



## Ratification Kit

# Kazakhstan

### **Why is it important for Kazakhstan to ratify the United Nations Protocol to abolish the death penalty?**

**Kazakhstan abolished the death penalty for ordinary crimes only.** The country also observes a **moratorium on executions since 2003.** In December 2019, the President instructed the Ministry of Foreign Affairs **to start procedures in order to join the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.**

Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights is extremely important, both nationally and locally, because it is the only text with worldwide reach aiming to abolish the death penalty.

Ratifying the Protocol is a very symbolic act, reflecting the universal trend towards

abolition of capital punishment, considered to be cruel, inhuman, or degrading treatment. **It is essential that the world's abolitionist countries ratify this Protocol.**

### **What are the international commitments already taken by Kazakhstan to ratify the Protocol?**

Kazakhstan strongly expressed its commitment as regards abolition of the death penalty by voting in favor of the **seven UNGA Resolutions for a moratorium on the use of the death penalty in 2007, 2008, 2010, 2012, 2014, 2016 and 2018.**

Kazakhstan participated in the **Universal Periodic Review of the Human Rights Council in 2019** and accepted recommendations addressed by the Human Rights Council in favour of the ratification of the Protocol and of the full abolition of the death penalty. The **Human Rights Council** would inevitably commend Kazakhstan if it ratified the Protocol.

In its Concluding Observations in **2014**, the **Committee Against Torture** invited Kazakhstan to ratify the Second Optional Protocol to the ICCPR.

In its Concluding Observations in **2016**, the **Human Rights Committee** also recommended Kazakhstan to ratify the Protocol.

### **What are the steps to be taken as regard to internal law?**

According to Article 7.2 of the Protocol, it “is subject to ratification by any State that has ratified the Covenant or acceded to it.” **Kazakhstan ratified the International Covenant on Civil and Political Rights in 2006** and is therefore competent to ratify this Protocol.

Among the obligations incumbent upon Kazakhstan following ratification of the Protocol are the **prohibition of executions** and **withdrawal of the death penalty from internal criminal law**. These two obligations **have already been fulfilled** by Kazakhstan in the practice with the observation of a moratorium. It may therefore now **unreservedly** ratify the Protocol.

The President of the Republic is competent to sign instruments of ratification to international treaties (Article 44.1(11) of the

Constitution) but ratification can only be decided by a vote of the Parliament (Article 54.1(7) of the Constitution). By appeal of the President of the Republic for instance, the Constitutional Council decide on the conformity of a treaty with the Constitution prior to its ratification (Article 72.1(3) of the Constitution).

The instrument of ratification must then be deposited with the UN Secretary General (Article 7.2 of the Protocol).

### **What are the legal obstacles to ratification?**

There is **no legal obstacle** as the death penalty has been abolished for ordinary crimes and a moratorium is already observed.

We therefore encourage Kazakhstan to ratify this Protocol as soon as possible.

### **How can ratification of the Protocol be implemented?**

The Protocol shall come into force three months after the instruments of ratification have been deposited with the UN Secretary General (Article 8.2 of the Protocol).

According to Article 3 of the Protocol, Kazakhstan must submit reports to the Human Rights Committee covering the measures it has adopted to give effect to the Protocol.