



13 May 2020

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Republic of Kazakhstan and welcome the constructive engagement of your Government during the 34th session of the UPR Working Group in November 2019.

As the final outcome report on the review of Kazakhstan has been recently adopted by the Human Rights Council at its 43rd session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Kazakhstan – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 93 delegations and the presentation made and responses provided by the delegation of Kazakhstan. I have also considered the actions taken by the Government to implement the 144 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I take note of the recent constitutional reforms undertaken, and strongly encourage that international treaties ratified by Kazakhstan have a direct application in national legislation. I welcome the positive steps taken to strengthen the country's legislative and judicial branches, in particular to increase the independence of the judges and the accessibility of courts.

I encourage Kazakhstan to develop a comprehensive national human rights action plan with allocation of necessary funds and inclusion of specific indicators in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Kazakhstan's fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the Commissioner for Human Rights and all civil society organizations and, where necessary, with the support of international organizations, including my Regional Office for Central Asia and other United Nations entities, under the leadership of the United Nations Resident Coordinator.

His Excellency
Mr. Mukhtar Tleuberdi
Minister of Foreign Affairs
Republic of Kazakhstan



I also encourage Kazakhstan to continue its efforts to strengthen the recently created institutional framework to implement the recommendations stemming from the United Nations human rights mechanisms and in particular the Universal Periodic Review. I encourage, however, that this framework includes also comprehensive reporting and follow-up on recommendations received from all international and regional human rights mechanisms and on treaty obligations, while linking these to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I encourage Kazakhstan to consider submitting a mid-term report on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *“The Human Rights Council’s universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council’s recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals.”*

Finally, kindly allow me to use this opportunity to express my Office’s profound solidarity with your country and all Member States in connection with the negative impact of the COVID-19 pandemic. I hope that despite unprecedented challenges it will soon be over in all countries worldwide, including through implementation of human rights based approaches to our collective response to the pandemic. I look forward to discussing with you ways in which my Office may assist Kazakhstan in relation to the areas identified in this letter and its annex.



Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in black ink, which appears to read "M. Bachelet", is written over a horizontal line that extends to the right and then curves downwards.

Michelle Bachelet
High Commissioner for Human Rights

cc: His Excellency
Mr. Marat Beketayev
Minister of Justice
Republic of Kazakhstan

Mr. Norimasa Shimomura
United Nations Resident Coordinator
Republic of Kazakhstan



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Strengthening the national legislative framework, by ratifying the human rights instruments to which it is not yet a party, in particular the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Considering ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities.
- Introducing legislation and modalities for the follow up to the views of the United Nations Treaty Bodies on individual communications.

National human rights framework

- Enhancing the independence, resources and capacities of the Commissioner for Human Rights so it can function in full compliance with the Paris Principles.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Taking steps to ensure that discrimination on the grounds of gender identity and sexual orientation is prohibited in law and practice.

Development, the environment, and business and human rights

- Ensuring that the National Action Plan on Business and Human Rights is finalized and that it takes into consideration the need to protect the people and the environment from hazardous substances in particular.

B. Civil and political rights

Right to life, liberty and security of person

- Pursuing the steps taken to enforce a zero tolerance to torture, by aligning the definition of torture in the national Criminal Code with international standards and in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (article 1).
- Ensuring that all allegations of torture are promptly and impartially investigated and prosecuted to prevent impunity.

Fundamental freedoms

- Strengthening the efforts undertaken to enhance the protection of freedom of expression, of peaceful assembly and of association, by bringing national legislation in line with international human rights instruments, in particular with the International Covenant on Civil and Political Rights.

Prohibition of all forms of slavery

- Continuing the efforts to combat trafficking in persons, including by ensuring that perpetrators are brought to justice and victims receive adequate assistance and rehabilitation services.

D. Rights of specific persons or groups

Women

- Increasing the efforts to ensure women's participation in political decision-making, including through the implementation of special temporary measures to achieve such objective.
- Increasing the efforts to combat violence against women, including domestic violence, by reviewing the national legislation to criminalize perpetrators of sexual violence and prevent impunity.

Children

- Pursuing the efforts to adopt a single law to promote and protect children's rights.

Persons with disabilities

- Further intensifying the implementation of the Convention on the Rights of Persons with Disabilities and harmonizing Kazakhstan national legislation with the international treaty.

Migrants

- Considering opening the Migration Policy Concept to irregular migrants and ensuring their access to health care beyond emergency treatments.
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