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### Committee on Economic, Social and Cultural Rights

## Third periodic report submitted by Kazakhstan under articles 16 and 17 of the Covenant, due in 2024\*, \*\*

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\* The present document is being issued without formal editing.  
\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. Introduction

1. The present third periodic report by Kazakhstan on the implementation of the International Covenant on Economic, Social and Cultural Rights was prepared in accordance with articles 16 and 17 of the Covenant, the guidelines on treaty-specific documents to be submitted by States parties (E/C.12/2008/2) and the compilation of guidelines on the form and content of reports to be submitted by States parties to the international human rights treaties (HRI/GEN/2/Rev.6).
2. This report contains information on the main developments and progress in ensuring the economic, social and cultural rights of citizens during the reporting period and the implementation of the recommendations presented in the concluding observations of the Committee on Economic, Social and Cultural Rights (E/C.12/KAZ/CO/2) given at the sixty-fifth session, held from 18 February to 8 March 2019.
3. Pursuant to the Committee's recommendations, an interdepartmental working group was established, an interdepartmental action plan was approved, and sectoral meetings were held with public bodies and non-governmental organizations (NGOs).
4. Official documents adopted by public bodies, statistical information, national reports and other information and analytical material obtained from official sources, including documents from NGOs and trade unions, were used to draft the report. Discussions with stakeholders were held during the preparation of the report (recommendation contained in the concluding observations, para. 55).
5. In accordance with the Public Services Act of 15 April 2013<sup>1</sup> and Access to Information Act of 16 November 2015,<sup>2</sup> the draft of this report was made publicly available on the Internet portal of public laws and regulations and on the website of the Ministry of Labour and Social Protection. All of the country's citizens had the opportunity to read the draft report and to make suggestions for changes and additions.
6. The report is divided into two sections: section I contains information on the methodology for preparing the national report and general information on the main strategy and policy documents and legislative, administrative and other measures to uphold and promote economic, social and cultural rights; section II contains an analytical account of the implementation of the provisions of the articles of the Covenant and the Committee's recommendations, and the progress made and steps envisaged for the further implementation of the Covenant, including information on non-discrimination and equality and on effective remedies, in accordance with agreed guiding principles.
7. The report contains statistical data for the reporting period 2019–2023 (information from the Bureau of National Statistics of the Agency for Strategic Planning and Reforms,<sup>3</sup> the Committee for Legal Statistics and Special Records in the Office of the Procurator General<sup>4</sup> and the central database of the Ministry of Labour and Social Protection) and information on the regulatory, strategy and policy documents that have been implemented pursuant to the Covenant for the period just ended, 2023.
8. The main socioeconomic indicators for Kazakhstan for the period 2019–2023 are provided in the annex.

## II. General

9. Kazakhstan, having ratified the Covenant,<sup>5</sup> undertook to incorporate its provisions into national legislation and apply them in practice.

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<sup>1</sup> <https://adilet.zan.kz/rus/docs/Z1300000088>.

<sup>2</sup> <https://adilet.zan.kz/rus/docs/Z1500000401/z150401.htm>.

<sup>3</sup> <https://stat.gov.kz/ru/>.

<sup>4</sup> <https://www.gov.kz/memleket/entities/pravstat/activities/6894?lang=ru>.

<sup>5</sup> Act of 21 November 2005; <https://adilet.zan.kz/rus/docs/Z0500000087>.

10. Improving the level and quality of life of the population and increasing its well-being is one of development priorities of Kazakhstan.
11. According to article 1 of the Constitution,<sup>6</sup> the Republic of Kazakhstan is a democratic, secular and social State governed by the rule of law, which places the highest value on human beings and their lives, rights and freedoms.
12. The coronavirus disease (COVID-19) pandemic in 2020–2021 required adjustments to be made to the economies of all countries, including Kazakhstan. During the pandemic, as part of the Comprehensive Plan to Restore Economic Growth, the Government of Kazakhstan allocated 4.4 trillion tenge (US\$ 10 billion, or 6–7 per cent of gross domestic product) to improve access to healthcare, make cash payments to those who lost their earnings and provide business support.<sup>7</sup>
13. The social sphere has been a priority under the package of measures to tackle the crisis.
14. To meet the new social and economic risks and challenges to the country's sustainable development, as part of the President's address on 16 March 2022, entitled "New Kazakhstan: the path of renewal and modernization", a nationwide plan has been developed, which provides for quick responses by way of a local business situation centre, measures to prevent food shortages and price increases, and a comprehensive package of priority crisis management measures.<sup>8</sup>
15. Inclusive economic growth policies are being implemented to ensure a fair distribution of benefits and opportunities for all members of society.
16. As part of systemic reforms, the country is pursuing a course to build a diversified and innovative economy, which is the main goal of the national project, "Sustainable economic growth aimed at improving the well-being of the people of Kazakhstan" for 2021–2025.<sup>9</sup>
17. The President, in his address to the people of Kazakhstan on 1 September 2023, entitled "Economic course for a just Kazakhstan",<sup>10</sup> stated that the defining principles of the country's new economic course would be fairness, inclusiveness and pragmatism. A national action plan for follow-up to the address has been adopted.
18. The principles of sustainability and inclusiveness form the basis of the National Development Plan of Kazakhstan until 2025, as amended.<sup>11</sup>
19. The following have been recognized as national priorities: a fair social policy; an accessible and efficient health system; quality education; and a just and efficient State in defence of the interests of citizens.
20. Civic engagement is an important component of the implementation, monitoring and evaluation processes for this national plan.
21. On the initiative of the Head of State, the Policy Framework for a Just Kazakhstan is being implemented (Presidential Decree No. 2 of 26 November 2022 on measures to implement the election agenda of the President of Kazakhstan, entitled "A fair Kazakhstan: for one and all. Now and forever"). The new State strategy and policy are based on three main and interrelated principles: a just State, a just economy and a just society.

<sup>6</sup> [https://online.zakon.kz/Document/?doc\\_id=1005029&pos=18;-58#pos=18;-58](https://online.zakon.kz/Document/?doc_id=1005029&pos=18;-58#pos=18;-58).

<sup>7</sup> Voluntary national review document on the implementation of the sustainable development agenda up to 2023; [https://economy.kz/documents/OECD/END\\_Report\\_DNO\\_06-2022\\_small.pdf](https://economy.kz/documents/OECD/END_Report_DNO_06-2022_small.pdf).

<sup>8</sup> Presidential Decree No. 847 of 29 March 2022 on measures to follow up the address of the Head of State to the people of Kazakhstan of 16 March 2022, entitled "New Kazakhstan: the path of renewal and modernization"; <https://adilet.zan.kz/rus/docs/U2200000847>.

<sup>9</sup> Voluntary national review of the implementation of the Sustainable Development Goals up to 2023; [https://economy.kz/documents/OECD/END\\_Report\\_DNO\\_06-2022\\_small](https://economy.kz/documents/OECD/END_Report_DNO_06-2022_small).

<sup>10</sup> Official website of the President of Kazakhstan: <https://www.akorda.kz/ru/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana-ekonomicheskij-kurs-spravedlivogo-kazahstana-18588>.

<sup>11</sup> Presidential Decree No. 636 of 15 February 2018; <https://adilet.zan.kz/rus/docs/U1800000636>.

22. On 5 November 2022, the following constitutional acts were adopted – the Constitutional Court Act,<sup>12</sup> the Commissioner for Human Rights Act<sup>13</sup> and the Procurator's Office Act<sup>14</sup> – opening up new opportunities for citizens to protect and restore violated rights and prevent such violations.

23. In order to ensure the supremacy of the Constitution, which enshrines the constitutional guarantees and obligations of the State to respect and ensure human and civil rights and freedoms, the Constitutional Court was established on 1 January 2023. The Court ensures the supremacy of the Constitution throughout the country.

24. With the introduction of constitutional amendments and the adoption of the Constitutional Court Act, the main new development is that citizens have been granted the right to appeal directly to the Court. In accordance with article 72 (3) of the Constitution, the Court, on the basis of appeals from citizens, reviews the constitutionality of national laws and regulations directly affecting their rights and freedoms enshrined in the Constitution.

25. On the basis of the Court's decisions, laws and regulations can be repealed and decisions of courts and other bodies reviewed.

26. In 2023, the Court adopted 39 regulatory decisions, including 17 decisions dealing with citizens' social, economic and cultural rights.

27. The Legal Policy Framework of Kazakhstan until 2030 was adopted in October 2021.<sup>15</sup>

28. The President, Kassym-Jomart Tokayev, in his first address to the people of Kazakhstan, instructed the Government to make the transition as soon as possible to the policy framework entitled "A State that hears", to ensure effective communication between the State and the people and increase the level of involvement of citizens in the processes of public administration.

29. On the instructions of the Head of State, the National Council of Public Trust<sup>16</sup> was established in June 2019, which includes prominent human rights defenders and representatives of civil society.

30. The Council was reorganized into the National Kurultai attached to the Office of the President, with greater coverage of representatives of various social groups of the country's population.<sup>17</sup> Its mission is to develop ideas and take steps to further strengthen social cohesion, promote and reinforce national values, and ensure constructive dialogue between members of the public, political parties, the non-governmental sector and public bodies.

31. The Presidential Decree of 8 December 2023 approved the Plan of Action on Human Rights and the Rule of Law.<sup>18</sup> The Plan provides for the implementation of measures aimed at eliminating discrimination against women, promoting equal rights and opportunities for men and women, protecting the rights of the child and persons with disabilities, ensuring the right to freedom of association, to work, to labour protection and to trade union activity, respecting the rights of migrants, stateless persons and refugees, observing human rights in business activities, the criminal justice system and the enforcement of sentences and preventing torture and ill-treatment.

32. In order to take into account the opinions of civil society on matters of public interest, a Policy Framework for the Development of Civil Society in Kazakhstan was adopted pursuant to a presidential decree of 27 August 2020.<sup>19</sup>

<sup>12</sup> <https://adilet.zan.kz/rus/docs/Z2200000153>.

<sup>13</sup> <https://adilet.zan.kz/rus/docs/Z2200000154>.

<sup>14</sup> <https://adilet.zan.kz/rus/docs/Z2200000155>.

<sup>15</sup> <https://adilet.zan.kz/rus/docs/U2100000674>.

<sup>16</sup> [https://www.akorda.kz/ru/legal\\_acts/decrees/o-sozdani-nacionalnogo-soveta-obshchestvennogo-doveriya-pri-prezidente-respubliki-kazahstan](https://www.akorda.kz/ru/legal_acts/decrees/o-sozdani-nacionalnogo-soveta-obshchestvennogo-doveriya-pri-prezidente-respubliki-kazahstan).

<sup>17</sup> Presidential Decree No. 930 of 14 June 2022; [https://online.zakon.kz/Document/?doc\\_id=37098720](https://online.zakon.kz/Document/?doc_id=37098720).

<sup>18</sup> [https://online.zakon.kz/Document/?doc\\_id=35159574&pos=6;-106#pos=6;-106](https://online.zakon.kz/Document/?doc_id=35159574&pos=6;-106#pos=6;-106).

<sup>19</sup> <https://adilet.zan.kz/rus/docs/U2000000390>.

33. The Government of Kazakhstan has approved the Policy Framework for the Social Development of Kazakhstan until 2030.<sup>20</sup> It outlines strategic objectives for reforming social and labour relations and the health, education and social protection systems, with a special focus on social support for mothers, children and vulnerable groups of families.
34. This policy framework envisages that, by 2025, an integrated model of social services and social assistance aimed at preventing social disadvantage will be developed.
35. The “Open Government” web portal<sup>21</sup> is in operation, whose objectives include enhancing the rights and opportunities of citizens in public administration. Through the portal, citizens can express their opinion on draft laws and regulations developed by public bodies.<sup>22</sup> Draft laws and regulations are also published on the official websites of the Majilis, the lower house of Parliament, and the Senate, the upper house, and specialized central government bodies. Among the main objectives of the policy framework for a “State that hears” is the transparent development of draft laws and regulations and participation of citizens in discussions on them.
36. The State Youth Policy Framework for 2023–2029 has been adopted, which envisages expanding various measures of State support to cover more young people, promoting youth entrepreneurship and employment and providing other forms of support.<sup>23</sup>
37. Until 2025, as part of the implementation of the Policy Framework for the Development of Local Self-Government in Kazakhstan,<sup>24</sup> it is envisaged to form a new model of local self-government corresponding to local, economic and social conditions and meeting the interests of the residents of the regions. The Policy Framework for the Development of Small and Medium-sized Enterprises is being implemented, under which the necessary institutional conditions for the intensification of small and medium-sized business development will be established.<sup>25</sup> The implementation of the policy framework by 2030 will ensure the growth of employment in this area of up to 5 million people.<sup>26</sup>
38. On 25 January 2022, the President signed Decree No. 1037,<sup>27</sup> which regulates the procedure for interaction with United Nations human rights treaty bodies and the special procedures of the Human Rights Council.
39. During the seventy-sixth session of the General Assembly in New York, Kazakhstan was elected a member of the Council for 2022–2024, which was a recognition of its role as an active and responsible participant in the process of promoting international rules and standards for the protection of human rights and freedoms.
40. In March 2023, the Policy Framework for Digital Transformation and the Development of the Information and Communication Technology Industry and Cybersecurity until 2029 was approved.<sup>28</sup>
41. Currently, the level of (basic) digital literacy in Kazakhstan is more than 87.3 per cent (84.1 per cent in 2020). According to United Nations data, Kazakhstan ranks twenty-eighth (advancing one place over the previous year) on the e-Government Development Index and eighth on the Online Service Index (1,208 public services (92 per cent) are provided in electronic format).<sup>29</sup>
42. On 24 June 2022, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, entered into force for

<sup>20</sup> <https://adilet.zan.kz/rus/docs/P1400000396>.

<sup>21</sup> <https://legalacts.egov.kz/>.

<sup>22</sup> <https://budget.egov.kz/>.

<sup>23</sup> <https://adilet.zan.kz/rus/docs/P2300000247>.

<sup>24</sup> Presidential Decree of 18 August 2021 approving the Policy Framework for the Development of Local Self-Governance in Kazakhstan until 2025; <https://adilet.zan.kz/rus/docs/U2100000639>.

<sup>25</sup> Government Decision No. 250 of 27 April 2022; <https://adilet.zan.kz/rus/docs/P2200000250>.

<sup>26</sup> <https://primeminister.kz/ru/news/pravitelstvom-odobrena-koncepciya-razvitiya-malogo-i-srednego-predprinimatelstva-v-rk-do-2030-goda-1931725>.

<sup>27</sup> <https://adilet.zan.kz/rus/docs/U2200000786#z7>.

<sup>28</sup> Government Decision No. 269 of 28 March 2023; <https://adilet.zan.kz/rus/docs/P2300000269>.

<sup>29</sup> Ibid., para. 1, “Digital Transformation”, chap. 1, “Assessment of the current state of the industry”.

Kazakhstan.<sup>30</sup> Constitutional amendments to abolish the death penalty, supported by the country's citizens in a referendum on June 5, took effect on 8 June 2022.

43. The Optional Protocol to the Convention on the Rights of Persons with Disabilities was ratified by the relevant Act of 7 June 2023.<sup>31</sup> On 15 November 2023, Parliament approved the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

44. Kazakhstan is a strong supporter of the Sustainable Development Goals aimed at inclusive economic growth and responsible consumption of resources. A total 79.9 per cent of the Sustainable Development Goal indicators and targets have been introduced to national strategic planning.<sup>32</sup>

45. According to the report of the World Economic Forum Global Competitiveness Index 4.0, the country's ranking for the labour market pillar went from thirtieth place in 2018 to twenty-fifth in 2019.

46. The value for the Human Development Index is 0.811 out of 1.000 (an indicator calculated by the United Nations Development Programme (UNDP), which measures human development, quality of life and standard of living in the countries of the world) and, according to the report for 2021–2022, Kazakhstan ranks fifty-sixth out of 191 countries (which puts the country in the very high human development category).<sup>33</sup> According to the Index of Economic Freedom, Kazakhstan ranked sixty-fourth, and eleventh in the Asia-Pacific region in 2022.<sup>34</sup>

### III. Information on the implementation of the Covenant and the recommendations of the Committee

#### Article 1 of the Covenant

47. According to article 1 (2) of the Constitution,<sup>35</sup> the fundamental principles of the Republic are: social harmony and political stability, economic development for the benefit of all, Kazakh patriotism and the resolution of the most important political issues by democratic means, including votes in referendums or in Parliament.

48. Article 2 of the Constitution provides that Kazakhstan is a unitary State with a presidential system of government. The sovereignty of the Republic extends over its entire territory. The State must ensure the integrity, inviolability and inalienability of its territory.

49. Article 3 of the Constitution provides that the Government's power is derived solely from the people. The people exercise power directly through national referendums and free elections and delegate the exercise of their power to public bodies.

50. The land and its subsoil, waters, flora and fauna and other natural resources are owned by the State. Land may also be privately owned, subject to the terms and conditions and within the limits established by law (Constitution, art. 6).

51. There is only one form of citizenship, applicable throughout Kazakhstan, which is equal for everyone, regardless how it was acquired. Citizens of Kazakhstan, irrespective of their race, ethnicity, language or origin, have equal rights and duties. Any act liable to violate inter-ethnic concord is considered to be unconstitutional (Constitution, art. 39 (2)).

<sup>30</sup> Ratified by the Act of 2 January 2021; [https://online.zakon.kz/Document/?doc\\_id=34469292](https://online.zakon.kz/Document/?doc_id=34469292).

<sup>31</sup> <https://adilet.zan.kz/rus/docs/Z2300000008>.

<sup>32</sup> Government Decision No. 416 of 30 June 2020 on the approval of the third periodic report of Kazakhstan on the implementation of the International Covenant on Civil and Political Rights; <https://adilet.zan.kz/rus/docs/P1400000266>, p. 14.

<sup>33</sup> <https://kazakhstan.un.org/sites/default/files/2023-04/UN%20Kazakhstan%20Annual%20Report%20RU.pdf>.

<sup>34</sup> [https://www.heritage.org/index/pdf/2022/book/2022\\_IndexOfEconomicFreedom\\_FINAL.pdf](https://www.heritage.org/index/pdf/2022/book/2022_IndexOfEconomicFreedom_FINAL.pdf).

<sup>35</sup> [https://online.zakon.kz/Document/?doc\\_id=1005029](https://online.zakon.kz/Document/?doc_id=1005029).

Incitement to social, ethnic, tribal, racial, class or religious hatred is a criminal offence (Criminal Code, art. 173).

52. Members of more than 100 ethnic groups live in peace and harmony in Kazakhstan. There are more than 1,000 ethnic and cultural associations and their branches, 23 of which are national associations.<sup>36</sup>

53. Work is being carried out to involve various ethnic groups in a common social and cultural space. The People's Assembly of Kazakhstan<sup>37</sup> is successfully operating a consultative and advisory body on harmonization of inter-ethnic relations, whose activities are aimed at ensuring constructive dialogue, social harmony and national unity, and fulfilling the cultural potential of every Kazakh ethnic group. The Assembly is chaired by the country's President.

54. An amendment to article 7 of the People's Assembly of Kazakhstan Act<sup>38</sup> was introduced in November 2022, providing the President with the possibility of appointing five members from the Senate on the proposal of the Assembly Council. Senators from the Assembly represent the interests of the country's ethnic groups in the legislature on the basis of national integration and ethnic and cultural diversity.

## Article 2

### **Recommendation regarding the applicability of the Covenant (concluding observations, para. 5)**

55. According to article 4 (1) of the Constitution, the current law in Kazakhstan consists of the provisions of the Constitution, the laws and regulations corresponding to them, the country's international treaty and other obligations, and the decisions of the Constitutional Court and the Supreme Court.

56. The Constitution was amended by the relevant Act of 10 March 2017.<sup>39</sup> In accordance with article 4 (3) of the Constitution, international treaties ratified by Kazakhstan take precedence over domestic law. The procedures and conditions for the implementation of international treaties to which Kazakhstan is a party in the territory of Kazakhstan are defined by domestic legislation.

57. In amending the Constitution to provide details of the procedures for concluding international treaties and implementing them in the country, the legislature has upheld the principle of the primacy of international treaties ratified by Kazakhstan over domestic law (recommendation, para. 5).

58. The procedure for drafting, submitting, discussing, enacting and promulgating laws and regulations is established in the Legal Instruments Act of 6 April 2016<sup>40</sup> and the rules of Parliament and its houses.

59. In accordance with article 6 (2) of the Legal Instruments Act, international treaties ratified by Kazakhstan take precedence over domestic law and are directly applicable except when it follows from an international treaty that enactment of a law is required for its application.

60. The International Treaties Act of 30 May 2005<sup>41</sup> regulates the procedure for the conclusion, implementation, amendment and termination of international treaties to which Kazakhstan is a party. The Act provides that international treaties to which Kazakhstan is a party are to be concluded, implemented, amended and terminated in accordance with the Constitution, the generally recognized principles and rules of international law, the provisions

<sup>36</sup> Annual review of the human rights situation in Kazakhstan, 2022, p. 45;

[https://www.gov.kz/uploads/2022/9/12/97dffcf184945d7c14377ac9e7fbb882\\_original.1469423.pdf](https://www.gov.kz/uploads/2022/9/12/97dffcf184945d7c14377ac9e7fbb882_original.1469423.pdf).

<sup>37</sup> Official website: <https://assembly.kz/ru/>.

<sup>38</sup> [https://online.zakon.kz/Document/?doc\\_id=30352401&pos=44;-46#pos=44;-46](https://online.zakon.kz/Document/?doc_id=30352401&pos=44;-46#pos=44;-46).

<sup>39</sup> [https://online.zakon.kz/Document/?doc\\_id=32937557](https://online.zakon.kz/Document/?doc_id=32937557).

<sup>40</sup> [https://online.zakon.kz/Document/?doc\\_id=37312788](https://online.zakon.kz/Document/?doc_id=37312788).

<sup>41</sup> [https://adilet.zan.kz/rus/docs/Z050000054\\_](https://adilet.zan.kz/rus/docs/Z050000054_).



of the international treaty itself and the Vienna Convention on the Law of Treaties for treaties to which Kazakhstan has acceded.

61. Laws ratifying international treaties to which Kazakhstan is a party are adopted by Parliament in accordance with article 62 of the Constitution (International Treaties Act, art. 14). According to this constitutional provision, laws are adopted by the Majilis and approved by the Senate by a majority of votes of the total number of members of the houses, unless otherwise provided by the Constitution. National laws enter into force upon signature by the President.

62. The primacy of international treaties is also proclaimed in the codes of Kazakhstan, such as the Code of Civil Procedure (art. 2 (3)),<sup>42</sup> the Code of Criminal Procedure (art. 2 (3)),<sup>43</sup> the Code of Administrative Offences (art. 1 (4)),<sup>44</sup> the Criminal Code (art. 1 (3)),<sup>45</sup> the Civil Code (art. 3)),<sup>46</sup> the Entrepreneurial Code (art. 1 (3)),<sup>47</sup> the Code on Public Health and the Health-Care System (art. 2 (2)),<sup>48</sup> the Social Code (art. 2 (2)),<sup>49</sup> the Marriage and Family Code (art. 4 (2)),<sup>50</sup> the Environmental Code (art. 2 (3))<sup>51</sup> and the Budget Code (art. 1 (2)).<sup>52</sup>

63. Each existing international treaty to which Kazakhstan is a party is subject to compulsory and conscientious fulfilment by Kazakhstan (International Treaties Act, art. 20 (1)).

64. Article 2 (2) of the Constitutional Act on the Judicial System and the Status of Judges of 25 December 2000<sup>53</sup> provides that the judicial power is exercised on behalf of Kazakhstan and is intended to protect the rights, freedoms and legitimate interests of citizens and organizations and to ensure the implementation of the Constitution, laws, regulations and international agreements to which Kazakhstan is a party.

65. As part of the enforcement of the Covenant, there is a Supreme Court regulatory decision in place on the application of provisions of international treaties to which Kazakhstan is a party, dated 10 July 2008,<sup>54</sup> which clarifies to the courts that the misapplication by a court of the provisions of international treaties to which Kazakhstan is a party may be a ground for cancellation or amendment of a judicial act (para. 10). Thus, as Kazakhstan recognizes the primacy of international treaties that it has ratified, there are no obstacles to the unconditional application of the provisions of the Covenant.

66. The Constitution guarantees the right of everyone to judicial protection of their rights and freedoms and the equality of all persons before the law and the courts (arts. 13 (2) and 14 (1)).

67. The protection of social, economic and cultural rights of citizens in court, as provided for by the Covenant and legislative acts of Kazakhstan, is carried out in civil proceedings.

68. The courts apply the provisions of international human rights treaties ratified by Kazakhstan, including the Covenant (recommendation, para. 5). According to the Supreme Court, a total of 261 judicial acts citing the Covenant were issued by the courts during the reporting period (2019–2023), including 3 in 2023.

69. In the area of social protection of citizens' rights, Kazakhstan is taking legislative measures aimed at implementing the provisions of the Covenant. On 1 July 2023, the Social

<sup>42</sup> <https://adilet.zan.kz/rus/docs/K1500000377>.

<sup>43</sup> <https://adilet.zan.kz/rus/docs/K1400000231#z4>.

<sup>44</sup> <https://adilet.zan.kz/rus/docs/K1400000235>.

<sup>45</sup> [https://online.zakon.kz/Document/?doc\\_id=31575252&pos=530;-48#pos=530;-48](https://online.zakon.kz/Document/?doc_id=31575252&pos=530;-48#pos=530;-48).

<sup>46</sup> [https://online.zakon.kz/Document/?doc\\_id=1006061&pos=559;-26#pos=559;-26](https://online.zakon.kz/Document/?doc_id=1006061&pos=559;-26#pos=559;-26).

<sup>47</sup> <https://adilet.zan.kz/rus/docs/K1500000375>.

<sup>48</sup> <https://adilet.zan.kz/rus/docs/K2000000360>.

<sup>49</sup> <https://adilet.zan.kz/rus/docs/K2300000224>.

<sup>50</sup> <https://adilet.zan.kz/rus/docs/K1100000518>.

<sup>51</sup> <https://adilet.zan.kz/rus/docs/K2100000400>.

<sup>52</sup> [https://adilet.zan.kz/rus/docs/K080000095\\_](https://adilet.zan.kz/rus/docs/K080000095_).

<sup>53</sup> [https://adilet.zan.kz/rus/docs/Z000000132\\_#z113](https://adilet.zan.kz/rus/docs/Z000000132_#z113).

<sup>54</sup> [https://adilet.zan.kz/rus/docs/P08000001S\\_](https://adilet.zan.kz/rus/docs/P08000001S_).



Code<sup>55</sup> came into force, which provides for the introduction of new approaches in the social protection system. With its adoption, the State's social policy is moving from a declarative form to a proactive one, which contributes to improving the quality of life of citizens.

70. On 1 July 2021, with the enactment of the Code of Administrative Procedure,<sup>56</sup> the institution of administrative justice has been introduced. The Code regulates relations related to the implementation of administrative procedures and court consideration of disputes arising from matters of public law.

71. Government bodies, within their competence, individuals and legal entities have the right to bring action in court to protect violated or disputed legitimate interests of other persons or the public at large, in accordance with the procedure established by the Code.

72. Administrative justice has been effective not only in handling appeals, but also in protecting the rights and interests of citizens in the courts, simplifying the process of making legal decisions and restoring the interests of the population (with 15 per cent of claims being met before the introduction of the Code, and 60 per cent after its introduction).

73. Citizens can submit an electronic appeal to the public authorities (with a version for the visually impaired) in an accessible format through the eOtinish information system,<sup>57</sup> with the possibility of monitoring the status of its consideration; they can also file a claim in court, send a question to the blogs of senior administrators or make an appointment with them or their deputies for a personal visit.

74. Under article 13 (3) of the Constitution, everyone has the right to receive properly qualified legal assistance. In circumstances specified by law, legal assistance is provided free of charge.

75. In accordance with the Advocacy and Legal Assistance Act of 5 July 2018,<sup>58</sup> State-guaranteed free legal assistance is provided for a certain group of citizens. Payment for legal assistance is made by the State (Act, art. 18).

76. Between 2015 and 2019, State-guaranteed legal assistance has been provided to more than 800,000 citizens. About 1.5 billion tenge in State funding is allocated annually for the provision of such assistance. In the period from 2020 to 2023, more than 625,000 citizens (25,077 in 2020; 122,337 in 2021; 169,495 in 2022; and 208,988 in 2023) have been provided with State-guaranteed legal assistance.

77. In order to fully cover socially vulnerable groups with legal assistance, comprehensive social legal assistance by lawyers and legal advisers has been provided for since 1 January 2019.

78. Under the national legislation on social protection, such assistance is provided free of charge to: persons in need of special social services; persons eligible for targeted social assistance; veterans of the Great Patriotic War and persons of equivalent status; persons with disabilities with category I and II disabilities; old-age pensioners; older persons with disabilities living in special social service centres; persons raising children with disabilities alone or having adult persons with disabilities in their care; and other persons (Act, art. 19).

79. On a professional basis, legal assistance is provided by 6,033 lawyers and 15,025 legal advisers. On the website of the electronic Zan Komegi central legal assistance information system, citizens can get free online legal advice.<sup>59</sup>

80. In addition to the support given by public bodies, lawyers and legal advisers, legal assistance is provided, within their respective competence, by notaries, private bailiffs and individuals who are not members of non-profit organizations of legal assistance providers based on compulsory membership of legal counsel chambers (Advocacy and Legal Assistance Act, art. 20).

<sup>55</sup> <https://adilet.zan.kz/rus/docs/K2300000224>.

<sup>56</sup> Effective from 1 July 2021; <https://adilet.zan.kz/rus/docs/K2000000350>.

<sup>57</sup> <https://eotinish.kz/ru>.

<sup>58</sup> <https://adilet.zan.kz/rus/docs/Z1800000176>.

<sup>59</sup> Zan Komegi central legal assistance information system; <https://eup.adilet.gov.kz/#/home>.

81. The Dialogue Platform on the Human Dimension, an advisory body under the Ministry of Foreign Affairs, is in operation. The Platform is an effective tool for open discussion of various aspects of human rights protection with public bodies, with the participation of NGOs and international observers (United Nations, Organization for Security and Cooperation in Europe (OSCE), United States Agency for International Development and others).

82. The study of United Nations human rights conventions and covenants, including the International Covenant on Economic, Social and Cultural Rights, is integrated into the curricula of educational institutions and professional development courses.

83. During the reporting period, 47 training courses were held for judges at the Academy of Justice of the Supreme Court on the country's international obligations in respect of the judicial protection of human rights and on international human rights institutions and mechanisms, covering nine United Nations human rights treaty bodies, their functions and powers.

84. The Academy of Law Enforcement Agencies in the Office of the Procurator General held 30 training courses on the international obligations of Kazakhstan, including on those under the Covenant.

85. According to the National Bar Association, in the period under review, eight training courses were held for lawyers, along with a series of workshops, on the application of international law in the protection of economic, social and labour rights and international standards on the independence of the legal profession.

86. The Legal Information Service of the Ministry of Justice provides free advice to the population on all legal issues, including explanations of economic, social and cultural rights, through the Aqpar module (tel.: 119, 8 7172 58-00-58), Telegram chatbots and WhatsApp throughout Kazakhstan 24 hours a day, 7 days a week. When calling the 1414 Single Point of Contact line, citizens also receive advice on legal issues within the competence of the Legal Information Service of the Ministry of Justice. In 2023, the Legal Information Service provided advice on 194,357 applications from citizens.

87. Legal information for citizens is available on the e-government portal,<sup>60</sup> the official websites of the President,<sup>61</sup> the Prime Minister,<sup>62</sup> the Supreme Court,<sup>63</sup> the Office of the Procurator General,<sup>64</sup> the Ministry of Justice,<sup>65</sup> the Ministry of Foreign Affairs<sup>66</sup> and other ministries and departments.

88. The text of the Covenant and the Committee's concluding observations are available in an accessible format on the website of the Supreme Court,<sup>67</sup> in the Adilet legal information system for laws and regulations of the Ministry of Justice<sup>68</sup> and the Paragraf legal reference system for the legislation of Kazakhstan<sup>69</sup> (recommendation, para. 55).

#### **Recommendation regarding the national human rights institution (para. 7)**

89. Kazakhstan has taken measures that have brought it much closer to the goal of bringing the national human rights institution into compliance with the Paris Principles (concluding observations, para. 7).

<sup>60</sup> [https://egov.kz/cms/ru/categories/legal\\_relations](https://egov.kz/cms/ru/categories/legal_relations).

<sup>61</sup> <https://www.akorda.kz/ru/o-pravitelstve-respubliki-kazahstan-505013>.

<sup>62</sup> Official website of the Prime Minister; <https://primeminister.kz/ru>.

<sup>63</sup> <https://sud.gov.kz/rus/content/informacionno-spravochnye-buklety>.

<sup>64</sup> <https://www.gov.kz/memleket/entities/prokuror?lang=ru>.

<sup>65</sup> <https://www.gov.kz/memleket/entities/adilet?lang=ru>.

<sup>66</sup> <https://www.gov.kz/memleket/entities/mfa?lang=ru>.

<sup>67</sup> <https://sud.gov.kz/rus/content/mezhdunarodnyy-pakt-ob-ekonomicheskikh-socialnyh-i-kulturnyh-pravah>.

<sup>68</sup> [https://adilet.zan.kz/rus/docs/Z050000087\\_/info](https://adilet.zan.kz/rus/docs/Z050000087_/info).

<sup>69</sup> [https://online.zakon.kz/Document/?doc\\_id=30034296](https://online.zakon.kz/Document/?doc_id=30034296).

90. The post of Human Rights Commissioner (Ombudsman) was established in September 2002.<sup>70</sup>

91. Since 2017, in accordance with amendments to the Constitution, the Ombudsman has been elected solely by the Senate for a five-year term.

92. The Ombudsman is tasked with facilitating the restoration of the human and civil rights and freedoms that have been violated and promoting human and civil rights and freedoms. Every citizen has the right to appeal to the Ombudsman if his or her rights or freedoms have been violated.

93. The purpose of the Constitutional Act on the Human Rights Commissioner in the Republic of Kazakhstan,<sup>71</sup> adopted on 5 November 2022 as part of the constitutional reform, is to enshrine the constitutional status of the Commissioner as a guarantor of the implementation of human and civil rights.

94. The Ombudsman acts independently and does not report to any public bodies or officials. The Ombudsman has been granted immunity from criminal and administrative prosecution – an essential and necessary attribute of independence and autonomy of the office.

95. Responsibility for interfering with or obstructing the lawful activity of the Ombudsman has been introduced. The Ombudsman has the right to attend joint and separate sittings of the houses of Parliament.

96. Another new development is the establishment of a representative of the Ombudsman in all provinces, cities of national status and the capital, which contributes to the improvement of legal protection of citizens in the regions (Constitutional Act, art. 19). The representatives exercise powers on behalf of the Ombudsman in line with their functional responsibilities and as instructed by the Ombudsman within the relevant local administrative unit.

97. The National Human Rights Centre provides information, analysis and institutional and legal support for the work of the Ombudsman. Since the adoption of a separate law on the Ombudsman and the granting of constitutional status to the Ombudsman's Office, the staffing level of the Office has been increased to 105 and regional offices have been opened. Women constituted 70 per cent of the total number of employees. The national budget must provide in a separate budget programme for the funds necessary to ensure the activities of the Ombudsman's Office and its representatives and working body.

98. The Office received more than 2,500 appeals in the field of economic, social and cultural rights over 5 years (275 in 2019; 186 in 2020; 288 in 2021; 835 in 2022; and 992 in 2023).

99. The Ombudsman's recommendations and petitions must be considered within 15 working days from the date of their receipt and the results of the consideration reported to the Ombudsman in the manner prescribed by law.

100. The mandate of the national preventive mechanism, whose work is coordinated by the Ombudsman, has been strengthened. For example, the number of institutions and organizations that are subject to preventive visits by the national preventive mechanism has been increased and its authority in the area of prevention has been enhanced.

101. An important step towards ensuring greater financial independence for the national preventive mechanism was to make the National Human Rights Centre the administrator of the relevant budget programme since December 2022.

102. The number of institutions that fall under the national preventive mechanism mandate has increased from 597 to 3,434 in 10 years, and the number of members from 108 to 136. During the reporting period, members of the national preventive mechanism conducted more than 2,500 preventive visits.

<sup>70</sup> Presidential decree of 19 September 2002; [https://online.zakon.kz/Document/?doc\\_id=1033370](https://online.zakon.kz/Document/?doc_id=1033370).

Official website: <https://www.gov.kz/memleket/entities/ombudsman?lang=ru>.

<sup>71</sup> <https://adilet.zan.kz/rus/docs/Z2200000154>.

103. Based on the results of the visits by members of the mechanism, recommendations are sent to the administration of the respective institution and a consolidated report is prepared. In the period since 2022, 112 officers of penal institutions have been subject to disciplinary action and 43 to administrative proceedings, and three criminal cases have been brought on charges of torture.

104. The establishment of the post of Commissioner for Children's Rights in 2016<sup>72</sup> demonstrates the commitment of Kazakhstan to its international obligations regarding the protection of children's rights.

105. The office of Presidential Commissioner for the Rights of Vulnerable Social Groups was established pursuant to a presidential decree of 28 March 2023, whose main objectives are to guarantee the rights and legitimate interests of vulnerable social groups and to restore their violated rights and freedoms in cooperation with public and civil society institutions.<sup>73</sup>

106. The office of Presidential Commissioner for the Protection of the Rights of Entrepreneurs (Business Ombudsman) has been introduced.<sup>74</sup> The Commissioner's legal status is defined under the Entrepreneurial Code. Its activities are ensured by the National Chamber of Entrepreneurs. The main functions of the Business Ombudsman include representing entrepreneurs, ensuring and protecting their rights and legitimate interests and considering their appeals. Regulations on the Activities of the Investment Ombudsman were approved, and a Banking Ombudsman and Insurance Ombudsman were appointed.<sup>75</sup>

107. The Human Rights Commission attached to the Office of the President, whose membership is selected in accordance with the Paris Principles, continues to serve as an effective platform for dialogue. The Commission is actively involved in shaping and improving public policy in the area of human rights.

#### **Recommendation regarding civil society (para. 9)**

108. Kazakhstan is actively working towards the progressive development of civil society institutions. Civil society is actively involved in the adoption of important socioeconomic measures, and constructive partnership with the non-governmental sector is promoted in the interests of sustainable development in addressing pressing societal issues.

109. There are currently more than 22,000 NGOs operating in the country.

110. In accordance with the Act of 12 April 2005 on State Social Procurement, Grants and Awards for Non-Governmental Organizations in the Republic of Kazakhstan,<sup>76</sup> more than 2,500 NGOs make use of State support mechanisms.

111. The Policy Framework for the Development of Civil Society in the Republic of Kazakhstan<sup>77</sup> was adopted following open discussions with civil society.

112. In fulfilment of the objectives of public participation in the decision-making process, civil society institutions participate in public councils established under executive bodies at the central and local levels.

113. The procedure for establishing and registering non-profit organizations in Kazakhstan is regulated by the Non-Profit Organizations Act of 16 January 2001,<sup>78</sup> the Voluntary Associations Act of 31 May 1996,<sup>79</sup> the Trade Union Act of 27 June 2014<sup>80</sup> and the State Registration of Legal Entities and Registration of Branches and Representative Offices Act of 17 April 1995.<sup>81</sup>

<sup>72</sup> Presidential decree of 10 February 2016; <https://adilet.zan.kz/rus/docs/U1600000192>.

<sup>73</sup> <https://adilet.zan.kz/rus/docs/U2300000154>.

<sup>74</sup> Official website: <https://ombudsmanbiz.kz/rus/>.

<sup>75</sup> <https://adilet.zan.kz/rus/docs/P1500001069>.

<sup>76</sup> [https://adilet.zan.kz/rus/docs/Z050000036\\_](https://adilet.zan.kz/rus/docs/Z050000036_).

<sup>77</sup> <https://adilet.zan.kz/rus/docs/U2000000390>.

<sup>78</sup> [https://adilet.zan.kz/rus/docs/Z960000003\\_](https://adilet.zan.kz/rus/docs/Z960000003_).

<sup>79</sup> <https://adilet.zan.kz/rus/docs/Z1400000211>.

<sup>80</sup> [https://adilet.zan.kz/rus/docs/Z950002198\\_](https://adilet.zan.kz/rus/docs/Z950002198_).

<sup>81</sup> [https://adilet.zan.kz/rus/docs/Z010000142\\_](https://adilet.zan.kz/rus/docs/Z010000142_).

114. A trade union's legal capacity as a legal entity exists from the moment of its registration.

115. The approach to registration of legal entities has been significantly changed by measures to simplify the registration procedure as much as possible. In order to create an enabling environment for public activity, Kazakhstan has adopted a "one-stop shop" approach, whereby State registration of legal entities and tax and statistical registration are carried out under the registration procedure for a legal entity.

116. The registration period for all non-profit organizations has been reduced from 10 to 5 working days. A notification procedure has been introduced on the e-government portal for entering information into the national register of business identification numbers in the event of a change in location of legal entity or in the executive body (head) or composition of founders, participants or members of a non-profit organization.

117. Work is currently under way to convert the State registration of non-profit organizations into an electronic format through the e-government portal.

118. The Public Oversight Act of 2 October 2023 was adopted.<sup>82</sup>

119. Public oversight is carried out in the form of public discussion, public assessment and public monitoring, and in the forms provided for by national law (Act, art. 9 (1)).

120. Petitions have been introduced under the law amending various laws on public oversight and the improvement of administrative procedures of 2 October 2023. The amendments come into force in April 2024. Citizens will then have the opportunity to send petitions through a special portal, and public bodies will be required to consider them and make decisions.

121. The law amending various laws on voluntary associations and the social protection of persons employed in jobs with harmful working conditions, adopted on 21 December 2023, provides for the removal of barriers to registration of voluntary associations, by reducing the number required to establish an association from 10 to 3 people. The law will liberalize the procedures for establishing and organizing the activities of voluntary associations, in accordance with the Committee's recommendation.

122. NGOs have been provided space free of charge for lectures, training and events at the Civil Initiatives Support Centre in Kazakhstan.<sup>83</sup>

#### **Recommendation regarding non-discrimination (para. 11)**

123. The fundamental principle of non-discrimination is provided for in article 14 (2) of the Constitution: "No one may be subjected to any discrimination on grounds of social, official or property status, origin, sex, race, ethnicity, language, attitude to religion, beliefs or place of residence, or on any other grounds" (recommendation, para. 11 (a)).

124. Under article 4 (Equality and inadmissibility of restrictions on human and civil rights in the area of social protection) of the Social Code,<sup>84</sup> everyone has equal opportunities to exercise his or her rights and freedoms in the area of social protection. No one may be subjected to any discrimination on grounds of origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, age, state of health, including disability, or any other circumstances.

125. National legislation contains an explicit prohibition of discrimination on the basis of gender identity. In addition, the Act of 8 December 2009 on State Guarantees of Equal Rights and Opportunities for Men and Women<sup>85</sup> defines the term "sex discrimination" as any restriction on or infringement of human rights and freedoms or diminution of dignity on the basis of sex (art. 1 (3)).

<sup>82</sup> <https://adilet.zan.kz/rus/docs/Z2300000030>.

<sup>83</sup> Official site of the Civil Initiatives Support Centre of Kazakhstan; <https://cisc.kz/ru/>.

<sup>84</sup> <https://adilet.zan.kz/rus/docs/K23000000224>.

<sup>85</sup> [https://adilet.zan.kz/rus/docs/Z0900000223\\_#z2](https://adilet.zan.kz/rus/docs/Z0900000223_#z2).

126. The principle of equal rights for children is enshrined in article 4 of the Rights of the Child Act of 8 August 2002:<sup>86</sup> “All children have equal rights regardless of their origin, race and ethnicity, social and property status, sex, language, education, attitude to religion, place of residence, state of health and other circumstances relating to the child and his or her parents or other legal representatives” (art. 4 (1)).

127. Article 145 (Violation of the human and civil right to equality) of the Criminal Code<sup>87</sup> establishes criminal responsibility for the direct or indirect restriction of human or civil rights or freedoms based on origin, social, official or property status, sex, race, ethnicity, language, attitude to religion, beliefs, place of residence, membership of voluntary associations or any other circumstances.

128. The Labour Code prohibits discrimination at work and guarantees the right to bring proceedings before a court in the event of such discrimination (art. 6).<sup>88</sup>

129. The Act of 27 June 2022 amending various laws to improve the quality of life of persons with disabilities<sup>89</sup> has replaced the discriminatory term “invalid” in all laws and regulations with “persons with disabilities”.

130. The plan of action on human rights and the rule of law, approved by presidential decree of 8 December 2023,<sup>90</sup> provides for the establishment of a standing working group on anti-discrimination legislation or a separate unit within the National Centre for Human Rights for the elimination of all forms of discrimination.

131. Migration policy in the country is implemented under the Migration Policy Framework for the period until 2027<sup>91</sup> and the Migration Act of 22 July 2011<sup>92</sup> (recommendation, para. 11 (b)).

132. In 2018, Kazakhstan was among the countries that voted in favour of the Global Compact for Safe, Orderly and Regular Migration. In 2020, it prepared its first voluntary review of the implementation of the Compact. In implementing the provisions of the Compact, it has stepped up efforts to improve migration legislation, to simplify the visa regime and the procedure for the issuance of invitations and for entry and registration of foreign nationals staying in the country, and to modernize the visa and migration portal.

133. Currently, the procedure for registration at the place of residence is simplified and automated as much as possible through the e-government portal.

134. The procedure for foreigners to stay in Kazakhstan has been simplified. From January 2020, the procedure for the compulsory temporary registration of foreigners has been abolished. Currently, all foreigners can stay in the country without obtaining a temporary residence permit for up to 30 days, starting from the moment they cross the State border of Kazakhstan. The obligation to inform the migration service lies with the party hosting the foreigner. The issuance of entry visas directly at international airports has been organized. A mechanism for issuing electronic visas (e-visas) has been introduced, under which foreigners can obtain them without travelling to the country’s embassies abroad.

135. The rights of foreign nationals, including migrant workers, are regulated by the Legal Status of Foreign Nationals Act of 19 June 1995,<sup>93</sup> other legal acts and international agreements on migration.

136. Foreign nationals permanently residing in Kazakhstan have the same rights and bear the same responsibilities as Kazakh citizens, except for the right to participate in elections, to be elected, to serve in the army and to work in the civil service. Foreign nationals in Kazakhstan may own their own homes (except foreigners who are temporary residents) and

<sup>86</sup> [https://adilet.zan.kz/rus/docs/Z020000345\\_](https://adilet.zan.kz/rus/docs/Z020000345_).

<sup>87</sup> [https://online.zakon.kz/Document/?doc\\_id=31575252](https://online.zakon.kz/Document/?doc_id=31575252).

<sup>88</sup> <https://adilet.zan.kz/rus/docs/K1500000414>.

<sup>89</sup> <https://adilet.zan.kz/rus/docs/Z2200000129>.

<sup>90</sup> [https://online.zakon.kz/Document/?doc\\_id=35159574&pos=158;-38#pos=158;-38](https://online.zakon.kz/Document/?doc_id=35159574&pos=158;-38#pos=158;-38).

<sup>91</sup> Government Decision No. 961 of 30 November 2022. <https://adilet.zan.kz/rus/docs/P2200000961>.

<sup>92</sup> <https://adilet.zan.kz/rus/docs/Z1100000477>.

<sup>93</sup> [https://adilet.zan.kz/rus/docs/U950002337\\_](https://adilet.zan.kz/rus/docs/U950002337_).



other property, have copyright over works of science, literature and art, discoveries and inventions, technical innovations and industrial designs, and enjoy other property and personal non-property rights, except in cases established by the Constitution, national law and international treaties.

137. Medical care is provided to foreign nationals and stateless persons staying in Kazakhstan holding a voluntary medical insurance policy, unless otherwise provided by the national law and international treaties ratified by Kazakhstan.

138. In matters of social security, including pensions, foreigners permanently residing in Kazakhstan also have the same rights as Kazakh citizens, including the right to receive preschool, primary, basic secondary and general secondary education in accordance with the procedure established by law in the area of education (Legal Status of Foreign Nationals Act, arts. 7, 8 and 9).

139. Stateless persons permanently residing in Kazakhstan are granted the right to receive free technical and vocational, post-secondary, higher and postgraduate education on a competitive basis under the established quota on State-requisitioned places if they are pursuing an education at each of these levels for the first time, except for military educational institutions and colleges.

140. In the years since gaining independence, Kazakhstan has experienced significant changes in the size and ethnic composition of its population, which were made possible by the implementation of a migration policy of returning ethnic Kazakhs to their historical homeland.

141. A total of 1.13 million ethnic Kazakhs have returned to the country since 1991.

142. As at 1 December 2023, 19,476 ethnic Kazakhs have arrived in their historical homeland and have been granted the status of *kandas* (compatriot).

143. Kazakhstan has acceded to the Convention relating to the Status of Refugees,<sup>94</sup> under which the contracting parties must accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

144. Article 16 of the Refugees Act of 4 December 2009<sup>95</sup> provides that children seeking refugee status and refugee children arriving without parents or other legal representatives, including in cases where parents or other family members cannot be found, are to be afforded the same protection and access to education as other children in Kazakhstan without parental care, in accordance with the law on the rights of the child.

145. Asylum-seekers have the right to medical treatment and to engage in work or entrepreneurial activity in accordance with the law (Refugees Act, art. 8).

146. As part of the implementation of the provisions of the Convention relating to the Status of Refugees, a working group has been set up to consider issues relating to the provision of access to healthcare, education and social assistance to refugees, asylum-seekers and stateless persons on an equal footing with permanently resident foreign nationals.

147. In order to eliminate regional disparities and demographic imbalances, measures have been taken under the Enbek State Programme for the Development of Productive Employment and Mass Entrepreneurship<sup>96</sup> to stimulate the geographical mobility of labour resources through assistance in voluntary resettlement.

### **Recommendation (para. 13)**

148. Kazakhstan is consistently taking measures to improve the quality of life of citizens with disabilities and increase their social integration.

<sup>94</sup> Act of 15 December 1998; [https://adilet.zan.kz/rus/docs/Z980000317\\_](https://adilet.zan.kz/rus/docs/Z980000317_).

<sup>95</sup> [https://adilet.zan.kz/rus/docs/Z090000216\\_/z090216.htm](https://adilet.zan.kz/rus/docs/Z090000216_/z090216.htm).

<sup>96</sup> Approved by a government decision of 13 November 2018; <https://adilet.zan.kz/rus/docs/P1800000746>.



149. The Head of State has set the task of creating an inclusive society.<sup>97</sup>

150. Before the Social Code<sup>98</sup> came into effect on 1 July 2023, the applicable legislation was the Social Protection for Persons with Disabilities Act of 13 April 2005,<sup>99</sup> which provided that persons with disabilities in Kazakhstan must enjoy all the socioeconomic and personal rights and freedoms enshrined in the Constitution and other legislative acts.

151. Article 154 (1) of the new Social Code added to the list of rights by including the rights to: appropriate conditions for receiving preschool education and instruction, and education; a guaranteed amount of special social services; the exercise of the right to vote and to be elected; and, in addition to access to physical infrastructure, access to digital infrastructure, transport, information, entertainment and cultural events, sporting competitions and public services.

152. Persons with disabilities have the right to social protection in the form of: State social disability benefits; social payments for loss of capacity to work; a State allowance allocated and paid to a mother or father, adoptive parent or guardian (tutor) raising a child with a disability (children with disabilities); and a State allowance for persons caring for an individual with a category I disability (Social Code, art. 170 (1)).

153. The National Plan to Ensure the Rights and Improve the Quality of Life of Persons with Disabilities in the Republic of Kazakhstan for the period up to 2025 was approved pursuant to Government Decision No. 326 of 28 May 2019<sup>100</sup> so as to achieve a comprehensive and integrated approach in establishing conditions for the self-realization of persons with disabilities and their full integration into the socioeconomic life of the country.

154. The National Plan contains 95 measures in 10 areas, including prevention of disability, social rehabilitation and habilitation, ensuring comprehensive accessibility and a barrier-free environment, accessibility of education, and establishment of conditions for economic self-sufficiency through quality employment, development of social services and modernization of public attitudes.

155. In order to promote the development of an inclusive society, ensure respect for the rights of persons with disabilities and expand opportunities for them, it is planned to adopt, by the end of 2024, an inclusive policy framework for the period up to 2030.

156. State social protection inspectors have been carrying out their functions since 1 July 2023. They are responsible for State oversight of social protection for persons with disabilities and of the provision of special social services, pensions and social security.

157. Social protection for persons with disabilities is aimed at upholding the rights of 725,000 persons with disabilities, including 420,300 persons of working age (58 per cent), 195,200 of pensionable age (26.9 per cent) and 109,500 children aged under 18 (15.1 per cent).

158. A total of 481.5 billion tenge was allocated from the national budget for social security for persons with disabilities in 2022 and 569 billion tenge in 2023.

159. Persons with disabilities are provided with the necessary rehabilitation devices and services, with funding from the State. The services of personal assistants and sign language specialists, sanatorium and health resort treatment, prosthetic and orthopaedic assistance, hearing and vision aids, special mobility aids and essential hygiene aids are supplied free of charge.

160. Since 1 July 2023, individuals providing personal assistance have been covered by the pension and social and health insurance systems. Family members caring for persons with

<sup>97</sup> Address to the people of Kazakhstan of 2 September 2019, entitled “Constructive social dialogue – the foundation for a stable and flourishing Kazakhstan”;

[https://www.akorda.kz/ru/addresses/addresses\\_of\\_president/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana](https://www.akorda.kz/ru/addresses/addresses_of_president/poslanie-glavy-gosudarstva-kasym-zhomarta-tokaeva-narodu-kazahstana).

<sup>98</sup> <https://adilet.zan.kz/rus/docs/K2300000224>.

<sup>99</sup> [https://adilet.zan.kz/rus/docs/Z050000039\\_](https://adilet.zan.kz/rus/docs/Z050000039_).

<sup>100</sup> <https://adilet.zan.kz/rus/docs/P1900000326>.

category I disabilities can be registered as personal assistants, with payment of wages and inclusion of working hours in their employment record.

161. State social disability benefit is paid in full to persons with disabilities who work.

162. Persons with category I and II disabilities whose disability has been determined to be permanent may participate in the pension savings system if they so wish (they are not required to make mandatory pension contributions during periods of work), and they are entitled to receive pension payments from the single pension savings fund at any time before reaching pensionable age.

163. A pilot project is in progress involving the conduct of medical and social assessments proactively, away from medical and social assessment offices: under the project, persons with disabilities may apply solely to a medical institution for such an assessment, without needing to visit an assessment office. A total of over 76,400 requests for off-site evaluations had been received as at 1 January 2024, representing 30.4 per cent of State services delivered in this area.

164. As at 1 January 2024, 461,055 measures to provide rehabilitation devices and services for persons with disabilities had been implemented.

165. The social services portal was fully rolled out at the beginning of 2021.<sup>101</sup> The portal allows persons with disabilities to exercise their right to choose their rehabilitation devices and services independently. A mobile version of the portal was introduced in 2023. Work is continuing to improve the portal's services, including through the development of versions for persons with vision or hearing impairments.

166. A project for the innovative manufacture of rehabilitation devices is being actively carried out. The project provides persons with disabilities with access to high-tech rehabilitation devices, updated classification systems and better quality equipment. Under the project, a continuous rehabilitation process for children with disabilities is envisaged: in order to consolidate rehabilitation activities, high-tech devices will be provided for temporary use in children's homes until their physical condition improves. The issue of monetizing the provision of orthopaedic footwear is being studied.

167. Pursuant to instructions from the Head of State on the construction of 12 social rehabilitation centres, construction of 2 centres providing 150 places in the towns of Semey and Taraz has been completed. Construction of centres in Aktobe, Akmola, West Kazakhstan, Turkistan and Atyrau Provinces is under way while, in other regions, the necessary preparatory work is being undertaken.

168. In order to ensure transport mobility, a pilot project known as "Invataksi" has been implemented in the cities of Astana and Almaty with companies offering taxi aggregator services.

169. Since 2020, an interactive accessibility map of facilities by region has been available on the "Social Protection for Persons with Disabilities" information portal ([inva.gov.kz](https://inva.gov.kz)).<sup>102</sup> It contains information on adaptations carried out at more than 35,000 social infrastructure facilities across the country. The map allows persons with disabilities to see the degree of accessibility of a particular facility from a computer or phone before visiting it. The Ministry of Labour and Social Protection, together with local authorities and the non-governmental sector, is working to include all socially significant facilities in the interactive accessibility map and to make them more accessible. The total number of facilities registered on the interactive map is 35,659, of which 11,590 or 32 per cent have been adapted. In order to create a barrier-free environment, local authorities (*akimat*) are ensuring access to social and transportation infrastructure facilities, including residential, public and industrial buildings, structures and premises.

170. As part of State oversight, facilities under all forms of ownership are inspected to ensure their accessibility for persons with disabilities. In the period just ended, 2023,

<sup>101</sup> Social services portal; <https://aleumet.egov.kz/>.

<sup>102</sup> <https://inva.gov.kz/ru>.

1,049 inspections were conducted, 875 directives to remedy breaches were issued and 338 administrative fines were imposed in a total amount of more than 74 million tenge.

171. Today, in the sphere of social protection for persons with disabilities, there are 57 national and interstate standards on accessibility.

172. Housing-related matters are regulated in the Housing Act of 16 April 1997.<sup>103</sup>

173. Housing is provided by local authorities in order of priority. A total of 645,750 persons are registered as needing housing,<sup>104</sup> including 55,258 persons with category I or II disabilities and 25,337 families with children with disabilities. At the time of writing, according to local authority data, in the period since 2017 housing had been provided to 3,684 persons with category I or II disabilities and 1,988 families with children with disabilities. In the current year, funds amounting to 105.2 billion tenge have been allocated to purchase 10,937 apartments (rental housing without the right to buy). A 50/50 mechanism for subsidizing part of the cost of renting private housing is available, along with “2-10-20” and “5-10-20” mortgage products from Otbas Bank.

174. The National Development Plan for the period up to 2025 sets out the strategic direction for the development of inclusive education. Indicators for the development of inclusive education are included in the Policy Framework for the Development of Preschool, Secondary, Technical and Vocational Education for 2023–2029, approved pursuant to Government Decision No. 249 of 28 March 2023.<sup>105</sup>

175. The concept of inclusive education and the mechanisms for providing it are governed by the Education Act<sup>106</sup> (arts. 1, 8 and 56). The Social, Medical and Educational Support for Children with Disabilities Act<sup>107</sup> is in force.

176. In June 2021, a bill to introduce amendments concerning inclusive education in various laws of Kazakhstan<sup>108</sup> was adopted. The right to choose an educational establishment and the form of education received, depending on requirements for admission, is provided for.

177. The total number of children with special developmental needs is 188,144, of whom 132,699 are of school age and 55,455 of preschool age.

178. To date, conditions have been created for the provision of inclusive education at 4,674 general education schools.

179. Every year, at the Orleu National Centre for Advanced Studies, more than 20,000 teachers from educational establishments take professional development courses on working with children with special educational needs in inclusive educational settings. More than 9,000 special educators are employed at educational establishments to provide psychological and pedagogical support services in inclusive educational settings.

180. Inclusive education is a compulsory academic subject in the curricula for all pedagogical specialties in Kazakh higher and postgraduate education establishments.

181. The technical and vocational education system has put in place conditions for more than 9,400 children with disabilities to study at 422 of the country’s technical and vocational colleges (54.6 per cent of the total).

182. Pursuant to the new Framework Policy for the Development of Higher Education and Science in Kazakhstan, which has been approved for the period 2023–2029, conditions for the provision of inclusive education are being established in higher and postgraduate education establishments.

183. The Ministry of Science and Higher Education has approved the Road Map for the Development of Inclusive Education, covering the period 2023–2025, under which measures

<sup>103</sup> [https://adilet.zan.kz/rus/docs/Z970000094\\_](https://adilet.zan.kz/rus/docs/Z970000094_).

<sup>104</sup> According to the Ministry of Industry and Construction.

<sup>105</sup> [https://adilet.zan.kz/rus/docs/P2300000249\\_](https://adilet.zan.kz/rus/docs/P2300000249_).

<sup>106</sup> [https://adilet.zan.kz/rus/docs/Z0700000319\\_](https://adilet.zan.kz/rus/docs/Z0700000319_).

<sup>107</sup> [https://adilet.zan.kz/rus/docs/Z0200000343\\_#z1](https://adilet.zan.kz/rus/docs/Z0200000343_#z1).

<sup>108</sup> [https://adilet.zan.kz/rus/docs/Z2100000056\\_](https://adilet.zan.kz/rus/docs/Z2100000056_).

are envisaged to ensure barrier-free physical access for students with special educational needs in educational buildings and student accommodation, along with the development of subsidiary courses for future teachers that prepare them to work with persons with disabilities. Inclusive education coordinators have been appointed in higher and postgraduate education establishments. Currently, 374 students in such establishments have disabilities; 46 per cent of them are women.

184. Today, in Kazakhstan, there are 385,800 persons with disabilities who are of working age. The number of such persons who are in work is 138,800, or 36 per cent of the total.

185. Persons with disabilities are prioritized in employment promotion measures (see annex).

186. The Centre for the Vocational Rehabilitation of Persons with Disabilities, established by UNDP in Kazakhstan and the Ministry of Labour and Social Protection, was opened in the capital, Astana, with the support of the local authorities. At the Centre, job coaches provide assistance with finding work. A total of 102 volunteers with experience in vocational guidance, social work, psychology, legal issues and coaching are involved in the Centre's activities.

187. "Ten qogam" social support centres have been opened in a number of regions to provide counselling, legal and other types of service to persons with disabilities. The centres provide assistance in finding permanent and temporary jobs and carrying out entrepreneurial activities.

188. An atlas of professions has been developed as another way of tackling the issue of job placement for persons with disabilities. The atlas allows more than 400 types of specialty for persons with disabilities to be identified and assistance to be provided in the job placement process.

189. Article 152 (Violation of labour law) of the Criminal Code provides for criminal liability for unjustified refusal to conclude an employment contract or unjustified termination of an employment contract on the basis of a person's disability.

190. The new membership of the Coordinating Council on Social Protection of Persons with Disabilities, a consultative and advisory body under the Ministry of Labour and Social Protection, has begun work. The Council's mission is to develop proposals and recommendations to improve State policy in the field of social protection for persons with disabilities, giving effect to the rights and improving the quality of life of persons with disabilities, and to provide a forum for dialogue with the public and the non-governmental sector.

191. In the country's regions, freelance advisers on issues related to persons with disabilities are working actively with heads of local authorities (*akim*) to promote more targeted local measures giving full and comprehensive consideration to the interests and needs of citizens with disabilities.

192. Detailed information on the implementation of the recommendation contained in paragraph 13 of the concluding observations is provided in the annex.

193. Detailed information on the implementation of the recommendation contained in paragraph 20 of the concluding observations, regarding "Maximum available resources", is likewise provided in the annex.

### Article 3

#### **Recommendation** regarding equality between men and women (para. 15)

194. Kazakhstan is striving to ensure gender equality and has adhered to a number of fundamental international human rights treaties and international instruments, including in the sphere of women's rights: the Beijing Platform for Action, concerning the advancement of women, in 1995; the Convention on the Elimination of All Forms of Discrimination against Women, in 1998, and the Optional Protocol thereto, in 2001; the Convention on the Political Rights of Women, in 2000, and the Convention on the Nationality of Married Women, also

in 2000; the International Labour Organization (ILO) Equal Remuneration Convention, 1951 (No. 100), in 2000; and the Convention against Discrimination in Education, in 2016.

195. The Family and Gender Policy Framework for the period up to 2030 was adopted in 2016<sup>109</sup> and updated in 2022.<sup>110</sup>

196. Issues related to the safeguarding of men and women's equal right to enjoy all economic, social and cultural rights are governed by the Act on State Guarantees of Equal Rights and Equal Opportunities for Men and Women, of 8 December 2009.<sup>111</sup>

197. In cases of sex discrimination, citizens have the right to apply to judicial bodies for protection of their violated or disputed rights and freedoms and to file complaints with national human rights institutions and procurator's offices, among others.

198. According to data from the Committee for Legal Statistics and Special Records in the Office of the Procurator General, in the period 2020–2023 women filed 513,499 legal actions and applications.<sup>112</sup>

199. The country has a National Commission for Women's Affairs and Family and Demographic Policy, which reports to the President of Kazakhstan, and there are corresponding consultative and advisory bodies in the regions.

200. Since 2023, the Ministry of Culture and Information has been the designated body with responsibility for gender policy in the context of cooperation with the Organisation for Economic Co-operation and Development (OECD). A gender policy coordination office has been established within the Ministry's Committee on Youth and the Family.

201. Employment statistics show that, in 2023, the number of women in the working population stood at 4.3 million (48.3 per cent). Of that total, 3.4 million (78.4 per cent) were employed and 940,900 were self-employed (21.6 per cent).

202. Data for 2022 show that women's representation among executives in the corporate sector has passed the 30 per cent threshold and now stands at 43.4 per cent.

203. On instructions from the Head of State, in 2020 amendments to the Constitutional Act on Elections<sup>113</sup> and the Political Parties Act<sup>114</sup> were adopted, according to which at least 30 per cent of candidates on party lists must be women and young persons.

204. In Parliament, women constitute 19.6 per cent of the total number of deputies. In local representative bodies (*maslikhat*), women account for 21.02 per cent of all deputies (786 out of 3,415).

205. According to the data presented in the UNDP report on social norms that impede the attainment of gender equality in 2023 (para. 15), the share of people in Kazakhstan with at least one gender bias has fallen by 3 percentage points (from 96.2 per cent in 2014 to 93.2 per cent in 2022). In 2022, 6.8 per cent of the population had no gender biases (in 2014, the figure was 3.8 per cent). The greatest progress has been made in reducing the share of people holding biased beliefs regarding women's political participation (75.2 per cent in 2014, compared with 68.4 per cent in 2022). The share of people holding biased beliefs regarding women's economic opportunities decreased by 1.3 percentage points.<sup>115</sup>

206. Using regional employment maps, active efforts are being made to involve women in productive employment. In 2023, 528,200 women were placed in jobs, constituting 54 per cent of all job placements. At the same time, a large proportion of young women are

<sup>109</sup> Presidential Decree of 16 December 2016 (<https://adilet.zan.kz/rus/docs/U1600000384>).

<sup>110</sup> Presidential Decree No. 853 of 1 April 2022 ([https://online.zakon.kz/Document/?doc\\_id=37542734](https://online.zakon.kz/Document/?doc_id=37542734)).

<sup>111</sup> [https://adilet.zan.kz/rus/docs/Z090000223\\_#z2](https://adilet.zan.kz/rus/docs/Z090000223_#z2).

<sup>112</sup> Government Decision No. 851 of 3 October 2023 approving the report on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, <https://adilet.zan.kz/rus/docs/P2300000851>.

<sup>113</sup> [https://online.zakon.kz/Document/?doc\\_id=1004029](https://online.zakon.kz/Document/?doc_id=1004029).

<sup>114</sup> [https://adilet.zan.kz/rus/docs/Z020000344\\_/z020344.htm](https://adilet.zan.kz/rus/docs/Z020000344_/z020344.htm).

<sup>115</sup> [https://hdr.undp.org/system/files/documents/hdperspectivesgsnipdf\\_1.pdf](https://hdr.undp.org/system/files/documents/hdperspectivesgsnipdf_1.pdf);  
<https://hdr.undp.org/system/files/documents/hdp-document/gsn202303pdf.pdf>.

being recruited to government-subsidized jobs. About 22,000 young women have found jobs through youth internships.

207. In 2023, some 84,000 women took courses on the basic principles of entrepreneurship, following which 5,700 women were given grants.

208. One initiative to strengthen the role of women in the country's socioeconomic development is the opening of women's entrepreneurship development centres in all regions of the country, which began in 2021 under a joint project of the Ministry of National Economy, the Asian Development Bank and UNDP. The centres provide a channel for the provision of non-financial support to women entrepreneurs and women with entrepreneurial initiative, where they can receive a number of services to boost start-ups and increase economic activity.

209. In order to develop and strengthen the capacity of local communities and improve the welfare of rural residents, the "One Village - One Product" project is being implemented.

210. The "Silver Age" project is aimed at increasing the economic activity of unemployed persons over 50 years of age. Employers make job offers from which participants may choose independently on the basis of their qualifications. More than 8,200 women have found work under the project.

211. On instructions from the Head of State, the planned increase in the retirement age for women, currently set at 61 years of age, has been postponed from 2023 to 2028.

#### **Recommendation regarding business and human rights (para. 17)**

212. Kazakhstan works actively to protect the interests of its citizens (workers) with regard to social issues, including in the field of business (paras. 17 and 18).

213. The legal, economic and social conditions and guarantees ensuring free enterprise in Kazakhstan are governed by the Entrepreneurial Code of 29 October 2015.<sup>116</sup> The State encourages businesses to introduce the concept of social responsibility in their activities (Code, art. 20).

214. The responsibility of State bodies, national holding companies, national development institutions and others to support initiatives for the development of social entrepreneurship is enshrined in the 2021 Act amending various laws related to entrepreneurship, social entrepreneurship and compulsory social health insurance.<sup>117</sup> A register of social enterprises is maintained.

215. A number of State support measures are available to boost social entrepreneurship, including the provision of infrastructure for social enterprises, tax breaks and financial and information support.

216. For example, organizations in which 51 per cent of the employees have special needs are exempt from corporate income, social and land taxes and benefit from deductions when property tax is calculated.

217. Since February 2023, additional State support measures (in the form of concessional lending) have been available for social entrepreneurs.

218. Non-financial entrepreneurship support measures are extended to social enterprises, such as the provision of service support for business, information and consulting services for entrepreneurs and persons with entrepreneurial initiative, business networking tools and training for effective entrepreneurship under the "Men – Kasipker" (I am an entrepreneur) scheme.

219. Currently, more than 500 companies in the country classify themselves as socially oriented and fulfil important missions to address inequality, reduce poverty, enhance the environment and improve the quality of education.

<sup>116</sup> <https://adilet.zan.kz/rus/docs/K1500000375>.

<sup>117</sup> [https://online.zakon.kz/Document/?doc\\_id=33046086&pos=2;-69#pos=2;-69](https://online.zakon.kz/Document/?doc_id=33046086&pos=2;-69#pos=2;-69).



220. The Sustainable Rural Development Fund works actively to carry out socially significant projects. With the support of business and civil society, the Fund is implementing a strategy for the sustainable social, economic and environmental development of rural areas.

221. A number of companies among the country's large businesses, including national holding companies, have adopted corporate social responsibility codes and are actively implementing the ISO 26000 standard in their production processes.

222. Kazakhstan is actively implementing the UNDP "Business and Human Rights" project, which is designed to strengthen mechanisms for protecting the rights of citizens through the introduction of the United Nations Guiding Principles on Business and Human Rights.<sup>118</sup>

223. The Plan of Action on Human Rights and the Rule of Law, approved by presidential decree on 8 December 2023, provides for the establishment of a working group under the Government to ensure respect for human rights in business activities, taking into account the Guiding Principles.<sup>119</sup>

### **Recommendation regarding combating corruption (para. 22)**

224. The Anti-Corruption Policy Framework for 2022–2026 was adopted by presidential decree on 2 February 2023.<sup>120</sup>

225. The goals and objectives stipulated in the strategic document are aimed at eliminating the conditions that give rise to corruption, building social immunity to corruption and fighting uncompromisingly against corruption in all areas.

226. An action plan to implement the Policy Framework is being carried out; it provides for the achievement of specific targets.<sup>121</sup>

227. An independent anti-corruption authority, the Agency for Combating Corruption (Anti-Corruption Service), which is subordinate and accountable to the President of Kazakhstan, has been established.<sup>122</sup>

228. Systemic measures have been laid down to create zero tolerance for corruption, strengthen citizen oversight and increase the transparency of procurement and the budget process.

229. Liability of public servants for unjust enrichment has been introduced.<sup>123</sup> The Act of 3 January 2023 amending various laws related to efforts to combat corruption and ensure the safety of persons under State protection established additional penalties for unjust enrichment on the part of public employees;<sup>124</sup> the independence of anti-corruption compliance services has been strengthened and a pilot "Integrity Check" project launched.

230. The Agency for Combating Corruption monitors the implementation of the Policy Framework through the information system of the National Project Office, which displays all actions taken by government agencies in carrying out their routine activities. A tab page has been created on the Agency's website where anyone wishing to do so can read the report on the implementation of the Policy Framework and action plan and post their proposals and requests.<sup>125</sup>

231. Since 2019, managers have been held personally liable for corruption on the part of their subordinates and weakness of preventive efforts. In consequence, 15 political appointees to the civil service have been dismissed and 694 senior managers (243 career civil

<sup>118</sup> <https://www.undp.org/ru/kazakhstan/news/v-chem-znachimost-razrabotki-nacionalnogo-plana-v-oblasti-biznesa-i-prav-cheloveka>.

<sup>119</sup> [https://online.zakon.kz/Document/?doc\\_id=35159574](https://online.zakon.kz/Document/?doc_id=35159574).

<sup>120</sup> <http://adilet.zan.kz/rus/docs/U2200000802>.

<sup>121</sup> <http://adilet.zan.kz/rus/docs/U2200000802>.

<sup>122</sup> Official website of the Agency for Combating Corruption, <https://www.gov.kz/memleket/entities/anticorruption?lang=ru>.

<sup>123</sup> Anti-Corruption Act of 18 November 2015, <https://adilet.zan.kz/rus/docs/Z1500000410>.

<sup>124</sup> [https://online.zakon.kz/Document/?doc\\_id=38409832&pos=348;-23#pos=348;-23](https://online.zakon.kz/Document/?doc_id=38409832&pos=348;-23#pos=348;-23).

<sup>125</sup> <https://www.gov.kz/memleket/entities/anticorruption/activities/17527?lang=ru>.



servants, 362 senior officers in the military, police and security forces, 66 top managers in the quasi-governmental sector and 23 political appointees) have been disciplined.

232. In January 2021, universal declaration of income and property by public servants and persons equivalent to them, as well as their spouses, was introduced. Since 1 January 2023, employees of government agencies and quasi-governmental entities have been required to file a declaration and, since 2024, managers, founders and shareholders of corporations and their spouses have had to do so, along with individual entrepreneurs and their spouses.

233. Today, more than 6,000 quasi-governmental and private sector entities have introduced compliance services.

234. In 2023, more than 17,000 information and awareness-raising events were held to foster a culture of anti-corruption in society, during which citizens were informed about the provisions of anti-corruption legislation and ways of taking part in anti-corruption efforts.

235. Citizens can report a corruption offence through the Anti-Corruption Service's consolidated call centre on the toll-free 24-hour number 1424 or by writing a letter to the Agency for Combating Corruption, applying to a local office of the Agency or using the e-government portal.<sup>126</sup>

236. Thanks to the systematic preventive efforts undertaken in Kazakhstan, the number of corruption offences recorded had fallen significantly, from 2,245 corruption offences in 2019 to 1,525 in 2023 – 67.9 per cent of the previous figure.

237. Steps have been taken to improve the preventive mechanisms of corruption risk analysis and anti-corruption monitoring (Anti-Corruption Act, arts. 7 and 8) in implementation of the Anti-Corruption Policy Framework for the period up to 2026.<sup>127</sup>

238. In total, more than 1,900 recommendations and proposals on eliminating corruption risks have been developed, on the basis of which the competent authorities are taking appropriate measures, including of a legislative nature.

239. Illegally obtained assets worth about 653 billion tenge have been returned to the State, of which more than 120 billion tenge have been assigned for the construction of schools, among other purposes.

240. The Code of Criminal Procedure, the Act on State Protection of Parties to Criminal Proceedings of 5 July 2020<sup>128</sup> and the Act on Police Work of 15 September 1994 detail the system of measures for the protection by the State of parties to criminal proceedings (para. 22).<sup>129</sup>

241. The President, in his address to the people of Kazakhstan of 1 September 2020, entitled "Kazakhstan in a new reality: time for action", gave instructions for the establishment under the law of a system for the protection of persons who report instances of corruption.

242. The new version of article 424 of the Criminal Code provides for criminal liability for disclosing information about a written representation made by an individual to the leadership or the competent State authorities for the purpose of reporting corruption if this act is committed by a person with whom an agreement on non-disclosure of this information has been concluded.

243. Thanks to systemic reforms, over the period 2016–2023 Kazakhstan improved its score in the Transparency International Corruption Perceptions Index<sup>130</sup> by 8 points (from 28 to 36) and rose eight positions (from seventy-first to sixty-third place) in the Rule of Law Index<sup>131</sup> in terms of absence of corruption.

<sup>126</sup> Instructions on the gov.kz portal.

<sup>127</sup> <https://adilet.zan.kz/rus/docs/Z1500000410>.

<sup>128</sup> <https://adilet.zan.kz/rus/docs/Z000000072>.

<sup>129</sup> <https://adilet.zan.kz/rus/docs/Z940004000>.

<sup>130</sup> <https://www.transparency.org/en/cpi/2022>, <https://www.transparency.org/en/cpi/2012>.

<sup>131</sup> <https://worldjusticeproject.org/rule-of-law-index/global/2023/Absence%20of%20Corruption/>, <https://worldjusticeproject.org/rule-of-law-index/global/2016/Absence%20of%20Corruption/>.

## Articles 4 and 5

244. Article 39 of the Constitution provides that human and civil rights and freedoms may be restricted solely by law and to the extent necessary to defend the constitutional system and to protect public order, human rights and freedoms, and public health and morals.

245. No restrictions of any kind on civil rights or freedoms are permitted for political reasons. The rights and freedoms set out in articles 11, 13–15, 16 (1), 17, 19, 22 and 26 (2) of the Constitution are not subject to restriction.

## Article 6

### Recommendation regarding women's right to work (para. 24)

246. In accordance with article 24 of the Constitution, everyone has the right to freedom of labour and the free choice of occupation and profession. Forced labour is allowed only pursuant to a court judgment, in a state of emergency or under martial law.

247. Pursuant to the Act of 12 October 2021 amending various laws related to the social protection of certain categories of citizen,<sup>132</sup> amendments were made to the Labour Code in order to eliminate the list of jobs in which the use of women's labour was restricted.

248. Under this list, Kazakh women were effectively excluded from 213 types of job or profession involving heavy, harmful and/or hazardous working conditions.

249. Employment promotion has been facilitated by the implementation of the "Business Road Map – 2025",<sup>133</sup> a State business support and development programme, and "Enbek",<sup>134</sup> a programme for the development of productive employment and mass entrepreneurship over the period 2017–2021.

250. The Government has approved the Labour Market Development Policy Framework for the period 2024–2029.<sup>135</sup> Implementing the measures proposed in the Policy Framework will increase the number of quality jobs to 3.8 million by 2029 and improve the structure of employment. Trade union organizations and the public took an active part in the development of the Policy Framework. The driver of quality employment growth must be the industrialization of key real sectors of the economy, the introduction and promotion of new technologies and the creation of new types of employment based on flexibility of working hours and work-life balance.

251. At the end of the fourth quarter of 2023, the number of employed persons was 9,042,300. The number of unemployed persons (according to the ILO methodology) was 445,900.

252. The implementation of a set of measures to promote employment helped to bring down the unemployment rate, to 4.7 per cent.

253. To increase the share of women on the boards of companies with State participation, the Model Code of Corporate Governance in State-Controlled Joint Stock Companies has been reapproved.<sup>136</sup> The Code recommends that women should constitute at least 30 per cent of the members of executive bodies and boards of directors of joint stock companies (organizations).

<sup>132</sup> <https://adilet.zan.kz/rus/docs/Z2100000067>.

<sup>133</sup> Approved by Government Decision No. 968 of 24 December 2019, <https://adilet.zan.kz/rus/docs/P1900000968>; rescinded by Government Decision of 2 February 2022.

<sup>134</sup> Approved by Government Decision No. 746 of 13 November 2018; <https://adilet.zan.kz/rus/docs/P1800000746>.

<sup>135</sup> <https://adilet.zan.kz/rus/docs/P2300001050>.

<sup>136</sup> Ministry of National Economy Order No. 21 of 5 October 2018, <https://adilet.zan.kz/rus/docs/V1800017726>.

## Article 7

### Recommendations regarding the gender wage gap (para. 26) and just and favourable conditions of work (para. 30)

254. Owing to the gender imbalance in the employment of women and men across economic sectors, Kazakhstan has not been able to eliminate the gender gap in average monthly wages, which stood at 25.2 per cent in 2022. At the same time, this indicator decreased significantly, by 9 percentage points, compared with 2018 (when the figure was 34.2 per cent).<sup>137</sup>

255. Temporary special measures aimed at accelerating the achievement of equality between men and women, including with regard to wages, were approved under the Family and Gender Policy Framework for the period up to 2030, which was updated in 2021.<sup>138</sup> By 2030, the gap between the average wages of women and men will be 21 per cent (para. 26).

256. Kazakhstan recognizes the right of every worker to just and favourable conditions of work, including fair remuneration and wages. The Constitution states that everyone has the right to freedom of labour and the free choice of occupation and profession. Forced labour is allowed only on the basis of a court finding of guilt in the commission of a criminal or administrative offence, in a state of emergency or under martial law. Everyone has the right to safe and healthy working conditions and to remuneration for work without discrimination of any kind and the right to social protection against unemployment. Everyone has the right to rest. Persons working under a labour contract are guaranteed working hours of the duration specified by law, rest days, public holidays and paid annual leave (art. 24 (1), (2) and (4)).

257. The legislation of the Kazakhstan guarantees equal pay for equal work, as well as equal conditions with regard to work and amenities without discrimination of any kind (Labour Code, arts. 22 (1) (15) and 23 (2) (28)), as well as “remuneration for work without discrimination of any kind” (Constitution, art. 24 (2)).

258. In accordance with article 103 of the Labour Code, the amount of an employee’s monthly wages may be differentiated on the basis of the employee’s qualifications and the complexity, quantity and quality of the work performed, as well as the conditions of work. There is no maximum monthly wage.

259. In accordance with article 104 of the Labour Code, the minimum monthly wage is calculated on the basis of the methodology for that purpose.

260. On instructions from the Head of State, the minimum wage was increased from 60,000 to 70,000 tenge as from 1 January 2023 and to 85,000 tenge as from January 2024. This led to the growth of monetary incomes for 1.8 million salaried workers earning wages at or above the amount of the minimum monthly wage, taking into account the job classification system.

261. On instructions from the Head of State, the Government, by Decision No. 212 of 20 March 2024, approved a new methodology for determining the minimum wage, based on a dynamic approach and giving consideration to the main economic indicators.<sup>139</sup>

262. Taking into account international experience and the relevant ILO recommendation, it is proposed to determine the amount of the minimum wage using median wage and labour productivity indicators.

263. The Safe Labour Policy Framework for the period 2024–2030 was adopted in order to create conditions of work that meet safety requirements, improve the quality of working life and save labour resources.

264. The Policy Framework envisages modernization of the national occupational safety system on the basis of a risk-oriented approach, provision of economic incentives for risk reduction measures at workplaces, development of professional competencies and scientific potential, and increased effectiveness of oversight and monitoring in the field of occupational

<sup>137</sup> [https://gender.stat.gov.kz/page/frontend/detail?id=18&slug=-14&cat\\_id=7&lang=ru](https://gender.stat.gov.kz/page/frontend/detail?id=18&slug=-14&cat_id=7&lang=ru).

<sup>138</sup> Presidential Decree No. 853 of 1 April 2022, <https://adilet.zan.kz/rus/docs/U2200000853#z5>.

<sup>139</sup> <https://adilet.zan.kz/rus/docs/P2400000212>.

safety. A Digital Map of enterprises has been created, which will allow real-time monitoring of conditions of work from 1 July 2024.

265. With a view to the introduction of a modern occupational risk management system, 3,214 enterprises in the country have implemented occupational safety and health standards (OHSAS 18001, ILO SWOT).

266. In implementation of the Labour Code, as part of internal oversight of occupational safety and health, the country's enterprises have set up 18,229 works councils with the participation of more than 24,000 technical inspectors for occupational safety and health, whose decisions are binding on employers. Their tasks include preventing occupational injuries and organizing inspections of conditions at workplaces.

267. A total of 1,055 accident reports were sent to law enforcement agencies on account of violations in the field of occupational safety and health and 149 criminal cases were opened. In order to assess the actual state of conditions at workplaces, evaluations were carried out at 10,551 production facilities.

268. Work has begun to promote the Vision Zero concept for zero accidents. Thus, on 17 June 2019, in Geneva, the Ministry of Labour and Social Protection concluded a memorandum of understanding with the International Social Security Association to that end. To date, 536 enterprises have adhered to the Concept.

## Article 8

### Recommendation regarding the right to strike (para. 28)

269. The Constitution recognizes the right of citizens to engage in individual and collective labour disputes using the legally established methods for their settlement, including the right to strike (art. 24 (3)).<sup>140</sup> The liberalization of the legislation on peaceful assemblies in 2020<sup>141</sup> created an environment conducive to the expansion of the practice of striking in enterprises.

270. In February 2023, a law was adopted introducing, in various laws, amendments to simplify the procedure for settling labour disputes and conflicts.<sup>142</sup>

271. The provisions adopted allow for the simplification of the procedures whereby workers may put their demands. They grant this right to the trade union of the enterprise; establish an obligation on the employer to provide premises and create the necessary conditions for holding meetings (conferences) of employees; enshrine the right to hold short-term (one-hour) warning strikes; and establish that, during a strike, the employer has no right to replace workers who are striking provided that the strike is organized in accordance with the established procedure.<sup>143</sup>

272. The law also details the rules for the use of conciliation commissions. The use of labour arbitration is regulated by the Model Provisions on Labour Arbitration.<sup>144</sup>

273. The parties to a labour dispute may resort to mediation. The principles, procedure and methods for conducting mediation, as well as the specificities of mediation in labour conflicts are reflected in the Mediation Act.<sup>145</sup>

274. Issues related to the labour rights of citizens are considered on a regular basis in national, sectoral and regional social partnership commissions comprising representatives of employees, employers and State bodies, with specific measures developed for each enterprise.

<sup>140</sup> Constitution of the Republic of Kazakhstan. Official website of the President of Kazakhstan: [https://www.akorda.kz/ru/official\\_documents/constitution](https://www.akorda.kz/ru/official_documents/constitution).

<sup>141</sup> Act on the Procedure for Organizing and Holding Peaceful Assemblies, <https://adilet.zan.kz/rus/docs/Z2000000333>.

<sup>142</sup> <https://adilet.zan.kz/rus/docs/Z2300000199>.

<sup>143</sup> According to data from the Office of the Procurator General.

<sup>144</sup> <https://adilet.zan.kz/rus/docs/V1500012634>.

<sup>145</sup> <https://adilet.zan.kz/rus/docs/Z1100000401/z110401.htm>.

275. The Labour Code<sup>146</sup> details the rights and duties of workers and employers, including the procedure for the consideration and mechanisms for the settlement of individual and collective disputes.

276. Amendments were made to a number of laws on labour issues pursuant to the Act of 4 May 2020.<sup>147</sup>

277. The punishment envisaged under article 402 (Actions provoking continued participation in a strike declared by a court to be illegal) of the Criminal Code was made less harsh; specifically, the amount of the fines was reduced, and the penalties of restriction or deprivation of liberty with deprivation of the right to hold certain positions or engage in certain activities were replaced by short-term rigorous imprisonment.<sup>148</sup>

### **Recommendation regarding trade union rights (para. 33)**

278. The Constitution states that everyone has the right to freedom of association art. 23 (1)). All voluntary associations are equal before the law.

279. The Constitution prohibits unlawful interference by the State in the affairs of voluntary associations or by voluntary associations in the affairs of the State, and the attribution of the functions of State bodies to voluntary associations (art. 5 (2)). The presidents and judges of the Constitutional Court, the Supreme Court and other courts, the chairs and members of the Central Electoral Commission and the Supreme Audit Chamber, military personnel and employees of national security bodies and law enforcement agencies may join trade unions (art. 23 (2)).

280. Social issues related to the exercise by citizens of the right to freedom of association and the establishment, operation, reorganization and winding-up of voluntary associations are regulated by the Voluntary Associations Act.<sup>149</sup>

281. The establishment, operation, reorganization and dissolution of trade unions are governed by the Trade Unions Act of 27 June 2014.<sup>150</sup> There is no limit on the number of trade unions that may be established within one sector or organization. All trade unions must be granted equal legal opportunities. It is prohibited to obstruct the establishment of a trade union, undermine its activities or interfere unlawfully its affairs.

282. Trade unions carry out their activities independently of State bodies at all levels, political parties, employers and their associations, and are not controlled by or accountable to them. Trade unions themselves develop and approve their statutes and structures, determine priority areas of activity, form trade union bodies, organize activities and hold meetings, conferences, congresses and so forth. (art. 5).

283. In May 2018, ILO conducted a high-level mission to Kazakhstan and, following joint efforts, a road map was adopted for the implementation of the recommendations of the ILO Committee on the Application of Standards and the ILO Committee of Experts on the Application of Conventions and Recommendations.

284. Today, in Kazakhstan, there are 3 national trade union associations, 54 sectoral, 35 regional and 421 local trade union organizations.

285. The national trade union associations are the Federation of Trade Unions of Kazakhstan, the Confederation of Labour of Kazakhstan and the Commonwealth of Trade Unions of Kazakhstan, Amanat. In total, the 3 national trade union associations bring together 38 sectoral trade unions, 34 regional trade union associations and more than 2,600 members.<sup>151</sup> All the national trade union associations belong to international trade union associations. In 2022, the Federation of Trade Unions of Kazakhstan re-established its affiliation with the International Trade Union Confederation. The Confederation of Labour

<sup>146</sup> <https://adilet.zan.kz/rus/docs/K1500000414>.

<sup>147</sup> <https://adilet.zan.kz/rus/docs/Z2000000321>.

<sup>148</sup> <https://adilet.zan.kz/rus/docs/Z2000000321#z8>.

<sup>149</sup> [https://online.zakon.kz/Document/?doc\\_id=1005615&pos=89;-62#pos=89;-62](https://online.zakon.kz/Document/?doc_id=1005615&pos=89;-62#pos=89;-62).

<sup>150</sup> <https://adilet.zan.kz/rus/docs/Z1400000211#z1>.

<sup>151</sup> According to data from the Ministry of Labour and Social Protection.

of Kazakhstan has been an affiliate organization of the General Confederation of Trade Unions since 2019. Amanat is a member of the World Federation of Trade Unions.

286. Social partnership – a system of relations between representatives of employees, employers and State bodies, aimed at harmonizing their interests with regard to the regulation of labour relations and other issues directly related to labour relations, as well as social and economic relations – functions actively in Kazakhstan. Within the framework of social partnership, trilateral agreements – general (national level) agreements, sectoral agreements and regional agreements – are concluded. All three national trade union associations helped draft and signed the general agreement between the Government, the national trade union associations and employers for 2024–2026.

287. A total of 23 sectoral and more than 200 regional agreements have been adopted. Since the beginning of 2023, 153 meetings of provincial or city and 1,590 meetings of district social partnership commissions have been held to review the situation at enterprises in at-risk areas.

## Article 9

### Recommendation regarding the right to social security (para. 35)

288. Pursuant to article 28 of the Constitution, citizens of Kazakhstan are guaranteed a minimum wage and pension and old-age, illness, disability, survivors' and other social security benefits. Voluntary social insurance, the establishment of additional forms of social security and charity are all encouraged.

289. The new social policy being implemented in Kazakhstan is an important element of the large-scale changes announced by the Head of State. One of the main principles of the policy pursued by the State is the provision of equal opportunities for all the country's citizens.

290. The fundamental aspects of these changes are reflected in the Social Code,<sup>152</sup> which came into effect on 1 July 2023. The Code enshrines the basic principles and focuses of social protection, including social services and social insurance, and provides for the introduction of new approaches in the social security system.

291. The Code envisages more extensive digitalization of the social sphere with a view to ensuring the transition from an approach whereby social services must be requested to one whereby needs are identified and services are provided proactively.

292. The Digital Family Map was introduced on 1 January 2023, the main objective being to ensure equal access for Kazakh citizens to the State support system. The Map has been integrated with the information systems of government agencies and, on the basis of their data, the composition of families is automatically determined and an assessment made of their living standards so that State support can be allocated proactively to families who find themselves in difficult circumstances.

293. An SMS notification is sent to potential beneficiaries from the Central Contact Centre line, 1414, to which the recipient must respond with an opt-in. An application form is completed and the allowance or payment is allocated automatically, with funds credited subsequently to the beneficiary's bank account.

294. A methodology has been approved for determining the social well-being of families or individuals,<sup>153</sup> making it possible to assess the level of well-being of all population groups, in terms of economic, social and housing conditions, health and education, and to take proactive administrative decisions to provide State support to citizens.

295. Article 9 of the Labour Code establishes minimum social standards in the sphere of labour. In accordance with the Minimum Social Standards and Their Guarantees Act,<sup>154</sup> the minimum monthly wage, a working day (work shift) of the duration specified by law and basic paid annual leave are minimum social standards in the sphere of labour (para. 35).

<sup>152</sup> <https://adilet.zan.kz/rus/docs/K2300000224>.

<sup>153</sup> <https://adilet.zan.kz/rus/docs/V2300032923>.

<sup>154</sup> <https://adilet.zan.kz/rus/docs/Z1500000314>.

296. On instructions from the Head of State, in order to increase citizens' incomes, the minimum wage has been consistently raised, from 42,500 tenge in 2022 to 70,000 tenge in 2023. As a result, the monetary incomes of about 1.8 million salaried workers employed in all sectors at enterprises under various forms of ownership increased. The minimum wage was increased to 85,000 tenge as from 1 January 2024.

297. In order to increase labour income, a methodology for determining the minimum wage has been developed according to which the minimum wage will be determined on the basis of the median wage, reflecting the real wages of salaried workers, and labour productivity.

298. Kazakhstan has a multi-tiered social security system that provides for the distribution of responsibilities between the State, employers and employees, with basic, mandatory and voluntary tiers.

299. Social protection under the basic tier is provided whether or not a person is working. The mandatory tier comprises social contributions, which employers are responsible for paying for their employees and self-employed persons for themselves on a monthly basis. The voluntary tier is financed from voluntary insurance contributions paid by citizens to life insurance companies.

300. Targeted social support entails, first, targeted measures to avert social risks and, only then, targeted assistance to address the impact of social risks. The need for targeted measures is identified on the basis of data from the Digital Family Map.

301. The Social Code provides for measures to improve the systems of compulsory social insurance and pension provision for citizens. A system of compulsory social insurance covering five types of social risk (pregnancy and childbirth, care for a newborn child, loss of capacity to work, loss of breadwinner and unemployment) was introduced in Kazakhstan on 1 January 2005 as an additional level of social protection from social risks for working citizens.

302. As at 1 January 2024, the State social insurance fund had received social contributions totalling 536.4 billion tenge for 6.9 million participants in the compulsory social insurance system.

303. New approaches to social insurance in case of unemployment are being implemented, as follows: liberalization of the labour market (recognition of all forms of flexible employment, including platform work); establishment of digital employment centres; full digitalization and implementation through the Electronic Labour Exchange of the processes of job-seeking, registering as unemployed and applying for social payments for loss of work from the State social insurance fund; and work on the transformation of employment centres.

304. Today, there is a national model of support for families with children, comprising a system of State benefits and payments aimed at boosting the birth rate and promoting the upbringing of children in the family, as well as enhancing the prestige and authority of mothers with many children.

305. Since January 2023, benefits for families with children have been increased by 8.5 per cent. In 2023, 1.4 million people received benefits for families with children, funded from the national budget and totalling 655.7 billion tenge.

306. One-off payments on the birth of a child, funded from the national budget and amounting to 67.9 billion tenge, were received by 393,323 persons.

307. There is a three-tiered system of pension provision in Kazakhstan. Persons who have reached retirement age are entitled to a pension consisting of solidarity, basic and contributory elements.

308. The State basic pension payment is granted when a person reaches the general retirement age – 63 years for men and 61 years for women, with a phased increase of the latter, to 63 years of age, set to take place between 2028 and 2031.

309. As at 1 January 2024, there were 2,344,030 pensioners.

310. Over the 12 months of 2023, actual expenditure on the solidarity pension amounted to 2,297.4 billion tenge and on the basic pension to 1,016.6 billion tenge.



311. Currently, there are more than 12 million individual pension accounts belonging to contributors in the single contributory pension fund. The total volume of pension assets in the fund is now more than 17.4 trillion tenge.

312. Pension payments from the fund are made when a person reaches retirement age.

313. Since 1 January 2021, contributors to the fund have been entitled to withdraw pension savings early for the purpose of improving their housing conditions or obtaining medical treatment for themselves or their close relatives.

314. The Social Code contains provisions to expand the rights of contributors to the fund, specifically with regard to the transfer of up to 50 per cent of their pension savings to private investment management companies.

315. Since 1 July 2023, under the Social Code, pensioners with long service have been entitled to withdraw the full amount of their pension savings from the fund to improve their housing conditions or pay for medical treatment. About 75,000 pensioners with long service will be able to use this right, accessing pension savings totalling 120 billion tenge.

316. More detailed information is provided in the annex.

317. Currently, Kazakhstan provides a guaranteed level of special social services to persons with category I or II disabilities, older citizens, children with disabilities, persons with locomotor impairments or neuropsychiatric disorders, persons without a fixed place of residence and individuals or families in need of these services.

318. Today, 1,030 organizations provide special social services to more than 136,300 persons, of which 830 are State organizations, including 118 State medical and social inpatient institutions, 89 State day-care centres, 35 rehabilitation centres and 547 units providing home-based social assistance.

319. Social services are also provided under contracts with the State by 193 NGOs in all regions of the country, reaching more than 18,000 individuals (compared with 181 NGOs in 2019).

320. As at 1 January 2024, the social services system covered about 136,300 people, including 65,900 persons with disabilities, of whom more than 25,700 were children with disabilities.

321. Pursuant to the new Social Code, per capita financing will be introduced from 2025, with the involvement of the private sector in the provision of special social services, which will make it possible to cover more citizens in need of those services, especially in rural areas.

322. Beginning in July 2023, this mechanism was piloted in six regions of the country (Akmola, West Kazakhstan, Karaganda and Turkistan Provinces and the cities of Astana and Shymkent).

323. Today, the social protection system employs more than 35,000 staff, including about 11,500 social workers. Home-based special social services are provided by 10,300 social workers. A professional standard for social workers has been developed to improve their skills.

#### **Recommendation regarding domestic violence (para. 37)**

324. Kazakhstan is taking measures to combat domestic violence and prevent the commission of offences in the sphere of family and domestic relations. The Comprehensive Plan to Protect Children from Violence, Prevent Suicide, and Ensure Children's Rights and Welfare for 2023–2025 has been adopted.<sup>155</sup>

325. A major reform of the Kazakh police has been launched, with the gradual transition to a service model. The staffing level of units for the protection of women and children from violence has been increased. The specialization of female investigator to investigate violent

<sup>155</sup> Government Decision No. 748 of 31 August 2023, <https://adilet.zan.kz/rus/docs/P2300000748>.

crimes against women and children has been introduced in investigative units, with 356 investigators currently assigned to such duties.

326. Penalties for violent crimes have been strengthened with the adoption of the Act of 17 March 2023 amending certain legislative acts concerning human rights in criminal proceedings, the enforcement of sentences and the prevention of torture and other cruel, inhuman or degrading treatment.<sup>156</sup>

327. Kazakhstan joined two Action Coalitions at the Generation Equality Forum, the Action Coalition on Gender-based Violence and the Action Coalition on Economic Justice and Rights, under which a number of national commitments have been made and met.

328. Every year, Kazakhstan holds an information campaign entitled “A Childhood without Abuse and Violence”, in which at least 1.6 million pupils and 600,000 parents take part, and a major national campaign to mark 16 days of activism against gender-based violence.

329. Victims can now contact law enforcement agencies by any means convenient for them, including a free 24-hour police line and a special “102” mobile app.

330. More than 40,000 injunctions against perpetrators of domestic abuse were issued in 2023, and approximately 84,000 in 2022. In response to applications by the police, the courts imposed 6,836 special offender behaviour requirements in 2023, and 12,357 in 2022.

331. A standard for the provision of special social services for victims of domestic violence in the sphere of social protection has been approved.<sup>157</sup> Under the standard, temporary shelter organizations provide eight different special social services, depending on need: social, medical, psychological, educational, employment, cultural, economic and legal services.

332. According to the standard, the identification of victims of domestic violence is carried out using the criteria for ascertaining whether abuse resulting in social maladaptation and social deprivation has taken place.<sup>158</sup> The criteria enables the identification of victims of domestic violence, including those under 14 years of age, and sets out the right to necessary assistance.

333. Across the country, 50 crisis centres offer special social services to victims of domestic violence: 17 in the public sector and 33 under contract to the government.<sup>159</sup>

334. In 2023, the special social services served 4,409 victims of domestic violence, including 2,808 children. Minor children are admitted to the centres together with their parents or legal representatives. Since 2022, these crisis centres have been fully financed from local budgets.

335. In accordance with paragraph 4 of the Social Code, the national preventive mechanism monitors the special social services provided at crisis centres.

336. At the end of 2022, local branches of the relevant committee of the Ministry of Labour and Social Protection had carried out monitoring visits to 419 special social service providers, including two crisis centres.

337. Currently, all residential and semi-residential special social service centres are fully covered by video surveillance.

338. Article 151 (Surgical sterilization) of the Code on Public Health and Health-Care System of 7 July 2020, provides that surgical sterilization as a method of preventing unwanted pregnancy may be performed on patients of at least 35 years of age or with at least 2 children, or, if medically indicated, with the consent of an adult, irrespective of age or number of children. Surgical sterilization is performed only with the informed consent of the

<sup>156</sup> [https://online.zakon.kz/Document/?doc\\_id=32877171&pos=135;-56#pos=135;-56](https://online.zakon.kz/Document/?doc_id=32877171&pos=135;-56#pos=135;-56).

<sup>157</sup> Ministry of Labour and Social Protection Order No. 263 of 29 June 2023; <https://adilet.zan.kz/rus/docs/V2300032941>.

<sup>158</sup> Joint order of the Ministry of Internal Affairs (No. 528 of 30 June 2023), the Ministry of Health (No. 123 of 1 July 2023), the Ministry of Labour and Social Protection (No. 271 of 30 June 2023) and the Ministry of Education (No. 190 of 30 June 2023); [https://online.zakon.kz/Document/?doc\\_id=39058948](https://online.zakon.kz/Document/?doc_id=39058948).

<sup>159</sup> According to data from the Ministry of Labour and Social Protection.

patient and exclusively by healthcare entities licensed for this activity, with mandatory prior notification of the irreversibility of this operation. During the reporting period, no criminal cases were initiated under article 319 of the Criminal Code (Illegal performance of an abortion).

339. New principles for the work of the psychological service at secondary education organizations have been approved. Psychological support centres have been established in Akmola, Kostanay, Aktyubinsk, Pavlodar, Karaganda and West Kazakhstan Provinces, and the cities of Astana and Almaty. The activities of the educational psychologist are digitized, which allows them to work in a targeted manner with children who need counselling.

340. On 15 April 2024, the Head of State signed the Act amending certain legislative acts concerning women's rights and children's safety<sup>160</sup> and the Act amending the Code of Administrative Offences concerning women's rights and children's safety.<sup>161</sup> With the introduction of the acts, the penalties for any form of violence against women and children have been increased, battery and minor bodily injury have been criminalized, and the establishment of infrastructure to assist families and children in preventing domestic violence is envisaged.

## Article 10

### Recommendation regarding child labour (para. 39)

341. Under the Constitution, marriage and family, motherhood, fatherhood and childhood are under the protection of the State. Care of children and their upbringing are a natural right and responsibility of parents. Children of working age are required to care for parents who are incapable of employment.

342. The Marriage and Family Code defines the aims, objectives, principles and foundations for the regulation of marriage and family relations and protects the family's rights and interests, the furtherance of which is a priority of State social policy.<sup>162</sup>

343. Any restriction on entry into marriage based on origin, social position, occupation and property, race, ethnicity, language, religious views or any other circumstance is prohibited.

344. Marriage requires the free and full consent of those entering into the marriage and they must have reached the minimum age for marriage. The minimum age for marriage is set at 18 years. In the event of pregnancy and the birth of a couple's child, the minimum age for marriage may be reduced by no more than two years.

345. Spouses in a marriage possess equal rights and have equal obligations.

346. A marriage concluded according to religious rites is not equated to a registered marriage and does not give rise to the related legal consequences. Religious marriage ceremonies in mosques are performed only on presentation of a marriage certificate.

347. The Criminal Code establishes liability for sexual relations or other acts of a sexual nature with a person under the age of 16 years.

348. Under the Children's Rights Act, all children have equal rights regardless of their origin, race and ethnicity, status, sex, language, education, attitude to religion, place of residence, state of health and other circumstances relating to the child and his or her parents or other legal representatives.<sup>163</sup>

349. According to the Bureau of National Statistics of the Agency for Strategic Planning and Reforms, there are 20,014,575 persons living in Kazakhstan (as of 1 December 2023), of whom 10,240,446 are women (51.17 per cent) and 9,774,129 are men (48.83 per cent).<sup>164</sup>

<sup>160</sup> <https://adilet.zan.kz/rus/docs/Z2400000072>.

<sup>161</sup> <https://adilet.zan.kz/rus/docs/Z2400000073>.

<sup>162</sup> <https://adilet.zan.kz/rus/docs/K1100000518>.

<sup>163</sup> [https://adilet.zan.kz/rus/docs/Z020000345\\_](https://adilet.zan.kz/rus/docs/Z020000345_).

<sup>164</sup> <https://stat.gov.kz/ru/>.

350. According to data from the digital family map, Kazakhstan has more than 6.7 million children (33.7 per cent of the population). Out of 6.02 million families, every second family is raising children (2.9 million families with children, or 48.4 per cent). The number of large families – those with four or more minor children – is more than 539,000 (8.9 per cent).

351. In 2002, President Tokayev launched the National Fund for Children. Such use of national wealth for the benefit of the people is confirmation that the Policy Framework for a Just State is being implemented.

352. On 16 November 2023, the Head of State signed the Act on the Accrual, Disbursement and Use of Funds from the National Fund for Children.<sup>165</sup> The project will be launched from 1 January 2024. Each year, the children of Kazakhstan will receive 50 per cent of the National Fund's investment income.

353. To maintain the intended use of funds in the accounts, a Single Defined Contribution Pension Fund has been designated sole operator for the project. Authorized operators are defined as second-tier banks and the national postal operator that opens and maintains bank accounts for payments transferred by the Single Defined Contribution Pension Fund in accordance with the project objectives.

354. The accumulated funds become the sole property of the child and can be used for housing or education, or both.

355. Labour law rules correspond to the provisions of the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and the ILO Holidays with Pay Convention (Revised), 1970 (No. 132).

356. The principles of labour law are the prohibition of labour discrimination in employment, forced labour and the worst forms of child labour (Labour Code, art. 4). Forced labour is prohibited under article 7 of the Code.

357. A document lists occupations in which the employment of workers under 18 years of age is prohibited and limitations on the weight that workers under the age of 18 can carry and move.<sup>166</sup> The list sets out 103 professions and jobs in which the employment of underage workers is prohibited.

358. For example, in accordance with article 31 of the Labour Code, employment contracts may be concluded with citizens who have reached the age of 16 years. An employment contract may be concluded:

(1) With citizens over the age of 15 years, provided they have received basic and general secondary education in institutions of secondary education;

(2) With students over the age of 14 years, provided the work is performed in their free time after school, is not harmful to their health and does not disrupt their learning process;

(3) With persons under the age of 14 years to work in film companies, theatres, theatre companies, concert halls and circuses by participating in the creation or performance of works, without compromising their health or moral development, provided that the work is performed in their free time, is not harmful to their health and does not disrupt their learning.

359. In such cases, the labour contracts must be signed by the minors themselves and by one of their legal representatives. In addition, for employees under the age of 18 years, working hours are reduced to no more than 36 hours per week. Such employees may not be required to work overtime. Also, employment contracts with employees under the age of 18 years are concluded only after a mandatory preliminary medical examination and are conditional on annual medical examinations thereafter.

360. The Children's Rights Act establishes that the economic exploitation of children constitutes the worst forms of child labour, including the sale of children, the involvement of

<sup>165</sup> Act amending certain legislative acts on the accrual, disbursement and use of funds from the National Fund for children of 16 November 2023; [https://online.zakon.kz/Document/?doc\\_id=35769614](https://online.zakon.kz/Document/?doc_id=35769614).

<sup>166</sup> Order of the Minister of Health and Social Development No. 944 of 8 December 2015; <https://adilet.zan.kz/rus/docs/V1500012597#z1>.

children in criminal activity, the performance of anti-social acts or prostitution, the production of pornographic photographs of children or involvement of children in pornographic shows, and also labour engaged in by children under the minimum working age established by the legislation of Kazakhstan. The Act prohibits the acceptance or engagement of children for performance of any work that may be hazardous to their health, interfere with their education, or cause damage to their health or physical, mental, spiritual, moral or social development.

361. The Act criminalizes involving children in the worst forms of child labour, including: involvement of minors in prostitution (art. 134); involvement in the production of erotic material (art. 144); violation of labour protection rules (art. 156); violation of labour law in respect of the recruitment of minors in work where the use of the labour of workers under the age of 18 years is prohibited (art. 153).

362. The Code of Administrative Offences establishes liability for an employer who employs a minor without a contract (art. 86) and failure by an employer to meet the established quota of jobs for children who have left residential care institutions (art. 98).

363. The Action Plan for the Elimination of the Worst Forms of Child Labour for 2022–2024<sup>167</sup> and the Action Plan to Prevent, Suppress and Combat Crimes Related to Trafficking in Persons for 2021–2023<sup>168</sup> have been approved in order to strengthen work to combat child labour. The Coordinating Council to Combat the Worst Forms of Child Labour has been established under the Ministry of Labour and Social Protection.

364. The Ministry of Education annually coordinates the implementation by local authorities of the national awareness-raising campaign, 12 Days against Child Labour, from 1 to 12 June. The aim of the campaign is to inform the public about the worst forms of child labour, its scale and the consequences for children and society. As a result of the campaign, more than 15,000 online outreach events were held in 2020, reaching more than 800,000 children and the parent community.

365. In terms of targeted work, more than 5,000 raids were conducted, during which more than 14,000 sites were inspected. More than 3,000 communications were published in the mass media.

366. Monitoring aimed at protecting the labour rights of minors is done by the authorized State bodies (Labour Inspectorate, Office of the Procurator and education authorities). “Children and night work” raids are conducted once every three months by labour inspection departments together with interested State bodies.

367. There are helplines at the national and regional levels that every child or adult can call to seek help (national helpline 150, helpline of the Committee for the Protection of Children’s Rights of the Ministry of Education 74-25-28).

#### **Recommendation regarding children with disabilities (para. 41)**

368. Under article 1 (2) of the Children’s Rights Act of 8 August 2002,<sup>169</sup> a child is a person who has not reached the age of 18 years (majority).

369. As of 1 January 2024, there are 109,500 children with disabilities in Kazakhstan.

370. The National Plan to Ensure the Rights and Improve the Quality of Life of Persons with Disabilities up to 2025<sup>170</sup> is being implemented and includes measures for the protection of the rights of children with disabilities and their social integration.

371. To ensure the rights and legitimate interests of persons with disabilities, there is a social protection system, based on a multi-tiered approach. This system includes various State assistance and support measures, such as social benefits and payments, compensation for loss

<sup>167</sup> Order of the Minister of Labour and Social Protection No. 127 of 18 April 2022; [https://online.zakon.kz/Document/?doc\\_id=39106367](https://online.zakon.kz/Document/?doc_id=39106367).

<sup>168</sup> Government Decision No. 94 of 24 February 2021; <https://adilet.zan.kz/rus/docs/P2100000094>.

<sup>169</sup> <https://adilet.zan.kz/rus/docs/Z020000345>.

<sup>170</sup> <https://adilet.zan.kz/rus/docs/P1900000326>.

of specific functions as part of social rehabilitation, and the provision of special social services.

372. Parents, guardians and adoptive parents bringing up a child with a disability are paid a State allowance until the child reaches the age of majority, which amounts to 1.61 times the minimum subsistence level. In 2022, the average number of recipients of this benefit was 97,900 persons, receiving a total amount of 62.3 billion tenge.

373. The social protection system includes four residential social service centres for children with musculoskeletal conditions, with an annual coverage of more than 92 children, and 17 social service centres for children with neuropsychiatric conditions, with a coverage of more than 1,400 children.

374. A total of 151 home-based social assistance units are in operation in the country, providing services to more than 12,000 children. More than 4,000 children receive services at 78 day-care organizations and about 1,900 children are provided with special social services at 23 rehabilitation centres.

375. Alongside State organizations, NGOs provide special social services for more than 5,000 children with disabilities.

376. For children with mental disabilities (autism spectrum disorders), accompanied sanatorium and health resort treatment services are now available. This year, 386 million tenge from the local budget has been allocated for this purpose.

377. In June 2022, the Act amending certain legislative acts on improving the quality of life of persons with disabilities was adopted, to cover the costs of accompanying a child with disabilities to sanatoriums, provide for special social services and the like.<sup>171</sup>

378. Small group homes that accommodate no more than 50 children with disabilities have been piloted in six regions (Karaganda, Akmola, West Kazakhstan and Turkistan Provinces, and the cities of Shymkent and Astana). There are plans to introduce 24-hour services.

379. Children with neuropsychiatric and musculoskeletal conditions are provided with eight forms of special social services, aimed at overcoming social problems and ensuring equal opportunities to participate in social life. These services are provided in inpatient, outpatient and home-based care settings.

380. Work is under way to open day-care centres for children with mental disabilities in eight regions (Aktyubinsk, Zhetysay, Zhambyl, East Kazakhstan, Kostanay and Pavlodar Provinces, and the cities of Shymkent and Almaty). In 2023, centres were opened in Pavlodar, Shymkent, Taldykorgan, Ust-Kamenogorsk and Taraz.

381. To further improve the system for comprehensive rehabilitation and habilitation for children with disabilities, work is under way, in conjunction with the Kazakhstan Khalkyna Foundation, to open an innovative factory for technical rehabilitation equipment.

382. The project envisages providing children with disabilities with assistive devices in four regions – the cities of Shymkent and Abay, and Kyzylorda and Pavlodar Provinces.

383. With a view to defining uniform approaches for providing children with disabilities with assistive devices and special mobility aids, work has begun on implementation of a project on the rehabilitation of children with disabilities in the home environment, which will determine the procedure used by branches of the National Scientific Centre for the Development of Social Protection to assess needs and select rehabilitation devices.

384. The project envisages providing children with disabilities with assistive devices in four regions – the cities of Shymkent and Abay, and Kyzylorda and Pavlodar Provinces. The skills acquired in rehabilitation centres will be continued in the home setting, thus ensuring the continuity of the system for comprehensive rehabilitation and habilitation.

385. According to the Ministry of Health, in 2022, 29 per cent of children with disabilities in Kazakhstan were covered by medical rehabilitation.

<sup>171</sup> <https://adilet.zan.kz/rus/docs/Z2200000129>.



## Article 11

### Recommendation regarding the right to housing (para. 43)

386. The policy on increasing the population's income provides for various types of assistance to low-income citizens aimed at reducing poverty, overcoming difficult life situations and encouraging people available to work to participate in employment programmes.

387. During the reporting period, the socioeconomic situation in Kazakhstan was negatively affected by the COVID-19 pandemic, which slowed progress towards ensuring an adequate standard of living and continuous improvement in the living conditions of Kazakhs. The slowdown in economic growth rates and high inflationary pressure led to a decrease in the financial solvency of the population.

388. The following measures have been taken to support socially vulnerable groups:

- The amount of pension and benefits has been increased.
- Support for recipients of targeted social assistance (561,400 persons from 109,000 families) was prolonged, and the amount of targeted social assistance was increased by 5 per cent.
- During the period of the state of emergency and restrictions (2020), transfers were made to the accounts of citizens from socially vulnerable groups for the purchase of food and household items. More than 1.1 million persons were affected, and 25 billion tenge was allocated from the budget.
- A mechanism was launched to provide monthly payments from the State social insurance fund equal to one minimum wage (42,500 tenge) to persons who lost their income due to the state of emergency.

389. In total, during the period of the state of emergency and restrictions, 476.3 billion tenge in social payments from the State social insurance fund to support persons who had lost their incomes were made to 4.6 million persons.

390. Taking into account the nature of the current socioeconomic situation, a comprehensive programme to increase the income of the population up to 2029 has been developed and adopted.<sup>172</sup>

391. The implementation of the programme covers activities in five areas, including job creation in the real economy in accordance with regional employment maps, increasing the income of the rural population under the Auyl Amanaty project, systemic measures to increase income levels and State support measures, commitments to increase salaries from the budget and State social support.

392. Full implementation of the programme will lead to the employment of more than 3.3 million persons, including 2.3 million young persons by 2029, increase the labour income share of GDP to 41.1 per cent (from 30.1 per cent) and reduce poverty to 5 per cent (from 5.3 per cent), and unemployment to 4.6 per cent (from 4.9 per cent).

393. As of 1 January 2022, the minimum wage was increased from 42,500 tenge to 70,000 tenge. Under the Labour Code, employers are obliged to provide employees with wages at a level not lower than the minimum wage.

394. Targeted social assistance is provided to citizens to address the issue of poverty. The main goal of targeted social assistance is to lift the family out of a difficult life situation by providing support in the form of cash payments and involving working-age family members in special employment promotion programmes.

395. In accordance with the Social Code, Kazakh citizens, Kazakh repatriates (*kandas*), refugees, foreigners and stateless persons permanently residing in Kazakhstan, with an average per capita income not exceeding the poverty line, are eligible for targeted social assistance.

<sup>172</sup> <https://adilet.zan.kz/rus/docs/P2200000218>.



396. In order to expand the coverage of low-income families, the criteria for social assistance was raised to 70 per cent of the subsistence level as of 1 April 2019. The basic principle of social assistance remains the mandatory participation of working-age family members in employment programmes and the conclusion of a social contract with them. At the same time, families with no working-age members or families whose working-age members cannot, for objective reasons, participate in employment promotion programmes are provided with unconditional cash assistance.

397. The level of the poverty line in Kazakhstan is determined by the central authorities, based on the average per capita subsistence level in percentage terms, depending on the economic capacity of the State. At the same time, the poverty line for calculating the number of poor and of targeted social assistance recipients is defined as 70 per cent of the subsistence level.

398. Since 2020, the system for providing targeted social assistance has changed, and the main focus has become motivation to work and ensuring transparency and fairness when recording the income of low-income citizens and the amount of State support. In 2022, targeted social assistance was provided to 728,700 persons, amounting to 58.8 billion tenge, and, in 2023 to 598,400 persons, amounting to 57.4 billion tenge.

399. Measures are taken to promote the employment of working-age recipients of targeted social assistance. At the end of 2023, 27,200 working-age recipients are engaged in special employment programmes.

400. Since 2020, the children of targeted social assistance recipients have been provided with a guaranteed social package in kind. Thus, for preschool children, targeted social assistance was provided in the form of food packages and hygiene supplies, and for schoolchildren, in the form of free meals at the place of education, discounted travel on urban public transport, school uniforms and supplies.

401. Taking into account that a fundamental basis for lifting people out of poverty and underdevelopment is the elimination of hunger, improved nutrition and increased agricultural productivity, Kazakhstan is taking active steps in these areas. In 2021, Kazakhstan adopted a Policy Framework for the Development of the Agro-Industrial Sector up to 2030<sup>173</sup> and the National Project on the Development of the Agro-Industrial Sector for 2021–2025.<sup>174</sup>

402. In 2023, total agricultural output amounted to 8.2 trillion tenge.<sup>175</sup> In total, 16.6 million tons of cereals, 2.1 million tons of oilseeds and 5 million fodder crops were harvested. The harvested crop, adjusted for the carry-over from the previous year, is sufficient to fully satisfy the domestic market.

403. The scale of food production rose 1.9 percent to 2.9 trillion tenge. In particular, the output of butter increased by 18.4 per cent (28,700 tons), cheese and cottage cheese by 9.3 per cent (39,800 tons), processed milk by 3 per cent (548,100 tons), sausages by 1.9 per cent (61,400 tons) and vegetable oil by 1 per cent (609,400 tons).

404. According to the Global Food Security Index, Kazakhstan was ranked fifty-fourth in the category of availability and thirty-fifth in the category of affordability of food.<sup>176</sup> In 2022, those positions were improved by 5 and 12 places, respectively.

405. On the instructions of the Head of State, the Auyt Amanaty programme, a far-reaching project to increase the income of the rural population through the development of agricultural cooperatives, has been launched. The main goal of the project is to provide comprehensive support to agricultural producers, maximize the involvement of rural residents in agribusiness, address issues related to food security and improve the quality of life of citizens. In 2023, this amounts to an investment of 100 million tenge. Under the project, more than 400 agricultural cooperatives have been established in all provinces of the country, bringing together private plots, agricultural holdings and processing companies.

<sup>173</sup> Government Decision of 30 December 2021; <https://adilet.zan.kz/rus/docs/P2100000960>.

<sup>174</sup> Government Decision of 12 November 2021; <https://adilet.zan.kz/rus/docs/P2100000732>.

<sup>175</sup> <https://www.gov.kz/memleket/entities/moa/press/news/details/676773?lang=ru>.

<sup>176</sup> Global Food Security Index, <https://impact.economist.com/sustainability/project/food-security-index/>.

406. Since 2020, the Economic Research Institute of the Ministry of National Economy has conducted an annual study, the results of which provide the national urban quality of life ranking, which assesses the level of socioeconomic development of cities and the quality of life of urban residents.

407. According to the methodology of the ranking, quality of life is assessed using three main factors – economy and business, human resources and infrastructure.<sup>177</sup>

408. The urban quality of life ranking covers 26 cities (the capital, two cities of national significance, 17 regional capitals and 6 large single-industry towns).

409. In 2023, more than 2,000 persons were surveyed when compiling the ranking, and various spheres of life in the cities were evaluated. According to the ranking, the cities of Turkistan, Aktau, Stepnogorsk, Kyzylorda, Atyrau, Aktobe, Zhanaozen and Shymkent were highly rated for quality of life.

410. An important indicator to assess quality of life in terms of access to infrastructure is the system of regional standards,<sup>178</sup> which monitors the provision of facilities and services, or amenities, to settlements in the country.

411. In 2022, 55.7 per cent of settlements in the country were provided with facilities and services or amenities.

412. The Policy Framework for Rural Development in Kazakhstan for 2023–2027<sup>179</sup> envisages the modernization of 3,500 rural settlements with potential for development under the “Auyl – El besigi” project.

413. A methodology has been approved for income calculations based on the results of a sample household survey to assess living standards.<sup>180</sup>

414. The Ministry of Water Resources and Irrigation<sup>181</sup> was established by the Presidential Decree of 1 September 2023 on measures for further improvement of the public administration system of Kazakhstan.<sup>182</sup>

415. In accordance with the Water Code of 9 July 2003,<sup>183</sup> the Ministry determines and implements State policy on the use and protection of the water fund, water supply and wastewater disposal within its area of competence (Code, art. 37 (1) (1)).

416. A new Water Code has been drafted, which includes sections on the safety of hydraulic structures, irrigation and drainage, drinking water supply and wastewater disposal.<sup>184</sup> The Code also takes into account the issues of preserving the water resource potential of Kazakhstan, increasing the role of society in water resources management, digitalization, and strengthening State oversight of the water sector.

417. The total fresh water reserves of Kazakhstan are estimated at 429 km<sup>3</sup>. The population is primarily provided with drinking water through access to a centralized water supply. It is

<sup>177</sup> [https://economy.kz/ru/Novosti\\_instituta/id=5653/arch=2022\\_84](https://economy.kz/ru/Novosti_instituta/id=5653/arch=2022_84), Urban Quality of Life Ranking for 2022.

<sup>178</sup> Joint order of the Minister of National Economy No. 7 of 20 January 2023, the Minister of Education No. 16 of 25 January 2023, the Minister of Health No. 16 of 25 January 2023, the Minister of Industry and Infrastructure Development No. 85 of 7 February 2023, the Minister of Culture and Sports No. 20 of 25 January 2023 and the Minister of Digital Development, Innovation and Aerospace Industry No. 33/NK of 30 January 2023 approving the System of Regional Standards for Human Settlements; <https://adilet.zan.kz/rus/docs/V1900018592>.

<sup>179</sup> <https://adilet.zan.kz/rus/docs/P2300000270>.

<sup>180</sup> <https://adilet.zan.kz/rus/docs/V1700015064>.

<sup>181</sup> Official website of the Ministry of Water Resources and Irrigation; <https://www.gov.kz/memleket/entities/water?lang=ru>.

<sup>182</sup> <https://adilet.zan.kz/rus/docs/U2300000318>.

<sup>183</sup> [https://online.zakon.kz/Document/?doc\\_id=1042116](https://online.zakon.kz/Document/?doc_id=1042116).

<sup>184</sup> <https://www.gov.kz/memleket/entities/water/press/news/details/668368?lang=ru>.

estimated that, on average, 96 per cent of the country's population has access to water services.<sup>185</sup>

418. The Environmental Code<sup>186</sup> is in force and regulates social relations as they pertain to the interaction between humanity and nature (environmental relations) arising in connection with the implementation by individuals and legal entities of activities that have or may have an impact on the environment, and social relations in the field of environmental monitoring.

419. The Policy Framework for the Development of Housing and Communal Infrastructure for 2023–2029 is being implemented.<sup>187</sup>

420. Kazakhstan is a responsible participant in official development assistance (ODA).<sup>188</sup> The Kazakhstan Agency for International Development, KazaID, was established on 15 December 2020 to act as an operator in the field of ODA.

421. The total amount of ODA provided by Kazakhstan to foreign countries in the form of commodity aid and educational grants between 2019 and 2021 amounted to \$114.88 million (\$34.21 million in 2019,<sup>189</sup> \$37.11 million in 2020<sup>190</sup> and \$43.56 million in 2021).<sup>191</sup> In particular, the recipients of ODA from Kazakhstan were Afghanistan, Azerbaijan, Belarus, Egypt, Mongolia, Türkiye, Viet Nam, Central Asian countries, developing Asian countries, etc.<sup>192</sup>

422. The Ministry of Foreign Affairs performs general supervision<sup>193</sup> and monitoring of the fulfilment of the international treaties signed by Kazakhstan.<sup>194</sup>

423. To date, Kazakhstan has diplomatic ties with 186 States around the world and is a party to 4,339 international treaties.

424. There are 73 international and regional organizations and agencies operating in the country which actively cooperate with the Government in the area of human rights and social protection, including UNDP, the United Nations Children's Fund, ILO, the World Health Organization, OSCE, the International Social Security Association, the World Bank, the Asian Development Bank and others.

425. The Ministry of Foreign Affairs and embassies abroad are working to support the promotion of domestic products in foreign markets, establish reliable business contacts with new partners as part of a mutually beneficial export-import process, and attract foreign investment to Kazakhstan.

426. The provision of housing to citizens in need, in accordance with the procedure set out in the housing law,<sup>195</sup> is carried out by local authorities. According to local authority data,

<sup>185</sup> Voluntary National Review of Kazakhstan on the implementation of the SDGs, 2022, p. 95; [https://economy.kz/documents/OECD/END\\_Report\\_DNO\\_06-2022\\_small.pdf](https://economy.kz/documents/OECD/END_Report_DNO_06-2022_small.pdf).

<sup>186</sup> [https://online.zakon.kz/Document/?doc\\_id=39768520](https://online.zakon.kz/Document/?doc_id=39768520).

<sup>187</sup> <https://adilet.zan.kz/rus/docs/P2300000265>.

<sup>188</sup> The Official Development Assistance Act of 10 December 2014; [https://online.zakon.kz/Document/?doc\\_id=31639794&pos=3;-109#pos=3;-109](https://online.zakon.kz/Document/?doc_id=31639794&pos=3;-109#pos=3;-109).

<sup>189</sup> <https://www.gov.kz/memleket/entities/kazaid/activities/29591?lang=ru&parentId=29587>.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> <https://www.gov.kz/memleket/entities/kazaid/activities/29587?lang=ru>.

<sup>193</sup> The International Treaties of the Republic of Kazakhstan Act of 30 May 2005 (art. 20 (4)(5)); <https://adilet.zan.kz/rus/docs/Z050000054>.

<sup>194</sup> Presidential Decree of 12 August 2010 on the preparation of information on the implementation of the international treaties of Kazakhstan and its submission for consideration by the President of Kazakhstan, and the harmonization of draft decisions of international organizations to which Kazakhstan is a party and their implementation, interaction with the special procedures of the United Nations Human Rights Council and human rights treaty bodies, preparation of international events of Kazakhstan with the participation of the President of Kazakhstan, implementation of the agreements reached, mutual cooperation with the international organizations and the international human rights treaty bodies (p. 1), <https://adilet.zan.kz/rus/docs/U100001037>.

<sup>195</sup> Housing Act of 16 April 1997; <https://adilet.zan.kz/rus/docs/Z970000094>.

throughout the whole period, housing has been provided to 71,360 people, including 43,004 socially vulnerable citizens.<sup>196</sup>

427. The primary task of the State is to provide housing for the most needy, low-income (lower than 3.1 times the subsistence level) socially vulnerable groups (large families, orphans, persons with disabilities, etc.).

428. A total of 71.9 billion tenge is envisaged for the issuance of housing loans in 2023. Housing loans are provided under the “2-10-20” mortgage scheme (with an annual percentage of 2 per cent, a down payment of 10 per cent and a loan term of up to 20 years) and “5-10-20” scheme (with an annual percentage of 5 per cent, a down payment of 10 per cent and term of up to 20 years).

429. Work continues apace to provide more than 1 million families with new housing by 2029. It is expected that, through various State support mechanisms, such as the construction of rental and credit housing (housing provided under a local authority home loan construction scheme), the Otbasny Bank preferential mortgage schemes and subsidized mortgages from commercial banks, such as Kazakhstan Housing Company, the volume of housing will increase annually by 200,000 m<sup>2</sup>.<sup>197</sup>

430. To implement the instructions of the President, a bill aimed at amending certain legislative acts of Kazakhstan on housing policy reform has been drafted and is before the Majilis.

431. There are plans to establish a single database at Otbasny Bank – the Housing Centre – which will cover all citizens in need of housing.

432. The bill proposes the allocation of rental and credit housing based on the date of registration for the scheme and income level. It is envisaged that it will resolve the issue of granting the right to privatization of previously provided rental housing (with no purchase option) and replace emergency housing.

## Article 12

### Recommendation regarding informed consent to medical procedures (para. 45)

433. During the pandemic, the healthcare system of Kazakhstan withstood the enormous burden of the global challenge of the COVID-19 response. A lot of work has been done to rebuild the healthcare sector. Kazakhstan is one of the few countries to have developed its own vaccine against coronavirus disease. Kazakh scientists developed the inactivated QazVac vaccine, whose use effectively contributed to preventing the spread of COVID-19.

434. Until October 2021, measures have been implemented under the State programme for the development of healthcare in the Republic for 2020–2025<sup>198</sup> and the national “Healthy Nation” project to provide quality and accessible healthcare for every citizen.<sup>199</sup>

435. Under article 134 (3) of the Code on Public Health and the Health-Care System of 7 July 2020,<sup>200</sup> medical care is provided after the patient’s informed consent to medical care has been obtained. Informed written consent is to be provided in the form approved by the authorized body (Code, art. 1 (1) (279)).

436. The Biological Safety Act of 21 May 2022 has entered into force.<sup>201</sup>

<sup>196</sup> According to the Ministry of Industry and Construction.

<sup>197</sup> Official information source of the Prime Minister of Kazakhstan;  
<https://primeminister.kz/ru/news/predvybornaya-programma-prezidenta-rk-v-deystvii-razvitiye-regionov-i-infrastruktury-26381>.

<sup>198</sup> Government decision of 26 December 2019;  
<https://adilet.zan.kz/rus/archive/docs/P1900000982/26.12.2019>.

<sup>199</sup> <https://adilet.zan.kz/rus/docs/P2100000725#z10>.

<sup>200</sup> <https://adilet.zan.kz/rus/docs/K2000000360>.

<sup>201</sup> <https://adilet.zan.kz/rus/docs/Z2200000122>.

437. The Policy Framework for the Development of Health Care in Kazakhstan until 2026 has been approved.<sup>202</sup> The Framework envisages strengthening the integrated service delivery model and providing a set of basic types of care for “every woman, every child” built on innovative, evidence-based approaches and covering the life cycle, including newborn, child and adolescent health, reproductive health and maternal health.

438. The national projects to provide quality and accessible healthcare for every citizen (the national “Healthy Nation” project<sup>203</sup>) and to modernize rural healthcare are being implemented.<sup>204</sup>

439. In Kazakhstan, by 2025, 60 per cent of all health expenditures will be spent on primary healthcare. In 2022, the figure was 54 per cent. This has increased the preventive focus of primary healthcare.

440. In 2020, Kazakhstan for the first time chaired the Standing Committee of the World Health Organization (WHO) Regional Committee for Europe at its seventieth session. In 2021, the delegation of Kazakhstan actively participated in the adoption of a number of resolutions on primary healthcare and mental health and in endorsing the implementation of the European Immunization Agenda 2030.

441. From January 2020, Kazakhstan switched to a new financing model, namely compulsory health insurance. At least 94 per cent of the population is covered by an additional package of health services. Thus, the Government provides full insurance coverage of 11 million citizens out of a total population of 19 million, including citizens belonging to vulnerable social groups.

442. The powers of the chief State medical officers at all levels have been strengthened to raise the profile and status of the health services and their ability to respond to global threats.

443. On 14 January 2022, the Kazakhstan Khalkyna Fund was established to address social problems, healthcare and childhood issues, including assistance to children with rare diseases.

444. The age limit for the sale of tobacco products has been raised from 18 to 21.

445. The law prohibits infringing upon the rights and legitimate interests of persons living with HIV, and treatment is fully financed by the State.

446. The tuberculosis treatment success rate in Kazakhstan, one of the highest in the world, was 90.1 per cent for drug susceptible cases and 78.6 per cent for multidrug-resistant tuberculosis.

447. The COVID-19 pandemic adversely affected the life expectancy of the country’s population and overburdened the healthcare system. In 2021, the country’s morbidity and mortality rates worsened due to the pandemic, leading to a decline in life expectancy at birth to 70.23 years (in 2020, 71.37 years).

448. However, measures taken to improve the efficiency of medical care have resulted in a positive trend in the main health and demographic indicators of healthcare.

449. For example, according to the preliminary results for 2022, the mortality rate decreased by some 30 per cent (29.6 per cent) compared to 2021. In addition, before the pandemic, the figure was 7.2 per 1,000 in 2019 (133,128 people) and 6.8 per 1,000 in 2022 (134,709 people). There was a decrease of some 33 per cent (32.7 per cent) in mortality from circulatory system diseases, 8 per cent (7.9 per cent) from cancer, 5 per cent (5.3 per cent) from injuries, 39 per cent (39.4 per cent) from respiratory diseases and 25 per cent (25.1 per cent) from tuberculosis.

450. In Kazakhstan, every child undergoes medical examinations at birth. Medical care for children under the age of 18 is provided as part of the guaranteed level of free healthcare by healthcare organizations ensuring prevention, early diagnosis and treatment, while maintaining continuity of care at all stages.

<sup>202</sup> Government Decision No. 945 of 24 November 2022.

<sup>203</sup> Government Decision No. 725 of 12 October 2021, <https://adilet.zan.kz/rus/docs/P2100000725>.

<sup>204</sup> Government Decision No. 962 of 30 November 2022.

451. Some 403,500 children were born in Kazakhstan in 2022 compared with 450,652 in 2021, or 47,152 fewer children, and 426,824 in 2020.

452. A number of systemic measures are being implemented in the country to improve child health and reduce infant mortality. For example, newborns and young children are screened in the country for early detection and early treatment of hereditary diseases and developmental disabilities. All children between the ages of 0 and 17 are subject to compulsory preventive medical examinations. In order to improve preventive check-ups for children, the Ministry of Health has revised its approach to preventive check-ups with regard to early diagnosis of diseases and the availability of consultation and diagnostic services.

453. Kazakhstan is the only State in Central Asia where cardiac surgery is performed from birth. More than 1,800 open-heart surgeries are performed annually on children with congenital heart disease, 75 per cent of which are performed on children in their first year of life.

454. Improvements are being made in the provision of neonatal and paediatric surgery, treatment for hearing impairments and blood cancers and blood-related disorders among children, medical rehabilitation and the school health system. More than 30 clinical guidelines for obstetrics, paediatrics, and rehabilitation have been developed and revised.

455. In order to increase the availability of rehabilitation services, the network of medical organizations providing such services for children has expanded more than sixfold, from 9 rehabilitation centres in 2013 to 55 in 2023. Fifteen rehabilitation centres and 11 early intervention centres under the Kamkorlyk initiative have been opened. The number of rehabilitation beds has been doubled (from 2,575 beds in 2019 to 4,216 in 2023). Medical rehabilitation coverage increased by 13 per cent (82,200 children in 2022 and 71,600 in 2021).

456. Measures have been taken to digitalize the healthcare sector.

457. The main objective in the area of digital healthcare is to unite the information systems of the Ministry of Health, its subordinate bodies and medical organizations in order to build the right data architecture for digital healthcare and eliminate the risk of unauthorized disclosure and dissemination of personal health data.

458. As part of the digital transformation, work has begun on the transition to the new eDensaulyq (eHealth) system.

459. An electronic platform (<https://100suraq.kz/rus>) has been introduced to unify, analyse and promptly consider citizens' appeals received by the Ministry of Health.

460. In accordance with article 137 (1) of the Code on Public Health and the Health-Care System, medical care may be provided without the patient's consent in respect of persons who are in a state of shock or a coma and are thus incapable of expressing their will, or have a disease that presents a danger to others, a severe mental disorder or a mental disorder and have committed a socially dangerous act. Article 137 (2) of the Code provides for the provision of medical care for persons declared by a court to lack dispositive capacity, with their legal representatives giving their consent (recommendation, para. 45).

461. A person who, as a result of mental illness or intellectual disability, cannot understand the meaning of his or her actions may be declared by a court to lack dispositive capacity and placed under guardianship (Civil Code, art. 26 (1)).

462. In accordance with article 163 of the Code on Public Health and the Health-Care System, persons with behavioural or mental disorders or diseases have all the rights and freedoms of citizens provided by the Constitution and the Code.

463. When providing care to persons with behavioural and mental disorders, medical facilities and procedures are to be used only for diagnostic and therapeutic purposes in accordance with the nature of the disorder and may not be used to punish a person. Treatment of a person with behavioural and mental disorders is to be provided after obtaining the person's consent or that of his or her legal representative, except in cases provided for in paragraph 7 of this article. Treatment may be provided without the consent of a person with a behavioural or mental disorder, or of his or her legal representative, only in cases of involuntary medication and treatment on the grounds established by the laws of Kazakhstan



or involuntary confinement on the grounds provided for by article 137 (1) the Code. In all such cases, except for involuntary confinement, treatment is provided according to the decision of a panel of psychiatrists. When a person is confined without his or her consent, a decision on the treatment procedure by a panel of psychiatrists must be made within 48 hours of his or her confinement (Code, art. 167 (4) (6) and (7)).

464. A person with a behavioural or mental disorder, or his or her legal representative, has the right to refuse or discontinue the proposed treatment, except for the above cases provided for in article 167 (7) of the Code. A person who refuses treatment, or his or her legal representative, must be given an explanation of the possible consequences of stopping treatment.

465. In accordance with article 163 of the Code, persons with behavioural or mental disorders who are being provided with mental healthcare have the right to receive care at their place of residence or, if necessary, current address; to refuse, at any stage of the treatment, to use drugs or undergo medical procedures, scientific research or training, or to be photographed, filmed or recorded on video; to invite a mental healthcare specialist (with his or her agreement) to participate in the work of the medical panel; to buy extra food; to access medical services above the guaranteed level of free medical care, etc.

466. Persons with behavioural or mental disorders who are being provided with mental healthcare have the right to invite a representative of their choice to protect their rights and legitimate interests. Such representation must be formalized under the procedure established by law.

#### **Recommendation on drug use (para. 47)**

467. Kazakhstan is pursuing a consistent national drug control policy (recommendation, para. 47). The Government acceded to the Single Convention on Narcotic Drugs of 1961,<sup>205</sup> the Convention on Psychotropic Substances of 1971<sup>206</sup> and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.<sup>207</sup>

468. The Act on Narcotic Drugs, Psychotropic Substances, Their Analogues and Precursors and Measures to Counteract Their Illicit Trafficking and Abuse of 10 July 1998 is being implemented.<sup>208</sup> The Comprehensive Plan to Combat Drug Addiction and Drug Trafficking in the Republic of Kazakhstan for 2023–2025 and other programme documents have been adopted, including those involving international cooperation.<sup>209</sup>

469. The country's law enforcement and intelligence agencies uncovered 7,520 criminal drug offences in 2023 (and 6,900 in 2022), including 3,164 drug offences (2,781 in 2022), 1,883 drug sales ((1,659 in 2022) and 338 cases of drug smuggling ((233 in 2022).

470. In 2023, 41 tons of illicit drugs (15.9 tons in 2022), including 74.1 kg of heroin (102 kg in 2022), 1.025 tons of hashish (918 kg in 2022), 7.6 tons of marijuana (5.7 tons in 2022) and 1.109 tons of synthetic drugs (590.4 kg in 2022) were seized and 81 drug laboratories (68 in 2022) were dismantled.

471. As part of drug crime prevention efforts, 10,773 prevention activities were carried out (6,176 in 2022), including 826 police operations (596 in 2022), 569 seminars (414 in 2022), 6,017 lectures (3,251 in 2022) and 1,074 meetings (669 in 2022), 428 round tables (274 in 2022), 412 contests (330 in 2022) and 678 sports competitions and tournaments (430 in 2022).

472. Some 714,000 adolescents and young people were reached through such activities during the reporting period (419,000 in 2022).

473. According to the Ministry of Health, the number of drug-dependent persons registered in 2023 stood at 18,226 (18,085 in 2022, or 0.8 per cent fewer persons), including

<sup>205</sup> Act of 1 July 1998; [https://adilet.zan.kz/rus/docs/Z980000257\\_](https://adilet.zan.kz/rus/docs/Z980000257_).

<sup>206</sup> Act of 29 June 1998; [https://adilet.zan.kz/rus/docs/Z980000249\\_](https://adilet.zan.kz/rus/docs/Z980000249_).

<sup>207</sup> Act of 29 June 1998; [https://adilet.zan.kz/rus/docs/Z980000246\\_](https://adilet.zan.kz/rus/docs/Z980000246_).

<sup>208</sup> [https://online.zakon.kz/Document/?doc\\_id=1009806](https://online.zakon.kz/Document/?doc_id=1009806).

<sup>209</sup> <https://adilet.zan.kz/rus/docs/P2300000508>.

1,529 women (1,473 in 2022, or 0.4 fewer persons) and 63 adolescents (97 in 2022, or 35.1 more persons).

474. The Comprehensive Plan to Combat Drug Addiction and Drug Trafficking for 2023–2025 provides for measures to improve the system for the prevention and treatment of drug dependence and the development of a system for the rehabilitation of drug-dependent persons.

## Articles 13 and 14

### Recommendation regarding the right to education (para. 49)

475. The Constitution states that secondary education is compulsory and guarantees citizens free secondary education in State schools. Citizens are entitled to receive free higher education, on a competitive basis, in a State higher educational establishment (art. 30).

476. Education issues are regulated by the Education Act,<sup>210</sup> the Status of Teachers Act,<sup>211</sup> the Act on the amendment of various laws on expanding the academic and administrative independence of institutions of higher education,<sup>212</sup> the Act on the Status of Nazarbayev University, Nazarbayev Intellectual Schools and the Nazarbayev Foundation,<sup>213</sup> the Act amending various legislative acts on inclusive education,<sup>214</sup> and the Act amending various legislative acts on the protection of the rights of children, education, information and information technology.<sup>215</sup>

477. The Children's Rights Act enshrines the right of every child to education and guarantees free primary, basic secondary and general secondary education and, on a competitive basis, free technical and vocational, post-secondary and higher education in accordance with the national law on education.<sup>216</sup> The State bears all or part of the costs of maintaining children in need of social protection while they are receiving education (art. 15).

478. The main areas of education development in Kazakhstan for the period up to 2029 are reflected in the Policy Framework for the Development of Preschool, Secondary, Technical and Vocational Education in the Republic of Kazakhstan for 2023–2029<sup>217</sup> and the Policy Framework for the Development of Higher Education and Science in the Republic of Kazakhstan for 2023–2029.<sup>218</sup>

479. According to the national education database, as at 1 March 2024, there were 11,453 preschool organizations in Kazakhstan. They include 8,403 kindergartens and 3,050 preschool institutions called “mini-centres”. In relative terms, the coverage of children aged 1 to 6 years with preschool education as at 1 March 2024 was 85.2 per cent.<sup>219</sup>

480. There are 7,863 general education schools in Kazakhstan, of which 7,132, or 90.7 per cent, are State schools. There are 3,820,325 students enrolled in them. The number of general education schools in rural areas is 5,280, with 1,555,424 students.

481. According to the national education database, as at 29 February 2024, 58,724 migrant children (including kindergarten) are studying in secondary education institutions, including 25,343 children with other nationalities, 31,163 who are Kazakh repatriates (*kandas*), 1,142 refugee children and 1,076 stateless children.<sup>220</sup>

482. As at 29 February 2024, there were 530,566 students enrolled in technical and vocational education institutions. By 2025, it is planned to increase the coverage of young people with free technical and vocational education in in-demand fields to 100 per cent. For

<sup>210</sup> [https://adilet.zan.kz/rus/docs/Z070000319\\_](https://adilet.zan.kz/rus/docs/Z070000319_).

<sup>211</sup> [https://adilet.zan.kz/rus/docs/Z1900000293\\_](https://adilet.zan.kz/rus/docs/Z1900000293_).

<sup>212</sup> [https://online.zakon.kz/Document/?doc\\_id=39633866](https://online.zakon.kz/Document/?doc_id=39633866).

<sup>213</sup> [https://adilet.zan.kz/rus/docs/Z1100000394\\_](https://adilet.zan.kz/rus/docs/Z1100000394_).

<sup>214</sup> [https://adilet.zan.kz/rus/docs/Z2100000056\\_](https://adilet.zan.kz/rus/docs/Z2100000056_).

<sup>215</sup> [https://adilet.zan.kz/rus/docs/Z2200000118\\_](https://adilet.zan.kz/rus/docs/Z2200000118_).

<sup>216</sup> [https://adilet.zan.kz/rus/docs/Z020000345\\_](https://adilet.zan.kz/rus/docs/Z020000345_).

<sup>217</sup> [https://adilet.zan.kz/rus/docs/P2300000249\\_](https://adilet.zan.kz/rus/docs/P2300000249_).

<sup>218</sup> [https://adilet.zan.kz/rus/docs/P2300000248\\_](https://adilet.zan.kz/rus/docs/P2300000248_).

<sup>219</sup> According to the Ministry of Education.

<sup>220</sup> According to the Ministry of Education.

this purpose, 180,000 State-requisitioned places are provided for in the national budget (50,000 in 2023, 60,000 in 2024 and 70,000 in 2025).

483. Higher education is offered at 119 organizations of higher and postgraduate education. In the academic year 2022/23 there were 578,237 undergraduate students, 35,660 master's students and 6,156 doctoral students.<sup>221</sup>

484. There are 400,631 teachers working in Kazakhstan.<sup>222</sup> Teachers periodically undergo certification and professional grades are assigned or confirmed accordingly.

485. The State fully contributes to improving the quality of public educational services, including by increasing budget allocations. More than 82.5 million tenge will be spent to ensure accessibility and quality of preschool education and instruction in the period up to 2025, 87.6 million tenge to improve the quality of secondary education and reduce the gap in the quality of education between urban and rural schools and between regions, 313.8 million tenge to provide affordable and quality technical and vocational education and 71.7 million tenge to improve the competitiveness of Kazakh institutions of higher vocational education.<sup>223</sup>

486. In order to develop the infrastructure of the education system and improve the equipment of educational institutions, the national "Quality Education for an Educated Nation", "Comfortable Schools", "Free Technical and Vocational Education for All" and "Zhas Maman" projects are being implemented.

487. State funding for the construction and opening of new schools with comfortable environments under the national "Comfortable Schools" pilot project in the period 2023–2025 will amount to about 2.4 billion tenge.<sup>224</sup> During the 2022/23 school year, 357 schools were overhauled and 1,122 schools underwent regular building maintenance. Some 1,139 schools were refurbished and 1,806 school libraries and 969 canteens were modernized. Safety conditions were improved in 1,203 schools.<sup>225</sup> Under the "Zhas Maman" project, 180 colleges will be equipped with modern equipment in 2023.

488. Under the Status of Teachers Act, adopted in 2019, persons without certificates of technical and vocational, post-secondary, higher or postgraduate education may not work as teachers (art. 11). Teachers who have begun their professional career for the first time in a secondary education establishment are to be assigned a teacher to monitor them for a period of one academic year (art. 13). Teachers are required to continuously improve their professional, research, intellectual and creative skills, including raising or confirming the level of qualification category at least once every five years (art. 15).

489. To date, 182 professional development course programmes for teachers approved by the Ministry of Education are being implemented in Kazakhstan.<sup>226</sup>

490. Professional development is also possible through internship under the international "Bolashak" scholarship. Organizations conducting professional development courses must provide free post-course support for teachers' activities.

491. In order to reduce the gap in the quality of education between urban and rural schools, regional projects such as the "Mobile Teacher", "Kamkor Zhanuya", "Mentoring of Strong Schools over Rural Schools with Low Performance" and "KOMEKTIMES: School to School" projects are being implemented.<sup>227</sup>

<sup>221</sup> <https://adilet.zan.kz/rus/docs/P2300000851>.

<sup>222</sup> According to the Ministry of Education.

<sup>223</sup> The national "Quality Education for an Educated Nation" project; <https://akorda.kz/assets/media/files/obrazovannaya-natsiya.pdf>.

<sup>224</sup> Act on approval of the national "Comfortable Schools" pilot project; <https://adilet.zan.kz/rus/docs/P2200000963>.

<sup>225</sup> According to the Ministry of Education.

<sup>226</sup> List of educational professional development course programmes approved by the Ministry of Education in 2023; <https://www.gov.kz/memleket/entities/edu/documents/details/554962?directionId=271&lang=ru>.

<sup>227</sup> According to the Ministry of Education.

492. A number of legislative and organizational measures to improve violence prevention are provided for in the Comprehensive Plan to Protect Children from Violence, Prevent Suicide, and Ensure Children's Rights and Welfare for 2023–2025.<sup>228</sup>

493. In May 2022, Act on the amendment of various laws on the protection of the rights of children, education, information and information technology was adopted, which introduces the concept of bullying, establishes the right of the child to protection from bullying and expands the competence of the authority responsible for education and the protection of children's rights.

494. In 2022, the Ministry of Education developed the Rules for the Prevention of Bullying of Children<sup>229</sup> and the Rules for the Activities of the Psychological Service in Secondary Education Institutions.<sup>230</sup> In order to improve the quality of psychological and pedagogical support, work has begun to establish special centres for psychological and educational support in each region of the country. To date, centres have already been opened in eight regions (Kostanay, Aktobe, Pavlodar, Karaganda, West Kazakhstan and Akmola Provinces and the cities of Almaty and Astana).

495. Since 2023, advanced training courses on the prevention of violence and bullying among minors have been organized, with more than 11,000 teachers trained annually.

496. All general education schools in the country are equipped with video cameras.

497. One of the priorities of State policy is support for the preservation and development of traditions, languages and culture. Trilingual education is being introduced in educational institutions, and the right conditions for study and development of the languages of ethnic groups have been created, in keeping with the Ljubljana Guidelines on Integration of Diverse Societies. To date, there are 38 friendship houses in the country, in which 174 Sunday schools for the study of languages of ethnic groups operate under the auspices of ethnocultural associations.

## Article 15

### Recommendation regarding cultural rights (para. 51)

498. The Cultural Policy Framework for the period up to 2029 was approved by a government decision on 28 March 2023.<sup>231</sup> Before that, the framework<sup>232</sup> approved by a president decree on 4 November 2014 was in effect.<sup>233</sup>

499. There are currently 65 theatres in Kazakhstan, including 55 State theatres (11 national and 44 regional).<sup>234</sup> Every year some 16,000 performances of various kinds and styles are put on in theatre venues, with some 350 new productions created and audience members numbering about 3 million. More than 200 events are organized in various areas in the country's national museums and libraries.

500. To date, there are 32 concert halls, including 18 State philharmonic orchestras, operating in Kazakhstan.

501. In the regions, depending on the size of the population, there are concert halls, cinemas, museums and theatres. Rural settlements with a population of fewer than 1,000 people are served by mobile cultural and entertainment centres. As at 1 January 2023, there were about 1,114 cultural centres in rural areas.

<sup>228</sup> Government Decision No. 962 of 30 November 2022.

<sup>229</sup> Minister of Education Order No. 506 of 21 December 2022.

<sup>230</sup> Ministry of Internal Affairs Order No. 377 of 25 August 2022.

<sup>231</sup> <https://adilet.zan.kz/rus/docs/P2300000250>.

<sup>232</sup> <https://adilet.zan.kz/rus/docs/U1400000939>.

<sup>233</sup> Repealed by Presidential Decree No. 312 of 25 August 2023.

<sup>234</sup> According to the Ministry of Culture and Information.

502. A total of 124 cultural facilities were built and 476 cultural facilities were repaired in the country in 2021 and 2022. For the first time in 10 years an allocation totalling some 1 billion tenge has been set aside to purchase musical instruments.

503. The total number of registered members of the Union of Artists is 1,192 people.

504. In Kazakhstan, 9 museums specialize in fine arts, with a total collection of more than 70,000 exhibits. Fine art and design are represented in 8 exhibition venues and 55 art galleries.

505. A set of measures is being implemented to support distinguished cultural, artistic and scholarly figures who have made a special contribution to the development of culture and art in the country. State support is provided to talented young artists to participate in prestigious national and international competitions.

506. In 2020, the Act on the Protection and Use of Historical and Cultural Heritage Objects, as amended on 26 December 2019, came into effect.<sup>235</sup> The historical and cultural heritage of Kazakhstan currently numbers more than 25,000 objects, including 254 monuments of national status, 12,214 objects of local status, 12,527 in the lists of preliminary registration of objects of historical and cultural heritage of provinces, cities of national status and the capital.

507. There are 40 friendship centres in Kazakhstan, which are the most important cultural and resource centres for ethnocultural associations. There are 52 registered ethnic media outlets in 10 languages and 4 ethnic theatres. Nine newspapers – in Kazakh, Russian, Korean, German, Turkish, Uighur, Uzbek, English and Azeri – are published on a regular basis.<sup>236</sup>

508. In December 2020, the Act amending certain legislative acts of the Republic of Kazakhstan on culture, physical education and sports<sup>237</sup> was adopted, which for the first time introduced a mechanism for State purchase orders for the arts and sports for children and young people and approved the procedures and rules for per capital funding of children's participation in performance groups and sports clubs. Until 2023, State policy on physical education and sports was carried out under the Policy Framework for the Development of Physical Education and Sports.<sup>238</sup>

509. State purchase orders for the arts and sports have been implemented since 1 May 2021. Funding is provided out of local budgets. The introduction of the State orders will make it possible for an additional 82,241 children and adolescents aged 4 to 18 to participate in groups and clubs.<sup>239</sup>

510. There are 22,456 scientists working in the country today.<sup>240</sup> Compared to the previous year, this is an increase of 839 people (21,617 scientists in 2021 and 22,665 in 2020). Some 37 per cent of researchers have an advanced or academic degree (35 per cent in 2022), including 1,743 Doctors of Science, 3,945 doctoral candidates, 2,460 PhDs and 96 postdoctoral fellows.

511. On the instructions of the Head of State, support for young scholars has been strengthened. As a result of grant funding competitions, 1,753 projects are being implemented, and 102 scientific and technical programmes for scientific research are being implemented through target financing.

### Other recommendations

512. On 23 September 2010, Kazakhstan signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.<sup>241</sup> Kazakhstan supports the recommendation concerning the ratification of the Optional Protocol to the Covenant. Efforts

<sup>235</sup> <https://adilet.zan.kz/rus/docs/Z1900000288>.

<sup>236</sup> Annual review of the human rights situation in Kazakhstan, prepared by the Ministry of Justice, p. 46; [https://www.gov.kz/uploads/2022/9/12/97dffc184945d7c14377ac9e7fbb882\\_original.1469423.pdf](https://www.gov.kz/uploads/2022/9/12/97dffc184945d7c14377ac9e7fbb882_original.1469423.pdf).

<sup>237</sup> <https://adilet.zan.kz/rus/docs/Z2000000395>.

<sup>238</sup> <https://adilet.zan.kz/rus/docs/U1600000168>.

<sup>239</sup> Voluntary national review of the implementation of the Sustainable Development Goals up to 2023.

<sup>240</sup> Ministry of Science and Higher Education.

<sup>241</sup> Presidential Decree No. 1068 of 23 September 2010; [https://adilet.zan.kz/rus/docs/U100001068\\_](https://adilet.zan.kz/rus/docs/U100001068_).

to that end will be intensified following the establishment of a trust fund to provide expert and technical assistance to States parties, given the need to identify possible future financial obligations.

513. In order to coordinate the implementation of Transforming our world: the 2030 Agenda for Sustainable Development, the Coordination Council to monitor the implementation of the Sustainable Development Goals, chaired by the Prime Minister, was established.<sup>242</sup> The Institute of Economic Research is acting as the secretariat, providing expert and analytical support. The Ministry of National Economy is responsible for the overall coordination of the implementation of the Goals. The process of further integrating the Goals, targets and indicators into strategic and programme documents and making them national goals is currently under way.

514. Amendments were made to Government Decision No. 790 of 29 November 2017 approving the State planning system in Kazakhstan with regard to the application the Goal's target indicators in the documents of the national planning system.

515. On 12 March 2021, the Coordination Council approved the list of national indicators for the Sustainable Development Goals at its fifth meeting. The national indicator system for the Goals consists of 262 indicators.<sup>243</sup>

516. Kazakhstan moved up six places in the Sustainable Development Goals Index for 2021, to fifty-ninth place, up from sixty-fifth in 2020.

517. Kazakhstan continues to contribute to international efforts to implement the 2030 Agenda for Sustainable Development. In September 2021, at a high-level event to mark the seventy-fifth anniversary of the United Nations, the President announced an initiative to establish in Kazakhstan a regional Sustainable Development Goals centre for Central Asia and Afghanistan under the auspices of the United Nations.

518. In July 2022, Kazakhstan presented its second voluntary national review report on the implementation of the Goals at the high-level political forum on sustainable development.<sup>244</sup>

519. Until 2024, it is envisaged to work on the further introduction of human rights assessment indicators based on the global indicators developed by the Office of the United Nations High Commissioner for Human Rights (plan for further measures in the field of human rights and the rule of law, para. 27).<sup>245</sup>

520. The third national population and housing census was conducted from June 1 to 30 October 2021. For the first time, an online format is being used, along with the traditional method of visiting households. Furthermore, the Ministry of Labour and Social Protection introduced new questions, as recommended by the Washington Group on Disability Statistics, including disability criteria.<sup>246</sup>

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<sup>242</sup> Order of the Prime Minister, No 167-r of 11 October 2022.

<sup>243</sup> Ministry of National Economy as at 10 November 2023.

<sup>244</sup> [https://economy.kz/documents/OECD/END\\_Report\\_DNO\\_06-2022\\_small.pdf](https://economy.kz/documents/OECD/END_Report_DNO_06-2022_small.pdf).

<sup>245</sup> Government Decision No. 258 of 28 April 2022; <https://adilet.zan.kz/rus/docs/P2200000258>.

<sup>246</sup> According to the Agency for Strategic Planning and Reforms of Kazakhstan, Bureau of National Statistics.