring conformity with the Constitution and international human rights standards (Republic of Korea);

126.29 Modify or repeal parts of the trade union law that unduly restrict freedom of association to ensure the ability of all workers to form and join independent trade unions (United States of America);

126.30 Better resource the Office of the Ombudsman and the national human rights commission, including pressing ahead with increasing the presence of the Ombudsman outside the capital with offices in the north, south, east and west of the country (United Kingdom of Great Britain and Northern Ireland);

126.31 Adopt a National Action Plan to implement Security Council resolution 1325 (2000) on Women and Peace and Security (Portugal);

126.32 Immediately release Zinaida Mukhortova from forced psychiatric detention and ensure that involuntary detention on mental health grounds should only be possible in exceptional circumstances clearly defined in law, and based on a determination by qualified health care professionals (Austria);

126.33 Guarantee freedom of religion and belief by abolishing the mandatory registration for religious groups, and ensure that the 2011 religion law is in conformity with international human rights standards (Germany);

126.34 Review legislation which impacts on the exercise of the right to freedom of religion and belief, and review the implementation of this legislation, in order to ensure consistency with Kazakhstan's international human rights obligations (Canada);

- 126.35 Decriminalize defamation and revise the provisions of articles 400 and 403 of the newly adopted Criminal Code which could be abused to limit the rights to freedom of expression, assembly and association (Czech Republic);
- 126.36 Ensure freedom of expression online and offline, including media freedom, by repealing or amending the Criminal Code of Kazakhstan to be compatible with international human rights law (Estonia);
- 126.37 Amend the 2013 Communications Law to stop the use of the vaguely defined concept of “social emergency” to suspend or suppress legitimate communications and exchanges of information, or otherwise to limit freedom of opinion and expression (Finland);
- 126.38 Review its legislation on defamation and insult, including the Penal Code, to ensure that it is fully in compliance with international human rights law (Finland);
- 126.39 Act on its prior commitment and align its legislation with international standards on freedom of expression by abolishing all legal provisions criminalizing defamation and libel (Hungary);
- 126.40 Protect space for dissent, including by decriminalizing libel and minimizing fines against media outlets (United States of America);
- 126.41 Implement accepted UPR recommendations on the decriminalization of defamation, and repeal provisions of the Criminal Code on the defamation of public officials and of the Law on the Leader of the Nation, which introduced a new article into the Criminal Code prohibiting and punishing insults against the honour of the President (Ireland);
- 126.42 Review its legislation that restricts the media freedoms, freedom of assembly and association, and bring them in conformity with international human rights law (Slovenia);
- 126.43 Remove excessive restrictions to the exercise of the freedom of assembly in order to facilitate peaceful demonstrations (Costa Rica);
- 126.44 Repeal articles 400 and 403 of the Criminal Code to guarantee the right to peaceful assembly and freedom of association for all citizen, including human rights defenders (Switzerland);
- 126.45 Abolish the requirement of mandatory registrations and memberships in umbrella associations and trade unions (Germany);
- 126.46 Take the necessary measures to ensure that journalists, human rights defenders and activists of the civil society can freely practice their peaceful activities and without fear of administrative or other reprisals (Belgium);
- 126.47 Remove the restrictions on freedom of assembly, repeal article 10 of the Law on Freedom of Assembly and ensure that the laws and regulations on demonstrations are in conformity with Kazakhstan’s international human rights obligations on freedom of assembly (Germany);
- 126.48 Reform the legal framework on freedom of assembly and association to guarantee the full exercise of this right both for individuals and legal entities (Mexico);
- 126.49 Improve the legal-regulatory framework to ensure the social rights of migrants, facilitate their integration in the labour market and their access to

education, as well as ensure adequate attitude towards them in society by using the media (Tajikistan);

126.50 Ensure that migrants and their families enjoy equal access to education and health care (Bangladesh);

126.51 Accede to the Convention on the non-applicability of statutory limitations to war crimes and crimes against humanity (Uruguay).

127. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

[English only]

Composition of the delegation

The delegation of Kazakhstan was headed by the Deputy Minister of Justice of the Republic of Kazakhstan, Ms. Elvira Azimova and composed of the following members:

- Mr. Kalidula Shaukharov Judge of the Supreme Court of the Republic of Kazakhstan;
- Mr. Tastemir Abishev Secretary, Commission on Human Rights under the President of the Republic of Kazakhstan;
- Mr. Vyacheslav Kaliuzhnyi Head of the National Centre for Human Rights of the Republic of Kazakhstan;
- Mr. Takyr Balykbayev Deputy Minister of Education and Science of the Republic of Kazakhstan;
- Mr. Serikbol Mussinov Vice Minister of Health and Social Development of the Republic of Kazakhstan;
- Mr. Marat Azilkanov Vice Minister of Culture and Sport of the Republic of Kazakhstan;
- Ms. Mairash Kozzhanova Director of the Social Welfare and Social Security Department of the Ministry of Health and Social Development of the Republic of Kazakhstan;
- Ms. Ayash Makenova Deputy Chairperson, Committee on Children Rights Protection of the Ministry of Education and Science of the Republic of Kazakhstan;
- Mr. Vladimir Foos Deputy Chairperson, Central Election Commission of the Republic of Kazakhstan;
- Mr. Talgat Kazangap Deputy Chairperson of the Committee on communication, informatization and information, Ministry of Investments and Development of the Republic of Kazakhstan;
- Mr. Serik Suyenbayev Deputy Chairman, Administrative Police Committee, Ministry of Internal Affairs of the Republic of Kazakhstan;
- Mr. Kanat Seidgapparov Head of the Department on Supervision of Legality in Social and Economic Sphere, Prosecutor General's Office of the Republic of Kazakhstan;
- Mr. Serik Saiynov Head of the Migration Policy Department, Ministry of Internal Affairs of the Republic of Kazakhstan;
- Mr. Alzhan Nurbekov Deputy Director of the International Cooperation Department, Prosecutor General's Office of the Republic of Kazakhstan;
- Mr. Azat Matenov Second Secretary, Division of Cultural and Humanitarian Cooperation, Department of Multilateral Cooperation, Ministry of Foreign Affairs of the Republic of Kazakhstan;
- Ms. Alua Nardikulova Deputy Director of the International Law and Cooperation Department, Ministry of Justice of the Republic of Kazakhstan;
- Mr. Akylbek Zhaksymbekov Desk Officer of the International Law and Cooperation Department, Ministry of Justice of the Republic of Kazakhstan;

- Ms. Azhar Tulegaliyeva Director of Social Services Department, Ministry of Health and Social Development.
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