



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

Distr.: General  
14 March 2019  
English  
Original: Russian  
English, French, Russian and  
Spanish only

**Committee against Torture**

**Fourth periodic report submitted by Kazakhstan  
under article 19 of the Convention pursuant to the  
optional reporting procedure, due in 2018\* \*\***

[Date received: 5 December 2018]

\* The third periodic report of Kazakhstan (CAT/C/KAZ/3) was considered by the Committee at its 1270th and 1273rd meetings, held on 17 and 18 November 2014 (see CAT/C/SR.1270 and 1273). Having considered the report, the Committee adopted concluding observations (CAT/C/KAZ/CO/3).  
\*\* The present document is being issued without formal editing.



## Introduction

1. This fourth periodic report on the measures taken by the Republic of Kazakhstan to implement the provisions of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is being submitted in accordance with article 19 (1) of the Convention.
2. The report has been compiled in accordance with the United Nations harmonized guidelines for reporting under the international human rights treaties and the recommendations of the Committee against Torture.
3. The report contains information about the efforts undertaken by Kazakhstan to prevent torture from 2014 to June 2018.
4. The observations made by the Committee on 9 January 2014 following the submission by Kazakhstan of its previous report were taken into account for the preparation of this report. Several government bodies contributed to the report's preparation, including the Office of the Procurator General, the Civil Service Affairs and Anti-Corruption Agency, the Ministry of Internal Affairs, the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Health, the Ministry of Education and Science, the Ministry of Defence and the Ministry of Social Development.
5. Efforts to prevent torture in general, as well as the content of this report, have been discussed on multiple occasions with representatives of international and non-governmental organizations (NGOs), civil society and government bodies at meetings of the public council on the work of the internal affairs bodies, at an international conference organized by the Office of the Procurator General and at meetings of the Ministry of Foreign Affairs consultative and advisory body, the Dialogue Platform on the Human Dimension, as part of the broader efforts made by Kazakhstan to engage diverse stakeholders on this issue.

## Part I. General information

6. Kazakhstan is committed to upholding human rights for all and to preventing torture.
7. Since the submission of its previous report, the Government has continued to develop national legislation to prevent torture and other cruel, inhuman or degrading treatment or punishment. For example, in July 2018, the law was amended to prohibit exemption from criminal liability under article 146 of the Criminal Code (Torture) on the basis of reconciliation and active repentance. In January 2015, torture under this article of the Code was placed in the category of offences to which amnesties and statutes of limitations are not applicable. The Code of Criminal Procedure now stipulates a compulsory medical examination at the time of arrest and placement in a temporary holding facility with the results of the examination to be attached to the record of arrest. It has also been made a criminal offence for officials to falsify the time at which the record is drawn up or the time of the actual arrest. During criminal investigations into torture, there is no way for investigators to provide cover for perpetrators within their service; preliminary investigations are now conducted by personnel of a different agency from the subject's, either by the internal affairs authorities or the anti-corruption service. Also, procurators are now empowered to register reports of torture and investigate them. In November 2015, Kazakhstan submitted interim information to the Committee on the implementation of its recommendations 8, 10, 13 and 15.
8. From 20 to 29 September 2016, members of the Subcommittee on Prevention of Torture conducted a visit to Kazakhstan, during which they visited and examined detention facilities, police stations and other sites. The Government greatly appreciated the Subcommittee's observations and feedback and, where possible, took measures to implement its recommendations.
9. In recent years, the Government has taken concrete steps to reform its criminal justice system. These efforts have led to significant reforms, including an extension of

prisoners' rights, the establishment of social rehabilitation programmes and a reduction in the prison population.

10. The law enforcement authorities of Kazakhstan share the commitment to human rights and the prevention of torture and ill-treatment. Any law enforcement official who does not comply with this obligation is subject to immediate disciplinary action, up to and including dismissal and criminal prosecution.

## **Part II. Information on new measures and new developments relating to the implementation of the Convention and on the implementation of the Committee's conclusions and recommendations**

### **Articles 1 and 4 of the Convention and recommendations 9 and 24**

#### **Article 1**

11. For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

12. This article is without prejudice to any international instrument or national legislation which does or may contain provisions of wider application.

#### **Article 4**

13. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.

14. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.

15. Legislative reforms, including legislation compatible with the Convention, continue to be enacted in Kazakhstan. In accordance with the national law, any persons who commits torture (irrespective of whether they are citizens of Kazakhstan or law enforcement officials) has broken the law.

16. Under the legislation of Kazakhstan, the act of the crime of torture itself is defined as an act of aggression expressed through the infliction by an official of physical or psychological suffering, while the mental state of the perpetrators must include their knowledge of the wrongfulness of the act, together with the aim of obtaining information or a confession, or of punishment for a crime.

17. The legislation was recently amended to stipulate harsher penalties for the crime of torture, of up to 12 years' imprisonment for violations resulting in death. The statute of limitations for the crime of torture was also revoked. Criminal liability for the crime of torture cannot be waived on the basis of repentance or acknowledgement of guilt.

18. The aiding and abetting of torture and complicity in torture are also punishable as crimes under national law. The different types of criminal liability are defined in article 28 of the Criminal Code. For example, organizers, instigators and accessories are considered accomplices of the perpetrator, and accomplices to any crime (including torture) are equally as liable as the perpetrators. Significantly, the definition of torture in the legislation of Kazakhstan is broader than the definition laid down in the Convention. Article 1 of the

Convention refers to any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him information or a confession or punishing him for an act he has committed. In contrast, article 146 (1) of the Criminal Code criminalizes the infliction of physical suffering resulting in minor bodily injuries, or even in the absence of such injuries.

19. Since the introduction of the relevant legislative reforms in January 2015, 63 law enforcement officials have been convicted for torture-related offences, many of whom received prison sentences. Sentences of 1 to 3 years' imprisonment were handed down to 33 officials, while 8 were sentenced to 3 to 5 years' imprisonment, 3 were sentenced to 5 to 7 years' imprisonment and 3 were sentenced to 7 to 9 years' imprisonment.

20. During the Fourth Prison Reform Forum, the Secretary of the national Security Council, members of the Kazakh Parliament and representatives of civil society, human rights NGOs and international organizations thoroughly examined the action plan for further implementation by Kazakhstan of the Convention against Torture and of the recommendations it had received.

21. Following the discussion, the participants adopted a plan entitled "Towards a society without torture", which includes three main subject areas: torture prevention, torture investigation and rehabilitation of victims. The plan provides for the drafting of amendments to the Criminal Code in order to bring the definition of torture fully into line with article 1 of the Convention.

22. The plan also calls for harsher penalties for torture, the effective investigation of allegations of torture, the introduction of compensation for victims of torture, the reinforcement of procedural safeguards for accused persons in criminal proceedings and torture prevention at penal correction facilities.

## **Article 2 of the Convention and recommendations 7 and 11**

### **Article 2**

23. Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

24. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

25. An order from a superior officer or a public authority may not be invoked as a justification of torture.

26. Legislative reforms have been enacted with the addition to article 209 of the Code of Criminal Procedure of rules and restrictions on the place, time and length of interrogation. Over 490 interrogation rooms with glass walls for observation have been installed in Kazakhstan and equipped with video cameras. The footage recorded by the cameras is kept for 30 days and also broadcast live to the office of the duty procurator and to internal affairs agencies.

27. As a result of these reforms, the number of complaints against the police decreased significantly in 2017 in comparison with 2016.

28. The Government is currently pursuing further legislative reforms, including: (1) legislation to ensure prompt access to a lawyer for accused persons; and (2) a prohibition on summoning a suspect to a police station more than once without justification.

29. The Office of the Procurator General has signalled its position of openness and transparency in investigations of the circumstances surrounding the unrest in Zhanaozen. In December 2011 the Procurator General had invited United Nations experts to join the investigation. Comprehensive information on this matter was shared with the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay, during her visit to Kazakhstan in July 2012.

30. In line with these efforts to achieve transparency, the Government put in place a public commission to participate in the review of the Zhanaozen events. The commission included representatives from political parties, NGOs and the media as well as doctors, economists and lawyers. Representatives of the commission visited temporary holding facilities, where they met with representatives of the prosecution authorities. The Procurator General called on residents to cooperate fully with the investigation, assuring them that their safety would be guaranteed, as provided for by national legislation. The Government also invited specialists from the Federal Bureau of Investigation of the United States of America to take part in the investigation, although the invitation was not accepted.

31. In March 2012, the persons charged with rioting in Zhanaozen were tried and convicted. The majority of observers from international organizations and the authorities who took part in the investigation confirmed that Kazakhstan had ensured a transparent investigation process. They did not find any incidents of torture or ill-treatment against arrested persons and noted that detention conditions were compliant with the relevant standards.

32. During the court proceedings, some of the accused lodged complaints about the use of torture by law enforcement officials. The investigation into incidents of rioting in Mangystau Province was conducted by an inter-agency task force from the Office of the Procurator General and the Ministry of Internal Affairs, commissioned by the President of Kazakhstan. The investigation was thorough, involving more than 1,500 witnesses, and established the chronology of events. Following the investigation, several criminal cases were initiated against personnel of the internal affairs bodies, subdivision heads from the State-owned company KazMunayGaz and local government officials.

33. Five police officers who had wrongfully used their weapons against participants in the Zhanaozen riots were also convicted under article 308 (4) (b) of the Criminal Code, for exceeding their authority, and received sentences of varying lengths.

## **Articles 3, 8 and 9 of the Convention and recommendation 16**

### **Article 3**

34. No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.

35. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

### **Article 8**

36. The offences referred to in article 4 shall be deemed to be included as extraditable offences in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them.

37. If a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it may consider this Convention as the legal basis for extradition in respect of such offences. Extradition shall be subject to the other conditions provided by the law of the requested State.

38. States Parties which do not make extradition conditional on the existence of a treaty shall recognize such offences as extraditable offences between themselves subject to the conditions provided by the law of the requested State.

39. Such offences shall be treated, for the purpose of extradition between States Parties, as if they had been committed not only in the place in which they occurred but also in the

territories of the States required to establish their jurisdiction in accordance with article 5, paragraph 1.

#### **Article 9**

40. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

41. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

42. The Government of Kazakhstan considers that its laws on extradition are fully compatible with articles 3, 8 and 9 of the Convention. For example, the grounds for extradition of persons who have committed a criminal offence are governed by article 9 of the Criminal Code and set out in the following provisions:

(a) Citizens of Kazakhstan who have committed an offence in the territory of another State are not subject to extradition unless an international treaty to which Kazakhstan is a party provides otherwise;

(b) Foreign nationals and stateless persons who have committed offences outside Kazakhstan and are in the territory of Kazakhstan may be extradited to a foreign State to face criminal charges or to serve a sentence in accordance with an international treaty to which Kazakhstan is a party;

(c) No one may be extradited to a foreign State if there are substantial grounds for believing that he or she would be in danger of being subjected to torture, violence or other cruel or degrading treatment or punishment in that State, or if he or she could face the death penalty, unless an international treaty to which Kazakhstan is a party provides otherwise.

43. In accordance with paragraph 27 of the Instructions on procuratorial oversight of respect for international treaties, an assessment of the risk of torture in the country in question is carried out as part of the consideration of extradition requests. If there are sufficient grounds for believing that a person who files a statement to such an effect would be in danger of being subjected to torture or ill-treatment in the event of his or her extradition, the procuratorial authorities are required to follow the recommendations of article 3 of the Convention and general comment No. 1 on the implementation of that article in the context of article 22. Information on the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights is also taken into account for the review.

44. In view of the above, the Government considers that Kazakhstan has fulfilled the provisions of article 3 of the Convention. As mentioned previously, article 146 of the Criminal Code criminalizes complicity and participation in torture. Pursuant to article 71 (6) and article 77 (5) of the Criminal Code, statutes of limitations do not apply to perpetrators of torture. In accordance with the criminal procedure law of Kazakhstan and international treaties to which Kazakhstan is a party, torture is an extraditable offence.

45. In the matter regarding Uzbekistan, 29 persons wanted for serious offences by the law enforcement authorities of that country were extradited between June and December 2010, including Mr. T.A. Abdusamatov. The extradition of the aforementioned citizens of Uzbekistan was carried out in strict compliance with Kazakh national legislation and the international treaties to which Kazakhstan is a party. All such persons exercised their right to appeal the decision before a court. Following their extradition, Kazakh officials visited the extradited persons in their places of detention in Uzbekistan and did not find any violations of the law. The extradited persons did not express any complaints or grievances. They underwent medical examinations, during which no signs of torture or bodily injuries were identified.

## Articles 5 and 7 of the Convention

### Article 5

46. Each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences referred to in article 4 in the following cases:

- (a) When the offences are committed in any territory under its jurisdiction or on board a ship or aircraft registered in that State;
- (b) When the alleged offender is a national of that State;
- (c) When the victim is a national of that State if that State considers it appropriate.

47. Each State party shall likewise take such measures as may be necessary to establish its jurisdiction over such offences in cases where the alleged offender is present in any territory under its jurisdiction and it does not extradite him pursuant to article 8 to any of the States mentioned in paragraph 1 of this article.

48. This Convention does not exclude any criminal jurisdiction exercised in accordance with internal law.

### Article 7

49. The State Party in the territory under whose jurisdiction a person alleged to have committed any offence referred to in article 4 is found shall in the cases contemplated in article 5, if it does not extradite him, submit the case to its competent authorities for the purpose of prosecution.

50. These authorities shall take their decision in the same manner as in the case of any ordinary offence of a serious nature under the law of that State. In the cases referred to in article 5, paragraph 2, the standards of evidence required for prosecution and conviction shall in no way be less stringent than those which apply in the cases referred to in article 5, paragraph 1.

51. Any person regarding whom proceedings are brought in connection with any of the offences referred to in article 4 shall be guaranteed fair treatment at all stages of the proceedings.

52. The laws of Kazakhstan are fully compatible with articles 5 and 7 of the Convention. The general principle applied is that all persons who have committed an offence in the territory of Kazakhstan (including on board a ship or aircraft sailing or flying under the flag of Kazakhstan or a ship registered at a port in Kazakhstan) are liable under the law of Kazakhstan, regardless of their nationality.

53. National legislation also stipulates that citizens of Kazakhstan who commit an offence outside the country are subject to prosecution in Kazakhstan if the act constitutes a crime in the jurisdiction where it took place and if they have not faced prosecution in that jurisdiction. In this scenario, the maximum sentence for the act may not exceed the maximum penalty under the legislation of the jurisdiction in question.

54. If an offence is committed in the territory of Kazakhstan by a person who has left the country and whose whereabouts in a foreign State have been established, the case file is transmitted to the foreign State for prosecution.

55. Equally, a foreign State may transmit a case file for the purpose of prosecuting a person who has committed an offence in the territory of the foreign State and who is in Kazakhstan.

## Articles 6 and 12 of the Convention and recommendation 8

### Article 6

56. Upon being satisfied, after an examination of information available to it, that the circumstances so warrant, any State Party in whose territory a person alleged to have committed any offence referred to in article 4 is present shall take him into custody or take other legal measures to ensure his presence. The custody and other legal measures shall be as provided in the law of that State but may be continued only for such time as is necessary to enable any criminal or extradition proceedings to be instituted.

57. Such State shall immediately make a preliminary inquiry into the facts.

58. Any person in custody pursuant to paragraph 1 of this article shall be assisted in communicating immediately with the nearest appropriate representative of the State of which he is a national, or, if he is a stateless person, with the representative of the State where he usually resides.

59. When a State, pursuant to this article, has taken a person into custody, it shall immediately notify the States referred to in article 5, paragraph 1, of the fact that such person is in custody and of the circumstances which warrant his detention. The State which makes the preliminary inquiry contemplated in paragraph 2 of this article shall promptly report its findings to the said States and shall indicate whether it intends to exercise jurisdiction.

### Article 12

60. Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

61. In accordance with the Code of Criminal Procedure, all reports of torture are recorded in the single pretrial investigation register, to be followed by a pretrial investigation and the arrest of suspects.

62. Under national law, when a foreign national is arrested in Kazakhstan, the relevant official in the foreign Government must be promptly notified (within 24 hours). The notification is sent by a representative of the Ministry of Foreign Affairs.

63. It is permitted under national law to take a foreign national into custody if the Government of Kazakhstan receives a request from the competent authority in the foreign State to arrest the person, on the basis of an outstanding prosecution. The application must include information about the alleged offence and the potential sentence. Any person held in custody under this procedure must be released by the procurator if a request to proceed with prosecution is not received by the competent Kazakh authority within 40 days of the arrest. Internally, the Ministry of Foreign Affairs of Kazakhstan is notified of any such arrest.

64. Another recent innovation in criminal procedure in Kazakhstan is that officials may not investigate reports of misconduct by persons working for an agency in which they themselves are employed.

65. Pursuant to a law of 11 July 2017, the powers of procurators to conduct pretrial investigations into torture cases were extended. Notwithstanding the practice whereby investigators and accused persons must not be from the same jurisdiction, the procurator's office is the main investigation authority for allegations of torture. Of all the cases of torture referred to courts in the country since 2015, 89 per cent have been carried to completion by procurators.

66. The rules governing the work of procurators stipulate that allegations of torture are priority cases. Recently, the mandate to investigate alleged criminal offences committed by law enforcement personnel, including allegations of torture, was assigned to procurators with the title of "special procurator".



67. With the aim of improving the quality of criminal investigations into allegations of torture, the law enforcement agencies of Kazakhstan have developed a methodology for conducting such investigations based on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The methodology includes: (1) urgent measures to protect victims, including the provision of necessary medical assistance; (2) the immediate performance of forensic medical and psychological examinations; and (3) urgent investigative measures within the first 72 hours (interviewing of witnesses, crime scene investigations, seizure of physical evidence, in-depth interviewing of alleged victims and suspects, etc.).

68. In 2015, the special procurators investigated 217 cases of torture, of which 185 were terminated with withdrawal of the charges, 9 were discontinued, 1 was referred to the appropriate investigative jurisdiction, 11 were referred to court and 11 are still pending. Of the cases investigated, preventive measures were applied in respect of 319 persons, in the form of remand in custody for 114 persons, house arrest for 13 persons, travel restrictions and pledge of good conduct for 14 persons, personal recognizance for 2 persons and bail for 176 persons. Guilty verdicts were pronounced in 12 cases involving 15 persons.

69. In 2016, the special procurators investigated 201 cases of torture, of which 158 were terminated with withdrawal of the charges, 0 were referred to the appropriate investigative jurisdiction, 10 were referred to court, 4 were discontinued and 29 are still pending. Preventive measures were applied in respect of 328 persons, in the form of bail for 129 persons, remand in custody for 120 persons, travel restrictions and pledge of good conduct for 43 persons, house arrest for 29 persons, and personal recognizance for 7 persons. Guilty verdicts were pronounced in 10 cases involving 15 persons, of whom 3 were acquitted and 12 convicted. Of those convicted, nine received custodial sentences and three conditional discharges.

70. In 2017, the special procurators investigated 219 cases, of which 156 were terminated with withdrawal of the charges, 2 were referred to the appropriate investigative jurisdiction, 11 were referred to court, 2 were discontinued, and 48 are still pending. Guilty verdicts were pronounced in 12 cases involving 24 persons, of whom 11 were acquitted and 13 convicted. Of those convicted, 11 received custodial sentences and 2 conditional discharges.

71. In the first half of 2018, 69 cases were handled, of which 48 were terminated with withdrawal of the charges, 1 was referred to the appropriate investigative jurisdiction, 15 were referred to court, 0 were discontinued and 5 are still pending. Guilty verdicts were pronounced in two cases involving five persons, who received custodial sentences.

## **Article 10 of the Convention and recommendation 26**

### **Article 10**

72. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.

73. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.

74. In the training of specialists of the law enforcement authorities of Kazakhstan, including civilian specialists with legal training, special attention is paid to international human rights standards and how to uphold them. The training system for law enforcement officials encompasses different levels, including: (a) undergraduate and postgraduate training programmes; (b) initial training for staff with tertiary or secondary education; (c) retraining, refresher training and vocational training of existing staff.

75. In the undergraduate and postgraduate context, a special programme entitled “Human rights and protection mechanisms” is provided, consisting of a 135-hour course ensuring a comprehensive overview of human rights. An additional 34 hours are devoted to the issue of combating torture. Every year, the programme reaches more than 1,200 participants (undergraduates, master’s and doctoral students).

76. The secondary and tertiary education curriculum in Kazakhstan generally includes 20 hours of classes on the protection and implementation of human rights. Approximately 5,000 police officers a year receive this training. In addition, police officers undergo an ongoing 72-hour vocational training course which covers the subject of international human rights law. This programme includes seminars, lectures and round tables, with the participation of speakers who are international experts on human rights. More than 800 police officers receive this training every year.

77. In May 2017, a handbook on the investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment in line with the recommendations of the Istanbul Protocol was integrated into the training of the law enforcement agencies. Agency-specific refresher training programmes for police officers were adjusted to incorporate materials developed by the United Nations Development Programme (jointly with the Ministry of Justice) and entitled “National human rights mechanisms and the effective fulfilment of the international obligations of Kazakhstan”.

78. Law enforcement officials have been invited to attend special courses and conferences, on topics such as “Towards a society without torture: progress to date and next steps” (April 2018); “The penal correction system in Kazakhstan: current problems and prospects for development” (May 2018); “Strengthening justice for children and protecting their rights” (April 2017); “Dignity and Rights”, the second national dialogue on promoting orderly, safe, regular and responsible migration and effective measures to combat trafficking in persons in Kazakhstan (June 2017); World Justice Forum V (July 2017); “Effective documentation of torture and ill-treatment in accordance with the Istanbul Protocol” (July 2017); “Enforcement of sentences: challenges and ways ahead” (August 2017); “National and international standards on the right to freedom from torture and ill-treatment. Specific aspects of jurisprudence” (September and October 2017); “Kazakhstan: effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (Istanbul Protocol)” (November 2017); and “Effective and independent investigation of allegations of torture and other forms of ill-treatment in accordance with Council of Europe standards” (May and June 2016).

79. Improvements have been made to the rules and regulations on the protection of suspects and accused persons held in temporary holding facilities. For example, there is now a provision prohibiting torture and requiring the staff of temporary holding facilities to notify promptly the director of the facility and the internal affairs authorities if they discover instances of torture or other types of violence. In August 2017, the Minister of Internal Affairs approved an order stipulating that the job descriptions of all internal affairs personnel must include the prohibition of torture and other cruel, inhuman and degrading treatment or punishment on the part of internal affairs officials. The job descriptions must also mention the requirement for the immediate reporting of any instances of torture and other cruel, inhuman and degrading treatment or punishment to their administration and/or the law enforcement authorities.

## **Article 11 of the Convention and recommendations 10, 17 and 18**

### **Article 11**

80. Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

81. The Code of Criminal Procedure sets out the rights and obligations of persons involved in criminal proceedings. In accordance with article 129 of the Code, if necessary,

accused persons may be held without a court order for the purpose of ascertaining whether they were involved in a criminal offence after placement in investigative detention (i.e., coercive measure to be applied for a period of no more than three hours for the purpose of clarifying a person's involvement in a criminal offence). The duration of the investigative detention must not exceed three hours and it may only be carried out by an authorized official. If their involvement in a criminal offence is confirmed while they are in investigative detention, they are then arrested.

82. A suspect may be held in custody only with the approval of an investigating judge. The detained person is provided with a document indicating the time period of the custody and the justifications for it. All suspects have the right to know the reasons for their arrest and may appeal against their detention to a higher ranking official or in court and request the application of alternative measures such as house arrest. Accused persons are also informed of their right to counsel. They have the right to request a medical examination to establish their general state of health and the existence of any injuries. When detained persons are placed in a temporary holding facility, they undergo a mandatory medical check.

83. In December 2017, amendments were made to the legislation of Kazakhstan in order to reduce the maximum period of custody without court authorization from 72 to 48 hours and limit the time period for minors to 24 hours. The custody period may not exceed two months, barring exceptional circumstances provided for in the Code. The time that a person is held as a suspect is counted in calculation of the period of custody.

84. When an accused person is arrested, an official must promptly inform his or her relatives.

85. Interrogation of persons arrested as suspects must take place within 24 hours of the arrest, and may only take place once the accused person has had the opportunity to meet with a lawyer. In accordance with the laws and regulations of Kazakhstan, the interrogation must take place during the daytime, except in urgent situations. It must not last more than four hours without a break. The interrogation may resume after a rest and meal break of at least one hour. The total duration of interrogation may not exceed eight hours per day. If there are relevant medical grounds, the duration of the interrogation is determined based on the doctor's findings. Minors are questioned in the presence of counsel, a legal representative (parents) and, if necessary, a psychologist and teacher. The interrogation must take place during the daytime and may not last more than two hours without a break or more than four hours per day. If the minor shows signs of fatigue, the interrogation must be suspended.

86. Detained persons have access to medical care, adequate food and a uniform.

87. In accordance with national legislation, all detained persons have the right to health and adequate medical care, and when receiving health care, they have the same entitlements as citizens of Kazakhstan. Medical facilities provide professional health care to detained persons. The penitentiary system of Kazakhstan has 71 inpatient medical units, 14 health centres in open prisons and 7 prison hospitals.

88. Regarding nutrition for prisoners in line with the current recommendations of the World Health Organization and the Food and Agriculture Organization of the United Nations, the nutritional standards for detained persons were recently reviewed. As part of this process, the daily rations of food for convicted prisoners were increased from 15 to 26 units. Foodstuffs including butter, dairy products, eggs, dried fruit, citrus and other fruits and juices were introduced. The nutritional standards were also improved for persons held in custody in young offenders' institutions, convicted prisoners with tuberculosis and other diseases and persons undergoing inpatient or outpatient treatment. Food for prisoners and persons held in pretrial detention is provided three times a day, or four times a day for medical patients, as prescribed by doctors.

89. Improvements have recently been made in the provision of clothing to prisoners. Prisoners are now issued padded jackets, woollen hats and T-shirts. In 2013, a model design was developed for the construction of specialized correctional facilities in five climatic zones, in line with international standards. The design includes individual cells for prisoners.

## **Article 13 of the United Nations Convention against Torture**

### **Article 13**

90. Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

91. Article 17 of the Constitution establishes that human dignity is inviolable and that no one may be subjected to torture, violence or other cruel or degrading treatment or punishment.

92. People have the right to file complaints about any violation of rights or freedoms. The right of all persons to the judicial protection of their rights and freedoms is governed by article 13 of the Constitution.

93. Security of person and protection against torture are also enshrined in the Code of Criminal Procedure. In accordance with article 14 (5), no one involved in criminal proceedings may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

94. The procedure for receiving crime reports is regulated by Order No. 89 of the Office of the Procurator General of 19 September 2014. Reports are accepted at all times and are registered; they must be investigated within 24 hours. Persons who report alleged crimes are given a tear-off receipt with a unique identification number to be used for further action. Contact information is printed on the back of the tear-off receipt so that the complainant can receive information about the investigation of the complaint and find the contact details of the criminal investigation agency that has received the report.

95. In addition, a nationwide toll-free confidential hotline allows any citizen at any time to report violations of citizens' rights, including the use of torture or ill-treatment by internal affairs officials.

96. In accordance with article 101 of the Code of Criminal Procedure, if a complaint of torture is made by a person who is detained or held in custody during a pretrial investigation, the administration of the facility must immediately transmit it to a procurator. Complaints about the actions and decisions of a procurator must be sent to the procurator at the next higher level.

97. Similarly, in accordance with article 65 (1) (3), defendants have the right during court proceedings to file complaints of the use of torture.

98. In accordance with article 106, all complaints made during a court hearing, including complaints about the use of torture during a pretrial investigation, are considered by the court, during the hearing itself if possible. The court has the power to hand down decisions regarding reports of torture committed during the pretrial investigation.

## **Article 14 of the United Nations Convention against Torture and recommendation 22**

### **Article 14**

99. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation.

100. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.

101. The policy implemented in Kazakhstan is in line with the European Convention on the Compensation of Victims of Violent Crimes, which in this case defines two categories

of victims: (a) those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence; and (b) the dependants of persons who have died as a result of such crime.

102. The European Convention provides that the State must compensate, according to the case under consideration, the following items: loss of earnings, medical and hospitalization expenses and funeral expenses, and, as regards dependants, loss of maintenance. A similar approach is implemented in our national legislation. Thus, compensation for material and non-material damages directly attributable to a criminal offence is ensured through lawsuits brought by victims or their representatives in either criminal or civil proceedings.

103. Article 923 of the Civil Code provides that harm attributable to illegal acts by government agencies is fully compensated by the State, regardless of whether there is fault on the part of the officials responsible for conducting initial inquiries or pretrial investigations, of the procuratorial service or the courts.

104. Illegal acts by agencies conducting criminal proceedings, include, inter alia: the illegal use of pretrial detention or other coercive measures provided for by law; detention of suspects or persons subject to pretrial detention in conditions endangering their life or health; the use of violence or cruel or degrading treatment; the conduct of proceedings in conditions endangering the life or health of the persons involved; and the adoption of decisions and performance of actions that are degrading or humiliating to a person involved in criminal proceedings or to any other person. The legislation of Kazakhstan thus provides for appropriate guarantees to ensure compensation for illegal acts, including torture, carried out by law enforcement agencies.

105. In the event of death, the legal right of citizens to compensation passes to their survivors.

106. Furthermore, on 10 January 2018, a law was adopted providing for the establishment of a fund to compensate victims in specific circumstances. Persons with the right to receive compensation under this law include: child victims of sexual violence; victims of trafficking in persons and torture (compensation of 30 times the monthly calculation index, or 63,630 tenge); persons who have suffered serious harm to their health or have become HIV-positive (40 times the monthly calculation index, or 84,846 tenge); and the relatives of persons who have died from criminal assault (50 times the monthly calculation index, or 106,050 tenge).

107. Compensation from the fund is separate from other forms of compensation. The State provides compensation from the fund as a preliminary measure. The victim also has the right to seek compensation from the perpetrator through a civil suit and to receive compensation from the State in separate proceedings when the perpetrator is not able to pay compensation.

## **Article 15 of the United Nations Convention against Torture and recommendation 23**

### **Article 15**

108. Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.

109. The Code of Criminal Procedure stipulates that no one involved in criminal proceedings may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

110. In accordance with the Code, evidence obtained as a result of torture, violence, threats, deceit, ill-treatment or other illegal acts is inadmissible and cannot be used in criminal proceedings under any circumstances. The courts take appropriate measures to consider allegations that torture has been used in evidence gathering.

111. In accordance with paragraph 24 of Supreme Court regulatory decision No. 4 of 20 April 2006 on aspects of the assessment of evidence in criminal cases, courts must take all necessary measures to verify the statements of the parties concerning the use of illegal investigation or interrogation methods when they assess the evidence. If the allegations of illegal investigation methods cannot be verified, the court may nonetheless make a decision based on the previous evidence. Once the use of illegal investigation methods has been confirmed, the court must declare the evidence obtained using such methods to be inadmissible.

112. Therefore, statements by the accused obtained through torture or other ill-treatment are declared unlawful and so cannot be used as grounds for a guilty verdict or as evidence of the facts of the case. Law enforcement officials involved in such behaviour are liable for prosecution.

113. The pretrial detention of suspects is regulated by article 131 of the Code of Criminal Procedure. In accordance with that article, a custody record is produced, with the details of the accused and an indication of the date and time when the record is drawn up. The record is signed by the official who writes it, the suspect and the defence counsel.

114. When arrested persons are taken into custody, they are informed of their rights in accordance with article 131 (1) of the Code and the Miranda rule. Arrested persons are provided with free legal assistance if necessary.

115. When persons suspected of criminal offences are arrested, the appropriate government official orally informs the accused persons of their right to a lawyer, right to remain silent and the fact that anything they say can be used against them in court. Failure to comply with this procedure, including by falsifying the time of arrest, constitutes grounds for the person's release.

116. Moreover, article 135 of the Code sets out the rules for notifying suspects' families of their arrest. The official conducting the investigation must immediately inform the adult members of a suspect's family and, failing that, other relatives or close friends, informing them of the situation and whereabouts of the person concerned. When a foreign national is arrested, the embassy, consulate or other representation of the relevant State must be informed via the Ministry of Foreign Affairs of Kazakhstan, under the procedure stipulated in a joint order of the Ministry of Foreign Affairs and the Office of the Procurator General.

117. In accordance with the Code, a procurator must be notified in writing by the person conducting the pretrial investigation within 20 hours of an arrest.

118. In order to prevent violations of constitutional rights in criminal proceedings, the Office of the Procurator General is implementing a project called "Duty procurators in the police as guarantors of citizens' rights". The project is intended to protect the rights of citizens who are in the custody of internal affairs agencies and to prevent torture and unlawful detention.

119. Furthermore, as established in the Constitution, the highest values of the State are placed on the human person and the person's life, rights and freedoms. The arrest and detention of suspects is permitted only as provided for by law, and only by court order. Any person arrested, detained and accused of a crime has the right to consult a lawyer from the time of arrest, detention or accusation. Any person arrested, detained and placed in the custody of law enforcement agencies is immediately informed of the reasons for the arrest, detention and placement in custody, and also the legal characterization of the offence of which the person is accused.

120. The position of Human Rights Commissioner in Kazakhstan was established pursuant to a law of March 2017. That step significantly strengthened the national system of protection for human and civil rights and freedoms and established the role of the Ombudsman within the political and legal structure of the State. Those changes were a significant step towards the establishment of an Ombudsman's institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

121. In 2008, Kazakhstan ratified the Optional Protocol to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, thereby committing to the establishment of a national preventive mechanism.

122. On 2 July 2013, the President signed a law on the establishment of a national preventive mechanism, in which its powers and obligations and the mechanism for preventive visits were defined. With the adoption of the law, amendments were made to various provisions of the Code of Criminal Procedure, the Penal Enforcement Code, the Code of Administrative Offences and the Public Health and Health-Care Code. Moreover, the law contains a clear definition of the role and duties of the Human Rights Commissioner as coordinator of the national preventive mechanism. Under the Commissioner is a Coordinating Council, which selects the members of the national preventive mechanism, coordinates its work, prepares the annual consolidated report of its members and works in cooperation with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

123. The rights of the members of the national preventive mechanism are expressly enshrined in law. This is a guarantee that their work will remain independent of the work of government agencies. At the same time, their own obligations and the obligations of government agencies to cooperate with them are clearly defined.

124. The Human Rights Commissioner has issued orders approving six legal instruments regulating the activities of the national preventive mechanism. These include the statute of the Commission, the statute of the Coordinating Council, the rules for selection of members, the rules for forming teams of members for preventive visits, the rules for drafting the consolidated report of findings from preventive visits and the methodological recommendations for preventive visits.

125. The Coordinating Council selects the 112 members of the national preventive mechanism from civil society and appoints the heads of regional teams.

126. The members of the national preventive mechanism determine the government facilities they will visit in the course of their work, including pretrial detention facilities, military detention barracks, compulsory treatment facilities (specialist tuberculosis facilities, drug rehabilitation facilities, etc.), special temporary detention facilities, police stations, juvenile rehabilitation centres and educational institutions.

127. The national preventive mechanism can conduct three types of visits. Periodic preventive visits are carried out at least four times a year. After each such visit, the members of the national preventive mechanism send recommendations to the administration of each facility they have visited under their mandate. Interim visits are carried out between periodic visits to monitor the implementation of previously issued recommendations. Periodic and interim visits are conducted in accordance with the confidential plan approved annually by the Coordinating Council. In accordance with the laws and regulations governing the work of the national preventive mechanism, special preventive visits are carried out by teams without prior notice on the basis of allegations received concerning the use of torture and other cruel, inhuman or degrading treatment or punishment. The decision to send a team to conduct a special preventive visit in a facility or institution subject to preventive visits is taken by the Human Rights Commissioner.

128. The national preventive mechanism in Kazakhstan works on the “Ombudsman plus” model, in which the Human Rights Commissioner plays a coordinating role, thus ensuring constructive cooperation with government agencies. The Ombudsman takes responsibility for conducting unannounced visits and for the reputation of the national preventive mechanism in general.

129. In practice, the special visits, conducted when allegations of torture are received, are agreed upon with the Human Rights Commissioner. Such decisions are taken swiftly and the visits are conducted promptly on the dates requested by the members of the national preventive mechanism. If the visit results in findings of bodily injury or evidence of physical and psychological pressure being exerted on the persons detained in a place of deprivation of liberty, the report is sent to the procuratorial service for immediate investigation and appropriate action.

130. The current mandate of the national preventive mechanism includes a broad range of establishments in the prison system, the internal affairs agencies, health-care facilities, the education system, military institutions and under the National Security Committee.

131. From 2014 to the first half of 2018, members of the national preventive mechanism conducted 2,296 preventive visits (277 in 2014, 528 in 2015, 680 in 2016, 582 in 2017 and 229 in the first half of 2018), including 63 special visits (14 in 2014, 20 in 2015, 15 in 2016 and 14 in the first half of 2018).

132. The monitoring visits included: 580 to temporary holding facilities, 538 to remand centres and correctional facilities, 99 to holding and processing centres, 110 to special holding centres, 90 to juvenile rehabilitation centres, 152 to psychiatric clinics, 138 to drug rehabilitation clinics, 238 to tuberculosis clinics, 33 to special educational institutions, 18 to National Security Committee pretrial detention facilities, 31 to military police detention units and 269 to police stations and internal affairs offices.

133. Representatives of government agencies are regularly invited to attend the meetings of the Coordinating Council to discuss the current work of the national preventive mechanism. The agenda of the meetings has included the findings of special visits conducted by regional teams, proposals to improve the situation in prisons and health-care institutions and recommendations to improve the work of the national preventive mechanism.

134. Following each visit, the members of the national preventive mechanism send specific recommendations to the administration of the facility in order to reduce or eliminate the risk of torture and degrading treatment.

135. The Coordinating Council prepares an annual consolidated report of the members of the national preventive mechanism based on their records of preventive visits. The annual report is an analysis of the year's activities, including recommendations to the government agencies competent to improve the conditions of treatment for persons detained in the facilities and to prevent torture and other cruel, inhuman or degrading treatment or punishment, as well as proposals for improvements to national legislation.

136. To raise public awareness of the work of the national preventive mechanism, it is present on social media and information on its activities is posted on the official website of the Human Rights Commissioner.

137. The criminal justice system in Kazakhstan is based on the adversarial principle, in which the court is a neutral arbiter of the law. The introduction of the person of the investigating judge in criminal proceedings is an important and effective legal mechanism for strengthening the rule of law and the principles of criminal procedure at the pretrial stage of proceedings.

138. The investigating judge's powers involve authorizing investigative actions that restrict the constitutional rights of citizens, consideration of complaints regarding acts (or a failure to act) and decisions by procurators and safeguarding the powers of lawyers and other mechanisms of judicial control at the pretrial stage of proceedings. Since 1 January 2016, investigative judges have had the power to consider search and seizure applications. Since 2018, the investigating judge has had the power to authorize covert investigative actions.

139. Oversight by the investigating judge has a major positive impact on pretrial proceedings by ensuring that discipline is maintained during the pretrial investigation and that the rights of the accused are protected.

140. Moreover, under Kazakh law, defence lawyers have the power to gather evidence themselves and, if necessary, ask the investigating judge for authorization to obtain expert findings or other evidence. As for the defendants, they are not obliged to give evidence to the prosecution if such evidence could prejudice their interests.

141. Under current legislation, there are no restrictions on the participation of lawyers in criminal proceedings. In accordance with article 66 of the Code of Criminal Procedure, lawyers act as defence counsel. The defence counsel has the right to participate in criminal proceedings as soon as the person concerned has the status of a witness with the right to a



defence, suspect or accused person, or at any later stage of the criminal proceedings. On 5 July 2018, the Act on the Professional Activities of Advocates and Legal Assistance was adopted, in line with the standards of international law.

142. In accordance with the latest version of article 122 of the Code of Criminal Procedure on evidence gathering, a representative of the victim who is allowed to participate in the pretrial investigation or court proceedings as stipulated by the Code has the right to receive the information required to protect and represent the interests of the victim, including through technical means.

143. Moreover, the defence has the right not to provide the pretrial investigation authority with evidence which, in its opinion, is particularly significant in protecting the interests of the defendant.

144. The procedure for committing citizens to medical facilities is regulated by national legislation, including the Criminal Code, the Code of Civil Procedure and the Public Health and Health-Care Code. Such committal is permitted only after a court hearing.

145. In limited circumstances, it is possible to commit a person to a psychiatric institution before a court hearing, only in order to avoid direct harm to the public. In such situations, a statement regarding a court hearing must be filed within 48 hours of the person's committal to the institution. Moreover, in accordance with national legislation, it is mandatory to conduct periodic monitoring (at least once every six months) of persons held in institutions to ensure that the institutionalization does not last longer than necessary.

146. Regarding the provision of medical assistance to Ms. Z.Z. Mukhortova and in connection with the charges brought against her for making a false report on 7 May 2010, the Balkhash municipal court ordered a full inpatient forensic psychiatric assessment of Ms. Mukhortova, which resulted in a diagnosis of chronic delusional disorder. In connection with that diagnosis, she was declared to lack criminal capacity and issued with a compulsory treatment order for a specialist inpatient psychiatric clinic.

147. The assessment of Ms. Mukhortova was partly conducted by the National Applied Science Centre for Psychiatry, Psychotherapy and Drug Addiction Treatment of the Ministry of Health. After the criminal case had been closed, Ms. Mukhortova was not subjected to forcible treatment.

148. In August 2013, Ms. Mukhortova was hospitalized in the provincial neuropsychiatric clinic for the Balkhash region with a diagnosis of "endogenous illness". Subsequently, a psychiatric examination was conducted and, owing to the danger to other persons presented by her mental state, hospitalization without consent was found to be justified. This decision was reviewed by the Medical and Pharmaceutical Oversight Committee of the Ministry of Health.

149. At the same time, in accordance with article 125 (1-1) of the Public Health and Health-Care Code, the administration of the provincial neuropsychiatric clinic sent a letter to the procurator to initiate a civil case for compulsory hospitalization. On 20 August 2013, the Balkhash municipal court issued an order to send Ms. Mukhortova for compulsory treatment at a psychiatric inpatient clinic.

150. As she opposed the diagnosis, Ms. Mukhortova's lawyers initiated an order for a full inpatient forensic psychiatric assessment, with the involvement of a psychologist from the Mental Health Medical Centre in Astana, in order to establish whether her hospitalization was justified.

151. From 30 September to 1 November 2013, the assessment was conducted with the involvement of the psychologist. The results indicated that Ms. Mukhortova had previously and was currently suffering from a mental disorder described as "chronic delusional disorder".

152. It should be noted that the aforementioned court ruling was appealed by Ms. Mukhortova's representatives before the Supreme Court. However, the ruling was not overturned or amended. After the assessment had been conducted, despite the decision of the court, Ms. Mukhortova did not present herself for further treatment or observation. On 2 July 2014, police officers together with representatives of the psychiatric facility

transported Ms. Mukhortova to the provincial neuropsychiatric clinic. On 6 January 2015, she was discharged for outpatient treatment and until 30 April 2016 regularly visited the doctors once a month, for observation.

153. However, since 1 May 2016, Ms. Mukhortova has stopped consulting the specialists.

154. In Kazakhstan, particular focus has been placed on developing laws intended to prevent domestic violence. This includes the legislative reform of 2015, which made it possible to: (a) increase the length of injunctions from 10 to 30 days; (b) increase the number of persons authorized to issue injunctions; (c) take additional measures to prevent perpetrators of domestic violence from contacting victims and minors or incapacitated family members; and (d) introduce restrictions in the form of a ban on using alcohol and narcotic or psychotropic substances.

155. Since the reforms were adopted in 2015, law enforcement officials have issued more than 791,000 injunctions and more than 74,000 special requirements for offender behaviour. In 2017 and the first half of 2018, more than 97,000 injunctions were issued and more than 9,000 special requirements for offender behaviour were ordered. For example, in May 2018, special requirements for a three-month period were ordered by a court against one citizen for illegal acts in the family environment in the form of a ban on using alcohol and narcotic or psychotropic substances. In July 2018, a court ordered similar restrictions for the same length of time against another citizen, who had been found guilty of disorderly conduct and was also banned from appearing in public while intoxicated, polluting public spaces and disposing of municipal waste in unauthorized locations. During the period of special requirements for offender behaviour, the offender may be required to appear at an internal affairs office between one and four times per month for preventive discussions.

156. In 2017, the road map for a “Domestic violence-free Kazakhstan” called for a comprehensive range of measures to improve legislation and implement organizational and practical actions in the area of domestic violence prevention. The strategic plan of the Ministry of Internal Affairs for 2017–2021 and the regional development programmes adopted in November 2017 included concrete initiatives to combat domestic violence.

157. In 2017, the target for this indicator was fully met, with a reduction in such crimes of 8.5 per cent (exceeding the target of a 5 per cent reduction). A total of 443 crimes against women in the family environment were recorded, compared with 484 in 2016.

158. In line with the latest reforms in this area, regular monitoring of domestic violence is carried out, based on the aforementioned indicators. At the same time, government departments for the protection of women from violence have been established in order to address domestic violence. This includes the introduction of an inspector for women’s and children’s affairs in 133 of 247 district internal affairs offices. The number of injunctions issued to protect domestic violence victims is increasing every year.

159. A provision has been added to the Local Public Administration and Government Act of 23 January 2001 to require local executives to establish crisis centres and facilities to assist domestic violence victims.

160. Furthermore, victim support organizations have been established to provide victims with the necessary psychological, educational, medical and legal assistance, to direct them to health-care facilities for medical care and further rehabilitation if necessary, to provide them with temporary accommodation and to inform the internal affairs offices of instances or threats of domestic violence, etc. In 2017, special social services were provided to 404 victims of domestic violence.

161. Moreover, the police now work closely with more than 50 NGOs and 29 crisis centres on matters related to preventing offences in the home. Of these crisis centres, 18 have shelters and 12 are counselling centres that provide emergency counselling for victims of domestic violence. The main focus of the work of the crisis centres is on providing assistance to victims of domestic violence and trafficking in persons. Every year, more than 200 professionals (psychologists, lawyers and social workers) work in the centres to help victims of violence. The crisis centres have 30 hotlines, which receive approximately 17,000 calls and inquiries from more than 10,000 women each year. In addition, the call centre of the Children’s Rights Commissioner, 111, is in operation 24 hours a day.

162. Every year, from 25 November to 10 December, a public campaign is run called “16 days without violence against women”, with the slogan “from peace at home to peace on Earth – put an end to violence against women”, in which more than 23,000 persons participate. For the campaign, approximately 170,000 leaflets are prepared and distributed to the population, more than 3,000 themed billboards, posters and signs are put up in public places and approximately 1,000 items are broadcast on television in both video and message display formats and published in print media and on the Internet.

163. The national legislation provides a solid foundation for combating trafficking in persons.

164. New versions of the Criminal Code and the Code of Administrative Offences, which introduced extremely strict measures against trafficking in persons, entered into force on 1 January 2015. The punishment for such crimes is a prison sentence of up to 15 years, with confiscation of property.

165. Furthermore, administrative penalties are applicable to: (a) employers who use child labour; (b) health-care providers that fail to carry out their duty to inform the internal affairs agencies of persons who have sought care for injuries, trauma or illegal abortions; and (c) physical persons and legal entities that provide premises for prostitution or procurement.

166. The national legislation allows for the possibility of extending the right to stay in Kazakhstan for victims of trafficking in persons (for example, migrants subjected to labour or sexual exploitation) for the period of judicial proceedings. Moreover, such victims are given assistance in the form of housing, food, clothing and physical protection.

167. National action plans to prevent and combat trafficking in persons have been implemented for more than 10 years. Public authorities and international and NGOs are involved in this implementation. Kazakhstan is a party to over 60 multilateral universal human rights treaties, of which 13 are international conventions, treaties and agreements directly related to combating modern slavery, including: (a) the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (ratified by an Act of 4 July 2001); (b) the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 21 March 1950 (ratified by an Act of 14 December 2005); (c) the Slavery Convention of 25 September 1926 (ratified by an Act of 5 February 2008); (d) the United Nations Convention against Transnational Organized Crime of 15 November 2000 (ratified by an Act of 4 June 2008); and (e) the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime of 15 November 2000 (ratified by an Act of 4 June 2008).

168. Kazakhstan regularly signs intergovernmental and interministerial agreements governing direct cooperation with foreign law enforcement agencies in the detection of crime, including trafficking in persons, through: (a) exchange of intelligence, background, forensic and archive information; (b) execution of inquiries and instructions; and (c) intelligence-gathering and investigative actions not requiring the approval of a procurator and large-scale preventive and special operations.

169. Moreover, work is under way to draft and conclude the following international agreements: (a) intergovernmental agreements between the Governments of the Republic of Kazakhstan and the State of Qatar, the Kingdom of Sweden, the Republic of Serbia, Finland and Viet Nam; and (b) interministerial agreements between the Ministry of Internal Affairs and the Federal Bureau of Investigations of the United States of America, the Ministry of Internal Affairs of the Republic of Moldova and the Ministry of Internal Affairs of Georgia.

170. The Ministry of Internal Affairs actively cooperates with NGOs working to combat trafficking in persons. There are currently 18 such organizations represented in all regions of the country. These institutions provide victims of trafficking with legal advice and psychological, medical and legal assistance.

171. In 2014, with expert input from international and non-governmental organizations, a joint order was drafted and signed by the Ministry of Internal Affairs, the Ministry of Health and Social Development and the Ministry of Education and Science to approve the

criteria for ascertaining whether ill-treatment has taken place, which are used to identify victims of trafficking in persons. These criteria ensure access for victims of trafficking in persons to special social services, for which a standard of provision was approved in 2016 to ensure that victims receive social welfare, medical, psychological and other essential services. In 2016, special social services were provided to 87 victims of trafficking in persons, while in 2017 they were provided to 162 victims.

172. In the armed forces and other military organizations of Kazakhstan, the rule of law is reinforced based on the Constitution and other applicable laws.

173. In order to prevent breaches of the regulations on interpersonal relations (hazing) in military border guard units, the National Security Committee's military bodies, with the support of military unit commands and other interacting agencies, continuously conduct preventive measures (2,487 in 2014, 3,464 in 2015 and 4,467 in 2016).

174. In 2016, for example, as part of the implementation of interministerial programmes entitled "Prevention of criminal offences in the armed forces and other military organizations 2016–2018" and "2016 – year of legal awareness in the army", a package of preventive actions was implemented, including awareness-raising actions aimed at increasing the legal knowledge of military personnel and fostering among them an atmosphere in which they will not tolerate any violations of the law.

175. As a result of implementing such provisions, in 2016 the armed forces saw a significant decrease in the level of crimes related to breaches of the regulations on interpersonal relations, of 85 per cent, compared with the previous year; the military units and institutions of the National Security Committee border guards saw a reduction from 26 to 4 criminal offences.

176. The military police bodies of the National Security Committee are increasing their efforts to ensure the rule of law, prevent offences and support strict compliance with regulations among military border guard units.

177. To ensure adequate ministerial oversight of actions taken to prevent offences by members of the military, the situation is reviewed on a quarterly basis in military units and institutions, and every six months in regional commands.

178. Teleconferences are held with the regional commands and military units, during which objectives for improving military discipline and preventing incidents, crimes and other offences among military personnel are set and adjusted.

179. The living and working spaces of military units and areas where military personnel are likely to gather within military compounds are equipped with video surveillance systems, with the output displayed on screens at the unit duty officer's station. The recordings can be saved on the systems for up to 30 days.

180. Members of the military police units regularly carry out physical inspections of conscripted personnel to check for injuries and bruises, in the presence of the units' medical personnel.

181. In accordance with article 51 of the Military Service and Military Personnel Status Act, in the event of a death during military service or following discharge due to injuries (wounds, trauma, contusions) or illness received as a result of the performance of military service duties, the service member's survivors receive a one-off compensation payment of five years' wages for the last position held on the date of death, while survivors of military conscripts, students of military academies and faculties and reservists called up for duty receive compensation of 500 times the monthly calculation index.

182. Military conscripts, students of military academies and faculties receiving a grant and reservists called up for duty receive one-off compensation payments in the circumstances described herein, of:

- (a) For a category I disability – 250 times the monthly calculation index;
- (b) For a category II disability – 150 times the monthly calculation index;
- (c) For a category III disability – 50 times the monthly calculation index;

- (d) For serious mutilation – 12 times the monthly calculation index;
- (e) For minor mutilation – 4 times the monthly calculation index.

183. Between 2014 and 2017, there were no recorded instances of compensation payments to military personnel as a result of breaches of the regulations on interpersonal relations.

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