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Report of the Working Group on the Universal Periodic Review*

Kazakhstan

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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1. Kazakhstan considers the Universal Periodic Review as an important tool to strengthen the human rights activities of the state.
2. Participation in the Universal Periodic Review allows for comprehensive monitoring of our achievements and fulfillment of tasks to promote human rights on a periodic basis.
3. The competent authorities of the Republic of Kazakhstan carefully examined 245 recommendations received on November 7, 2019, during the 34th session of the UPR Working Group of the UN Human Rights Council.
4. The Republic of Kazakhstan supported 214 recommendations, which are generally approved by the state and are in the process of implementation.
5. The Republic of Kazakhstan noted 31 recommendations based on their inconsistency with the normative content, the meaning of the current legal policy of the state and the law enforcement practice.
6. Comments of the Republic of Kazakhstan on noted recommendations are grouped into thematic blocks and are set out below.
7. These recommendations were widely discussed at the session of the National Council of Public Confidence under the President of the Republic of Kazakhstan which includes authoritative public figures, experts from various fields, well-known economists, heads of public organizations and analytical structures, and human rights defenders.
8. In addition, these recommendations were included in the Agenda of consultations held with representatives of civil society.

I. International obligations

9. The Republic of Kazakhstan **noted** the following recommendations:
139.2; 139.3; 139.4; 139.5; 139.19; 139.20; 139.21; 139.22; 139.24; 139.25.

139.2, 139.3, 139.4, 139.5

10. Legislation and international treaties concluded by Kazakhstan provide for a sufficient level of protection of the rights of migrant workers. Therefore, Kazakhstan will continue to consider the issue of compatibility of the Convention with the norms of legislation in accordance with paragraph 1 of Article 2 of the International Covenant on Economic, Social and Cultural Rights.

139.19, 139.20, 139.21, 139.22

11. The decision will be made taking into account constitutional norms and after completion of the examination of the experience of the International Criminal Court. In this regard, until the issue of participation is resolved, there is no legal basis for combining national legislation with the provisions of the Rome Statute.

139.24, 139.25

12. Legislation and international treaties concluded by Kazakhstan provide for a sufficient level of protection of the rights of stateless persons and comply with international standards. The Law on Refugees was adopted. Kazakhstan also ratified the Convention relating to the Status of Refugees, the provisions of which also apply to stateless persons. These circumstances confirm the country's policy towards addressing the problems of stateless persons. The possibility of ratification will be considered upon completion of the examination of the Conventions.

13. Currently, work is underway to determine the legal status of persons who do not have evidence of citizenship of the Republic of Kazakhstan and other states (category of stateless persons).

14. In matters of reducing statelessness and identifying undocumented persons, Kazakhstan works closely with the UNHCR Office in Kazakhstan.

15. Thus, in 2019, the Government of the Republic of Kazakhstan at the High Level Segment on Statelessness held within the 70th session of the UNHCR Executive Committee made a commitment to improve access to birth registration procedures by amending national legislation to ensure that every child is registered at birth.

16. The relevant legislative amendments were adopted on November 25, 2019.

17. In addition, the Mazhilis of the Parliament of the Republic of Kazakhstan approved legislative amendments on the regulation of migration processes. The draft law aims to create favorable conditions for ethnic repatriates arriving in their historical homeland, build an effective system of external labor migration focused on meeting the needs of the country's economy, expand the legal framework in the field of regulating migration processes, taking into account international best practices.

II. Equality and non-discrimination

18. The Republic of Kazakhstan **noted** the following recommendations:

139.44; 139.45; 139.46; 139.47; 139.49; 139.50; 139.51; 139.52; 139.53; 139.54.

139.44, 139.45, 139.46, 139.47, 139.49, 139.50, 139.51, 139.52, 139.53, 139.54

19. The legislation provides for the principles of non-discrimination based on the ground of sex. In this regard, and also taking into account the practice, we see no reason to strengthen the legal framework. In this regard, as well as taking into account practice, we see no reason to strengthen the legal basis. Kazakhstan has chosen this path of legislative consolidation of the mechanisms for eliminating direct or indirect discrimination, taking into account its specific characteristics in various fields.

20. In addition, the draft law on family and gender policy issues is currently undergoing approval. The draft law aims at strengthening protection against all forms and manifestations of discrimination on the ground of sex and at creating the necessary conditions for the realization of the rights of women and men in all spheres of labor, public and personal life.

III. Freedom of religion or belief, expression, association and peaceful assembly, as well as the right to participate in public and political life

21. The Republic of Kazakhstan **noted** the following recommendations:

139.98; 139.99; 139.100; 139.109; 139.111; 139.114; 139.115; 139.116; 139.122; 139.123; 139.244.

139.98, 139.99, 139.100, 139.109, 139.111, 139.114

22. In accordance with the assignment of the Head of State, a new Law on Peaceful Assemblies is being developed by state authorities together with civil society as part of the address of the Head of State dated September 2, 2019 on the concept of "Hearing State".

23. At the same time, the public danger of violating the procedure for organizing and conducting assemblies, rallies, pickets, street processions and demonstrations is that it encroaches on the normal activities of the governing bodies, as well as mass disturbances, destruction of buildings and constructions and other harmful consequences can occur as a result of violation of this order.

139.115, 139.116

24. Kazakhstan recognizes that freedom of assembly and association is a democratic institution of political activity of citizens, which is subject to constant development.

25. Participation or non-participation of a citizen in the activities of a public association cannot serve as a basis for limiting his rights and freedoms.

26. They are independent in their activities from state authorities at all levels, are not controlled by and are not accountable to them.

27. A database of non-governmental organizations is being formed in order to ensure the transparency of their activities and to inform the public about them, as well as for use in the framework of placing a state social order, providing grants and awarding prizes.

28. At the same time, a draft law is being developed on the activities of non-profit organizations.

29. A Working group has been created to work on proposals to further improve the rules of administrative and criminal responsibility in relation to nonprofit organizations and simplify the procedure for registering nonprofit organizations.

139.122, 139.123

30. The right to freedom of religion or belief is a fundamental human right.

31. All citizens, foreigners and stateless persons can practice any religion without registration, and can also freely create religious associations.

32. The requirements of the legislation on the registration of religious associations are in line with international standards. They are one for all and transparent at all stages.

33. In this regard, we see no reason to review the legal basis.

139.244

34. The legislation of the Republic of Kazakhstan provides for legal standards that meet international standards of the “principle of non-refoulement”.

35. Asylum seekers have the right to stay in the Republic of Kazakhstan for a period until the end of the decision-making procedure on the application for refugee status, including the terms of appeal and judicial protection.

36. In addition, it is forbidden to return or expel asylum seekers to the border of the country where their life or freedom is in danger due to race, religion, nationality, citizenship, belonging to a certain social group or political opinion.

37. Thus, it can be concluded that the existence of such a ban in the law is a guarantee of the observance of the rights of asylum seekers.
