

JOINT UPR SUBMISSION BY KAZAKHSTANI NGOS: ECONOMIC AND SOCIAL RIGHTS AND THE RIGHTS OF VULNERABLE GROUPS – SUMMARY OF KEY POINTS AND RECOMMENDATIONS*

TRADE UNION RIGHTS

The government impedes the activities of independent trade unions, e.g. by denying state registration to them and prosecuting their leaders. Members of independent trade unions are also subject to pressure by employers. The recently adopted Law on Trade Unions provides for the de-facto monopolization of trade unions under government control, while the new Criminal Code due to enter into force in early 2015 criminalizes actions to promote the continued participation in strikes declared unlawful by court, a provision that activists fear will also be used to repress independent trade union activities.

- **Stop denying state registration to independent trade unions and prosecuting their leaders, and enforce strict liability for interference in trade union activities and discrimination based on trade union membership.**
- **Ensure compliance of the Law on Trade Unions with international labour standards and revoke the criminalization of strike activities in the new Criminal Code.**

ENVIRONMENTAL RIGHTS

Kazakhstan's Constitution does not protect the right to a clean and healthy environment. National legislation also does not safeguard public access to environmental information held by public authorities or public participation in decision-making on environmental issues, although Kazakhstan is a party to the Aarhus Convention. This undermines the opportunities of citizens to claim their rights in this area.

- **Recognize the right of citizens to a clean and healthy environment and ensure full implementation of the Aarhus Convention.**

THE RIGHTS OF WOMEN AND EFFORTS TO COMBAT DOMESTIC VIOLENCE AND HUMAN TRAFFICKING

Major concerns regarding the rights of women include the continued low representation of women in decision-making bodies and the high level of income equality between men and women. The government has failed to take sufficient measures protect and assist victims of domestic violence, as well as victims of human trafficking. Both categories of victims primarily receive assistance from NGO-run crisis centers. Investigations into trafficking are often not thorough or impartial and only few criminal cases against perpetrators are opened for trafficking, while most are initiated for less serious crimes.

- **Take effective legislative and practical measures to promote equal representation of women in decision-making bodies at all levels and to combat discrimination against women in work-life.**
- **Promote access to tailored social services for victims of domestic violence and human trafficking and provide public funding for the establishment and operation of crisis centers for such victims in all regions of Kazakhstan.**
- **Ensure that all allegations of human trafficking and domestic violence are effectively investigated, the perpetrators prosecuted and convicted in accordance with the gravity of their crimes, and the victims granted adequate compensation.**

* This document summarizes key points and recommendations from the UPR report on social and economic rights and the rights of vulnerable groups submitted by the following Kazakhstani organizations: Kazakhstan Parliamentary Development Fund; the Confederation of Free Trade Unions of Kazakhstan; Eco Mangistau; the Union of Crisis Centers in Kazakhstan; the Feminist League; the Women Support Center; the Children's Fund of Kazakhstan; SOS Children Villages - Kazakhstan; Aman Saulyk; and the Namys Public Association of Disabled Persons with Higher Education.

THE RIGHTS OF THE CHILD

While the government's action plan on the implementation of UPR recommendations for 2011-2014 addresses most recommendations on the rights of the child made at the last UPR review, this plan has not proved an effective policy instrument because it is too broadly worded and no targeted funding has been made available for its realization. The government has also failed to establish a Child Rights Ombudsman's office despite calls by civil society and recommendations by international bodies.

- **Elaborate concrete measures for the realization of international recommendations on improving respect for the rights of the child and allocate sufficient resources to this end.**
- **Establish an ombudsman's office with a mandate to promote and protect children's rights.**

DISABILITY RIGHTS

The government has signed but not ratified the Convention on the Rights of Persons with Disabilities (CRPD) and is currently implementing an action plan aimed at improving respect for the rights of disabled people, among others, by amending existing legislation and promoting improved attitudes. In practice, however, disabled people continue to experience serious problems with regard to leading an independent life on equal footing with other citizens.

- **Ratify the CRPD and its Optional Protocol, and adopt a long-term program for the implementation of these instruments, including with regard to ensuring inclusive education, employment, social services and rehabilitation, access to justice, etc. for disabled people.**

THE RIGHTS OF MIGRANTS AND REFUGEES

Many labour migrants have an irregular status due to the difficulties to obtain work permission. They work in dangerous conditions without adequate protection, while lacking access to justice. The Law on Refugees came into force in 2010, but other national laws have yet to be amended in accordance with its provisions. Currently refugees and asylum seekers enjoy only limited protection and lack means of sustenance.

- **Protect the fundamental rights of all migrant workers, regardless of their status, and ensure their access to justice.**
- **Amend relevant national legislation in accordance with the provisions of the Law on Refugees to ensure its implementation and the observance of refugees' rights in practice.**

THE RIGHT TO FREEDOM OF MOVEMENT AND HOUSING RIGHTS

Registration at the place of residence remains a requirement for accessing basic medical, social and legal services, enrolling in education, voting etc. At the same time, especially members of vulnerable groups experience difficulties in obtaining registration e.g. because they do not own any housing. National law does not provide for appropriate protection against forced evictions, and citizens may be forcefully evicted without being granted adequate compensation or alternative accommodation.

- **Revise national legislation and practice to simplify residence registration procedures and to ensure that the exercise of basic rights is not dependent on the possession of such registration.**
- **Strictly regulate the procedures under which evictions can be carried out and establish safeguards against forced evictions.**