

UNODC human rights protection related mandates:

United Nations Convention against Corruption (UNCAC)

- ✓ Protection of property rights of bona fide third parties (Art. 31, p. 9; art. 34; art.55, p. 9; art. 57, p. 2)
- ✓ Guarantee for fair treatment at all stages of the proceedings (Art. 44, p. 14)
- ✓ The right to refuse extradition “if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person’s sex, race, religion, nationality, ethnic origin or political opinions” (Art. 44, p. 15)
- ✓ Protection of witnesses, experts and victims (Art. 32)

United Nations Convention against Transnational Organized Crime (UNTOC)

- ✓ Due regard to the rights of the defence (Art. 11, p. 3)
- ✓ Guarantee for fair treatment at all stages of the proceedings (Art. 16, p. 13)
- ✓ Protection of property rights of bona fide third parties (Art. 12, p. 8)
- ✓ Protections of victims (Art. 25)

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime

- ✓ Protection of victims of trafficking in persons (Part II)
- ✓ Right to information and legal counseling (Art. 6, p. 2 *a*, 3 *b*)
- ✓ Right to present views at appropriate stages of criminal proceedings (Art. 6, p. 2 *b*)
- ✓ Right to appropriate housing (Art. 6, p. 3 *a*)
- ✓ Right to medical and material assistance (Art. 6, p. 3 *c*)
- ✓ Right to education and employment (Art. 6, p. 3 *d*)

Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

- ✓ Protection of rights of smuggled migrants (Art. 2, art. 4)
- ✓ Humane treatment of migrants by immigration and other relevant officials (Art. 14, p.1, p. 2 *e*)
- ✓ Right to life and the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment (Art. 16, p. 1)

Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime

United Nations standards and norms in crime prevention and criminal justice

- ✓ Standard Minimum Rules for the Treatment of Prisoners

- ✓ Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment
- ✓ Basic Principles for the Treatment of Prisoners
- ✓ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
- ✓ United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- ✓ Guidelines for Action on Children in the Criminal Justice System
- ✓ Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- ✓ Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

International legal framework against terrorism:

International Convention for the Suppression of Acts of Nuclear Terrorism (13 April 2005)

- ✓ Right to defence (Art. 10, p. 3)
- ✓ Guarantee for fair treatment including enjoyment of all rights to any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention (Art. 12)

International Convention for the Suppression of the Financing of Terrorism (9 December 1999)

- ✓ Compensation for victims of terrorist acts or their families (Art. 8, p. 4)
- ✓ Protection of property rights of third parties acting in good faith (Art. 8, p. 5)
- ✓ Guarantee for fair treatment including enjoyment of all rights to any person who is taken into custody or regarding whom any other measures are taken or proceedings are carried out pursuant to this Convention (Art. 17)

Kazakhstan relevant actions:

- acceded to the UNCAC on **18 June 2008**
- ratified the UNTOC on **31 July 2008** and acceded to all Protocols thereto on **31 July 2008**

Protection of rights of victims of trafficking in persons

In accordance with the Law “On modifications and amendments of the legislation of the Republic of Kazakhstan with regard to counteraction to human trafficking” of March 2, 2006 provisions criminalizing relevant acts were introduced to the Criminal and Criminal Procedure. Notwithstanding the fact that the legislation does not contain specific provisions on exoneration of the victims of trafficking in persons or smuggled migrants from criminal liability, the articles 34 (Absolute Necessity) and 36 (Physical and Mental Coercion) of the Criminal Code may be applied for this purpose.

Countering terrorism

Kazakhstan ratified *International Convention for the Suppression of Acts of Nuclear Terrorism* on **31 July 2008**

Kazakhstan acceded to *International Convention for the Suppression of the Financing of Terrorism* on **24 February 2003**

National legislation against terrorism:

Law “On combating terrorism” of 13 July 1999

- ✓ Indemnity and social rehabilitation of victims of terrorist acts (Chapter 5)

Protection of rights of vulnerable groups of population (people with drug dependence and people infected with HIV): overview of the national legislation.

State policy concept on counteraction to AIDS epidemics in the Republic of Kazakhstan, approved by the Decree of the Government of December 5, 2000.

- ✓ Strengthening the measures to support constitutionally guaranteed rights and freedoms of citizens and social protection of priority groups of population (p. 3.1)

Law “On preventive measures and treatment of HIV/AIDS” of October 5, 1994.

- ✓ Nondiscrimination of people infected with HIV, guarantee of right to free medical treatment, right to education, employment and housing (Art. 5)

Art. 141 of the Criminal Code “Violation of equality of rights of citizens”.

Law “On narcotic drugs, psychotropic substances, precursors and measures on counteraction to illicit traffic therein and abuse thereof” of July 10, 1998.

- ✓ Principles of providing medical aid to people with drug dependence (Art. 35)

According to the Report on “Kazakhstan Legislation Analysis on providing accessibility to prevention and treatment of HIV for drug users and prisoners” prepared within the framework of the UNODC Project entitled “[Effective HIV/AIDS prevention and care among vulnerable populations in Central Asia](#)”, despite the fact that the legislation prohibits discrimination with respect to people with drug dependence and people infected with HIV, there still exists discrimination of vulnerable groups in Kazakhstan.