



United Nations Country Team Kazakhstan submission for the 3rd Universal Periodic Review cycle

Introduction

1. This submission for the 3rd cycle of the Universal Periodic Review (UPR) by the United Nations Country Team (UNCT) in Kazakhstan does not aim to provide a comprehensive overview of the implementation of recommendations given in the 1st and 2nd UPR cycles in 2010 and 2014 respectively but highlights some key developments including areas addressed through the UNCT work in Kazakhstan.

2. In 2018, with support from the UNCT, the Government established a national architecture on Sustainable Development Goals (SDG). That includes a Co-ordination Council chaired by the Deputy Prime Minister, five inter-sectoral working groups around five SDG areas (People, Planet, Prosperity, Peace and Partnership) chaired by respective ministers. The Economic Research Institute under the Ministry of National Economy acts as a co-ordination secretariat. To demonstrate its commitment to take stock of both achievements and gaps in reaching the SDGs, last year the Government of Kazakhstan undertook to prepare and present a Voluntary National Review in 2019.

3. Since March 2018, Kazakhstan has been implementing the ‘Five Social Initiatives’ that include affordable housing, income tax reduction for the low-paid, support to entrepreneurship, increased accessibility of higher education and improved housing for students and building a major gas pipeline from south-west through central Kazakhstan to the capital. The UNCT acknowledges the programme represents a major investment and commends country’s efforts on the implementation of economic and social rights attempting to leave no one behind. The UNCT underlines that sustainable development requires the implementation of all rights universally – including civil and political rights. Corresponding advancements in the realm of other human rights would further benefit the country’s socio-economic progress made since independence.

4. Kazakhstan has continued engaging actively with UN human rights mechanisms. Since the second UPR in 2014, the state hosted the following visits: the Special Rapporteur on the right to freedom of peaceful assembly and association, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes in 2015, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2016 and the Special Rapporteur on the rights of persons with disabilities in 2017. In May 2019, the Government will host a visit of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. The UNCT notes that a key to successful engagement is proper implementation of received recommendations and is ready to support the Government in the process. The UNCT welcomes the intention of the country to compete for the Human Rights Council membership 2022-2024. The UNCT encourages Kazakhstan to lead by example by taking strong voluntary pledges and positive contributions to the Council.

General framework

5. On 10 March 2017, amendments to the Constitution of Kazakhstan were enacted following the announcement of a government reform aiming to shift to a more parliamentary form of government. In addition to the redistribution of several areas of responsibilities relating to the regulation of social and economic processes from the President's office to the executive or the parliament, the amended Constitution no longer provides for direct application of international treaties ratified by Kazakhstan. Instead, now secondary legislation is to determine the application of international treaties in Kazakhstan. The Constitution also provides for deprivation of nationality upon a court verdict of having committed terroristic crimes and for having caused severe harm to vital interests of Kazakhstan. The subsequent law of 11 July 2017 on the introduction of amendments and addenda to several legislative acts in order to align them with the constitutional norms introduced deprivation of nationality as an additional measure of punishment to 21 articles of the Criminal Code. The UNCT notes that the introduction of such a measure should not result in rendering a person stateless, depriving a person of access to due judicial process to contest such a decision, which the country's legislation guarantees, or affect unduly members of his/her family. The UNCT also underlines that revoking a nationality will not prevent a suspect from re-entering the state illegally.

6. Kazakhstan has a legal and policy framework, which supports gender equality. The UNCT encourages Kazakhstan to do more to pro-actively support women's empowerment and gender equality while ensuring that discrimination is not occurring. The current *Concept on Family and Gender Policy 2030* contains a number of areas the government plans to address in family policy and in gender policy, e.g. domestic violence, shared burden of unpaid domestic care work (mainly focusing on child raising), increasing women's employment and participation in decision-making. The Government currently finalises a new National Plan on the rights and improving the living conditions of persons with disabilities. It is important to ensure adequate funding to achieve fully the plan's objectives at both national and sub-national levels.

7. Since its initial accreditation in April 2012 by the Sub-committee for Accreditation (SCA), the "B" status of Kazakhstan's Ombudsperson (National Human Rights Institution) remains unchanged. The UNCT highlights that the SCA encourages the introduction of a specific constitutional or other legislation governing the functions of the NHRI. The SCA further recommends that such legislation should empower the NHRI to consider human rights violations where these are not currently the subject of review by a 'more appropriate independent body; to formalize the selection process of staff; to develop policies and procedures to ensure that staff representation is broad and pluralistic, etc. The UNCT stresses that the NHRI has only 14 staff based in the capital, which severely limits the access to the institution outside the capital. In 2017ⁱⁱ, the Ombudsperson received 1,474 communications including 1,331 written communications and 143 received in person with most communications coming from Almaty (15%), Astana (12.7%), Karaganda (9.2%), Kostanay (8%), Akmola (6.8%), Zhambyl (6.5%) and North Kazakhstan (6.4%) regions. Of the total, 119 communications related to housing and land rights (provision of housing from the state housing fund, disagreement with construction companies and with court rulings on housing, denial of banks to re-finance mortgage loans, etc.). 104 communications concerned the right to health, 78 - social protection issues (disagreement with pension calculation, etc.), 76 communications related to labour rights (disagreement with dismissal, untimely salary payment, denial of compensation of damage to health, etc.) and 22 communications concerned the right to education. Upon consideration of communications received, the Ombudsperson can either issue a recommendation directly to the relevant state body or release a public statement but cannot legally force agencies to comply with its recommendations. One of the March 2017 amendments to the Constitution provides for the Senate to elect and dismiss the Ombudsperson upon

nomination by the President. The UNCT stands ready to support the Government in undertaking further efforts to develop a solid legislative basis for the country's NHRI that would address issues of independence, mandate, representation in the regions, allocation of sufficient resources, etc. in line with the Principles relating to the Status of National Institutions (the Paris Principles).

8. On 11 February 2016, a presidential decree established the institution of Ombudsperson on the Rights of the Child (CR). A person appointed acts on a pro bono basis. Both the first and the acting CR Ombudsperson perform in parallel their primary functions as a member of parliament. The CR Ombudsperson is mandated to consider communications of alleged violations of child rights and decisions, actions or negligence by state bodies violating child rights; to contribute to redress and restoration; to propose the Government legislative changes or amendments; to have unrestricted access to state bodies and education, health and social protection, defence, culture and sports organisations and penitentiary institutions for minors; to have unrestricted access to documentation of governmental and non-governmental institutions working in the area of children's rights. According to the 2017 Annual Report of the CR Ombudsperson, she received 325 written and 500 verbal complaints including 55 communications on housing, 64 – on education, 41 – health and medical treatment, and 22 – right to live with parents and communicate with parents living out of the family. To enable the institution's proper functioning and accountability legislation needs to be changed to cover the mandate, funding, representation, etc. issues.

Equality of women and men

9. There have been expressions of political will to achieve women's representation in political decision making at a 30% level and this target was contained in the Gender Strategy 2006-2016. The Government needs to undertake more efforts to achieve the target. There is interest by the state to implement temporary special measures or quotas for women's participation in decision making in the public and private sector. The UNCT encourages the Government to formally adopt special temporary measures to accelerate substantive equality of women and men. Currently, the lower house of parliament has 27.1% women and the upper house has 10.6%, resulting in 22% of the entire parliament being women, slightly below the current global average.

10. The government was re-formed in February-March 2019; however, the level of women in senior decision-making positions has not increased. One of 16 cabinet posts, the Minister of Education and Science is a woman. One of three Deputy Prime-Ministers is a woman. There are no regional governors that are women. Though in 2018 a number of female deputy ministers were appointed, women are still largely absent from the highest level of decision-making.

11. In August 2018, the list of jobs for which it is prohibited to use women's labor reduced from 287 to 219. The UNCT encourages Kazakhstan to further reduce the list, if not to eliminate any form of restriction to women's choice of job or profession. Due to the differing engagement of women in the labor force, the pay gap in Kazakhstan is currently around 32%.

12. Stereotypes limit the role of women largely to caregivers and to raising children. These stereotypes affect women's empowerment in economic, social and political spheres. Men are being called upon to be more engaged in the upbringing of children however, they are not being called upon to engage across the spectrum of household duties.

13. In 2015-2016, Kazakhstan conducted a studyⁱⁱⁱ to document the prevalence of violence against women, which follows an internationally recognized methodology, contains qualitative and quantitative information, allows comparability across countries, and for this it should be

acknowledged. According to the survey, about 17% of women aged 18-75 experienced physical and/or sexual violence by an intimate partner, every fifth (21%) woman experienced psychological violence from an intimate partner during her life. Half of the women who experienced physical abuse by an intimate partner reported severe forms of physical violence, rather than only moderate forms. Kazakhstan is to be commended for undertaking such a study and its plan to carry out a similar survey on a regular basis to assess progress. The next study is slated to be conducted in 2020 with preparations beginning this year.

Violence against women

14. The 2009 Law “On the Prevention of Domestic Violence” ensured the establishment of special units to protect women from violence with the number of protective orders for victims and survivors of domestic violence increasing over time. Based on the latest available information, there are 31 crisis centers covering all regions of Kazakhstan (17 with shelters), in which free medical and social, socio-legal, and socio-psychological services are provided. However, there are currently no standards to certify whether these centers provide comprehensive quality services.

15. A new amended version of the law on prevention of domestic violence is in its final stage. Beatings and light injuries to health were de-criminalized on 13 July 2017, including in cases of domestic violence. The UNCT calls upon Kazakhstan to criminalize all forms of violence against women and to revise the provisions of the Criminal Code (article 120) to ensure that the definition of the crime of rape is in accordance with the Convention on Elimination of All Forms of Discrimination against Women. Legislation to combat sexual harassment in the workplace has not been adopted to date.

16. Kazakhstan has indicated its willingness to join the Council of Europe Istanbul Convention (Convention on Preventing and Combatting Violence against Women and Domestic Violence). Such a measure would help to solidify Kazakhstan’s commitment to end violence against women through reinforced protection against all forms of violence, elimination of all forms of discrimination, implementing a comprehensive framework and providing support and assistance to victims of violence.

17. The provision of legal aid to the victims of gender-based violence in court procedures requires review by the state. The Law on Advocate Practice and Legal Assistance contains provisions on complex social support of the victims (Article 19 which shall be enforced from 01.01.2019 in accordance with the Law of the Republic of Kazakhstan dated 05.07.2018 (№ 176-VI). The reference is made in particular to the Law "On Special Social Services" from 29.12.2008, where Article 6 recognizes victims of domestic violence as eligible for the provision of special social services, including free legal aid. However, the Criminal Procedure Code does not contain provision for a victim’s legal support in the court. It rather categorizes cases as per their severity and free legal aid is only mandated for severe and especially severe cases, but the Criminal Procedure Code does not categorize victims as per the type of crime.

18. Marriage among women aged 15-49 before age 15 reduced from 0.2% in 2010 to 0.1% in 2015 (Multi-Indicator Cluster Survey (MICS), 2015). At the same time, the percentage of women aged 15-19 married/or in union at the time of the survey, increased from 4,5% in 2010 to 6 % in 2015. Forced marriages and bride kidnapping are increasing, especially in rural areas. Kazakhstan is recommended to continue systematic monitoring of the situation with early marriages of girls and boys including through MICS. Investing in education of girls especially in remote and rural areas and providing girls access to programmes that enhance life skills, make sexual and

reproductive health information and services easily available both to boys and girls including family planning are some actions that could be taken.

19. Although the legal age of marriage is 18 (under exceptional circumstances including in case of pregnancy at 16), rates of child marriages continue to be high, particularly in rural areas and in some ethnic groups as mentioned above. The impact on girls is important as it can result in girls dropping out of school, having limited opportunities for income-earning jobs and being financially dependent. Child marriages occur due to the low awareness of adolescent girls about their rights, lack of implementation of legal sanctions against those who commit bride theft and religious registration of marriages with underage girls, although such registration is not legally enforceable and does not protect the rights of girls who become spouses.

20. The Kazakhstan's Criminal Code provides for the kidnaping of a person with a sentence of imprisonment of up to eight or ten years (article 125). In case of bride kidnaping, the following note can be applied to this article - "A person who voluntarily released the abducted person is exempted from criminal liability if his actions do not contain any other crime", which can result in a bride kidnapper not bearing criminal responsibility for his/her actions. Despite the prevalence of bride kidnaping, there is a lack of sufficient statistical data on the incidence, frequency and geographical coverage of cases. While the law prohibits polygamy, the custom of taking a second wife occurs, although there are no statistics available.

Criminal justice

21. There have been important legislative changes in the area of criminal justice in line with recommendations of the UN human rights mechanisms. This included reduction of the duration of police custody from 72 to a maximum of 48 hours prior to judicial approval of restraint measures (except in 'grave' and 'terrorist' crimes). This is implemented through the adoption on 21 December 2017 of the law on modernization of procedural bases of law-enforcement activity. The same law extended the powers and oversight functions of investigative judges to authorising surveillance and their duration, bail and forced examination. For fairer balance of and equality of arms in criminal process, defence lawyers can now approach the investigative judge directly with a motion to initiate certain investigative actions, except surveillance measures, instead of the body in charge of the criminal investigation.

22. At the same time, the UNCT notes repeated concerns raised by the advocate community in the course of drafting and discussing the law on advocate activity and legal aid signed on 5 July 2018 with the accompanying package of amendments, namely, with its potential interference with legal profession independence and ultimately quality of legal aid. The law retains a provision on the possibility to establish a state-led bar association, whereas the Basic Principles on the Role of Lawyers require that "all persons have effective access to legal services provided by an independent legal profession". The UNCT notes that the Kazakhstan's Bar Association is concerned that the powers of the Ministry of Justice are too wide and discretionary when it comes to license suspension, deprivation, and disciplinary action against defence lawyers.

Child rights

23. According to 2016 MICS, 52.7% of children aged 1-14 experienced violent "discipline" (physical punishment and/or psychological aggression) in the home in the month prior to the survey. Nearly three children in ten (26.2%) experienced physical punishment in the household. The newly adopted Law on amendments to legal acts on child protection organisations puts legal responsibility on health and social protection to report about the cases of violence against children

to police, allowing a cross-sectoral response to violence. However, the legislation does not explicitly prohibit corporal punishment of children in the home, some types of alternative care institutions and in day care. Corporal punishment of children in all settings should be explicitly prohibited, accountability for violations foreseen and mechanisms for enforcement of the existing legislation aimed at addressing violence against children established. Parents, caregivers and educators should be made aware of non-violent disciplining of children.

24. Several legislative acts addressing the rights of children in conflict with the law, victims and witnesses of crimes were adopted and national legislation was brought closer to international standards. An international principle of detention within the ‘shortest appropriate period of time’ was introduced. Police custody for children in conflict with the law decreased from 72 to 24 hours before being brought before a judge. Four new legal acts were adopted, the Law on Probation, the Law on Victim’s Compensation Fund, the Law on protection of children from information harmful to their health and development and the Law on amendments to legal acts on child protection organisations. Several laws, including criminal codes, were amended, some draft laws on the process of discussion in Parliament; policy on prevention and addressing sexual abuse of children was implemented; child friendly procedures were introduced. However, effective rehabilitation measure for children who committed a crime and children-victims of violence and crime remain an issue. National legislation does not contain any provisions allowing pre-trial diversion, as defined under international standards, by the police or prosecutors, except by way of reconciliation, which requires the child to have ‘expiated the harm caused’ to a victim. Another point is the lack of participation of children under 10 in proceedings, as the Law on Marriage and Family only provides for the consideration of the opinion of children above 10 years of age “in all matters affecting their interests”. The consideration of the opinion of younger children is not provided for in the legislation, as recommended by the Committee on the Rights of the Child. The UNCT encourages the Government of Kazakhstan to adopt a single law that comprehensively regulates children’s rights including justice for children covering all children in conflict with the law, victims and witnesses of crime and those participating in civil and administrative processes fully compliant with international standards.

Right to health

25. Kazakhstan gives increasing focus to youth and its needs. 2019 has been declared the Year of the Youth and a number of measures and events are taking place, which support the needs of the younger generation. The country, however, does not have comprehensive sexuality education that mainstreams healthy lifestyles among young people. Particularly, this issue concerns young girls, who do not have regular access to information and advice on reproductive health including family planning. Some aspects of sexuality education are being piloted in selected schools, but not introduced in the school curriculum yet. The UNCT encourages the Government to establish youth education resources, which are user-friendly and targeted to young women with quality information on health, reproductive and sexuality education.

26. Despite having decreased in recent years, the rate of adolescent pregnancies in the country remains high, as well as the rapid increase of HIV infections in the last years including among young people. Identifying and understanding the health behavior of adolescents and youth is key in developing appropriate policies and services. Adolescents and youth sexual and reproductive health (SRH) issues are often ignored due to social-economic, cultural and religious reasons. However, health habits and practices developed during this age carry risks as well as opportunities and can have a significant impact on the health of future adults.

27. A 2018 survey^{iv} of around 4,300 adolescents in Kazakhstan aged 15-19, showed that about 30% of them were sexually active, with over 40% of these having had more than one partner and not all were using protection. Only about 9% of the total adolescents surveyed had comprehensive knowledge about HIV. A similar survey carried out in 2011 showed similar results. While the adolescent birth rate has decreased over the years and was 25 per 1,000 women aged 15–19 as of 2017, it is still about five times higher than the OECD average.

28. The latest data on maternal mortality shared by the Ministry of Health for 2018 show 14/100,000 maternal-related deaths for 2018 against a target of 11/100,000. This data masks significant regional disparities. Abortion remains high (1 in 6 pregnancies of women of reproductive age ends up in an abortion). Contraceptives are the most expensive in the region, are limited in terms of choice and are provided free (mostly condoms) only to selected high-risk groups (women who would otherwise die or have serious complications if pregnant, sex workers, drug users, etc.). Funds for contraceptives at the local level are discretionary and are often not prioritized.

29. The Contraceptive Prevalence Rate has stagnated for the last 10-15 years with unmet needs for family planning remaining high, especially among such groups as women living in rural areas, people with disabilities and sexually active adolescents. The unmet need for family planning among people with disabilities was estimated at 41%, abortions being 8 times higher than in the general population, symptoms of sexually transmitted infections (STI) higher and very low awareness on measures to prevent STI and HIV transmission. A particular vulnerability was found among those with hearing disorders. Stigma and discrimination for people living with HIV remains extremely high. A recent survey by UNAIDS showing that over 70% of people interviewed would not buy vegetables if they knew that the seller was HIV positive. Suicide rates including among adolescents is one of the highest in the world.

30. The current Code of the Republic of Kazakhstan “About Health of the Population and the Healthcare system” (The Health Code) allows consultation for health services (SRH) but is limited in terms of service provision and diagnostic/ testing (e.g. STI including HIV testing) and treatment without parental consent set at 18 years of age. The state health basic benefit package does not include contraceptives for any group, including vulnerable groups. The Ministry of Health has proposed to reduce the age of access to health services without parental consent in a new draft version of the Code from 18 to 16, which is meeting with some resistance. The revised Code will be formally discussed before mid-2019 for approval at the end of 2019.

31. While a number of youth health centers have been opened to provide reproductive health information and services, there are no approved standards that would determine whether these centers meet such quality standards as affordability, accessibility, trained health service providers, confidentiality and privacy. These criteria should be contained in specific guidelines. A draft is available and pending approval. These centers are mostly limited to urban areas and data collection is not always adequate. There is no training package on youth friendly services developed or regular system for continuous education for service providers.

32. Until now, the established youth health centres were financed from the national budget set aside for public health. Once the new mandatory social health insurance system is introduced in 2020, health care packages will be distributed between the state budget (basic benefit package) and insurance contributions. There is no clarity on whether these centers will continue to be funded once the new scheme is introduced as this is still under discussion by the Ministry of Health. As such, there is an emerging risk of financial sustainability of such centres.

Rights of migrants

33. The 2011 Law on Migration regulates inward migration, defines categories of migrants, and lays out specific immigration procedures. Kazakhstan's 2017-2021 Migration Policy Concept outlines the country's migration objectives. However, irregular migrants, including undocumented migrants are not duly reflected in national legislation. They often work without labour contracts and clear definition of their duties and therefore have no social guarantees, including those related to health and education. It can often lead to delays in payment or non-payment of wages or non-payment of overtime work. Lodging a complaint with the state labour inspection may be difficult as workers may not be aware of their right to lodge a complaint about conditions and wages or because of fear of disclosing their irregular status.

34. In accordance with the Health Code, regular immigrants and stateless persons in the territory of Kazakhstan have the right to receive free medical assistance in the case of acute conditions listed by the Government, unless stipulated otherwise in international agreements. However, irregular and undocumented migrants do not have access to the healthcare system beyond emergency treatment. Childbirth is considered as emergency case and thus is free of charge. Pregnant female migrants with irregular status are not entitled to free routine preventive care and treatment and upon serious pathologies or the need for surgical intervention, health insurance is required, which female migrants with irregular status do not have. The main obstacle to the realization of migrant children's right to health is frequently an absence of an Individual Identification Number (IIN) and fear of interacting with government agencies due to irregular status of their parents. The UNCT encourages the Government to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) and revise its legal migration framework in order to protect irregular migrants and members of their families.

Right to freedom of expression

35. On 28 December 2017, the law on addenda and amendments to several legislative acts on information and communications was signed. The UNCT welcomes that the law improves some elements of the freedom of expression but notes concerns expressed by media and NGOs over a notion of propaganda (dissemination of opinions, facts, arguments and other information including that intentionally distorted in order to form positive public opinion about information prohibited by the legislation of Kazakhstan, and/or to instigate committing illegal acts or inaction by an unlimited number of people) introduced by the law as well as the mandatory requirement for journalists to obtain prior consent from physical and legal persons to make public personal and family secrets, which are not clearly defined in the legislation. Obtaining prior consent and lack of anonymity in the Internet, as the law obliges users to identify themselves when placing information in the Internet, may negatively affect efforts the state undertakes to counteract corruption, as persons having information on alleged corruption violations may not feel safe to communicate it. The UNCT takes note of measures to prevent and prosecute hate speech in Kazakhstan's multi-ethnic society but also highlights concerns of civil society organizations (CSOs) that several provisions in the legislation, such as the prohibition of incitement of discord, dissemination of intentionally false information and defamation may affect the legitimate exercise of the right to freedom of expression.

Right to freedom of peaceful assembly

36. The International Covenant on Civil and Political Rights, which Kazakhstan is a party to, and the Constitution guarantee the right to freedom of peaceful assembly. The Constitution

recognizes ideological and political diversity and provides that the right to peaceful assembly may only be restricted by law in the interests of State security, public order and protection of health, rights and freedoms of other persons, which clearly suggests that freedom is the norm and restrictions the exception, in accordance with international human rights law. The UNCT notes with attention media reports of apprehension of people by the police in several cities of Kazakhstan including journalists as well as the reported practice of people being prevented from taking part in an assembly either through handing of an official warnings or bringing people to police stations.

37. The UNCT recalls that in 2010, in the first UPR of Kazakhstan, the Government accepted a recommendation “to make efforts to speedily draft and implement the new law on the right to assembly with fewer demands regarding prior registration and fewer requirements for information concerning, for example, the participants in an assembly, and to clarify policy intentions for State authorities or others entrusted with implementing decisions under the new law” (see A/HRC/14/10, para. 97). That laudable commitment was reiterated in the national report for the second UPR cycle, which said that a concept of a new draft law on peaceful assemblies and rallies was being drafted by a relevant state body with the participation of civil society (see A/HRC/WG.6/20/KAZ/1, para. 120). The UNCT commends efforts the Government is undertaking on capacity building of law-enforcement officers on human rights compliant assembly management and believes that for systemic change capacity building must be associated with relevant legislative changes and changes in law-enforcement practice. The UNCT is of the view that the reform announced in the course of two previous UPR cycles needs to be approached with a greater sense of urgency and stands ready to support the Government in this process.

Right to freedom of association

38. The UNCT notes the concerns expressed by civil society over the further deteriorated situation with the right of everyone to form trade unions and with trade union activism. The UNCT notes the Government’s engagement with the International Labour Organization (ILO) to address recommendations made by Committee on the Application of Standards of the International Labour Conference in June 2017 that resulted in development of a road map to address the Committee conclusions. To the UNCT’s knowledge, in early 2018, the Government undertook efforts to amend the 2014 Trade Union Law. The draft package of amendments reportedly suggested to decrease from ten to three number of people required to form a trade union and to make a current two-step procedure trade union registration a one-time registration, i.e. with no requirement to confirm its status within six months after registration. In its latest comments, the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted the lack of progress and urged the Government to amend the Law without further delay in consultations with social partners to ensure the right of workers to freely decide whether they wish to associate with or become members of a higher-level union and to lower thresholds requirements to establish higher-level organizations. The Committee also expressed its deep concern over the alleged assault against the trade union leader in the Karaganda region and urged the Government to investigate the matter and to bring the perpetrators to justice.^v

39. The UNCT also notes issues raised by the CEACR on the exercise of the right to freedom of association for employers. The Committee called to amend the Law on the National Chamber of Entrepreneurs (NCE) to eliminate all possible interference by the Government in the functioning of the Chamber and to ensure the full autonomy of the employers’ organizations, including by addressing the issue of the mandatory affiliation of employers’ organisations to the NCE^{vi}. The Committee notes difficulties encountered by the Confederation of Employers of Kazakhstan (KRRK) stemming from the mandatory employers’ accreditation by the NCE and the obligation to have an annual agreement (a model contract) with the NCE. The Committee notes the lack of

information on progress in amending the legislation. The UNCT is ready to support the Government in the implementation of the recommendations made by the ILO Supervisory Bodies and UN human rights mechanisms.

40. While Kazakhstan is an example of multi-confessional society, the UNCT notes concerns by the Special Rapporteur on the right to freedom of religion or belief with regard regards to obligatory registration of religious organisations, prohibition of non-registered religious organisations, strict state regulation of missionaries, religious literature, and religious practices that risk violating the freedom of religion or belief.

41. The UNCT also notes that over 20,000 non-governmental organisations are registered in Kazakhstan in all spheres of public life. However, CSOs frequently report on substantial challenges in regards to increased legal obligations of NGOs, such as reporting requirements, to state authorities on their work and funding, in particular in regards to human rights organizations. The UNCT encourages Kazakhstan to foster an enabling environment for civil society organizations, including human rights organizations.

ⁱ The SCA is the accrediting body of the Global Alliance of NHRI (GANHRI), formerly known as the International Co-ordinating Committee of NHRIs for the Protection and Promotion of Human Rights.

ⁱⁱ Report of the activities of the Ombudsperson in 2017 <https://ombudsman.kz/images/files/otchet2017.pdf>

ⁱⁱⁱ https://kazakhstan.unfpa.org/sites/default/files/pub-pdf/Kazakhstan%20VAW%20report_final%2031-10-2017.pdf

^{iv} <https://kazakhstan.unfpa.org/en/publications/жасөспірімдер-мен-15-19-жастағы-ұрпақты-болу-зерттеу>

^v https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963821:NO

^{vi} https://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3963821:NO