



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 has also observed a **moratorium on executions since 2003.**

Ratification of the **Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)** 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 become party to this Protocol.**

On 23 September 2020, Kazakhstan signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, **without ratifying it.** Only two countries in the world are in this situation, namely Armenia and Kazakhstan.

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 **eight UN General Assembly resolutions for a moratorium on the use of the death penalty in 2007, 2008, 2010, 2012, 2014, 2016, 2018 and 2020.**

Kazakhstan participated in the **Universal Periodic Review of the Human Rights Council in 2019** and accepted recommendations to ratify the Second Optional Protocol to the ICCPR and to fully

abolish 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 that Kazakhstan ratify the Second Optional Protocol to the ICCPR.

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 practice which has been observing a moratorium. It may consequently **unreservedly** ratify the Protocol.

The President of the Republic is entitled to sign international treaties (Article 44.1(11) of the Constitution), yet ratification requires the

approval of the Parliament (Article 54.1(7) of the Constitution). On the appeal of the President of the Republic, the Constitutional Council shall rule whether treaties comply with the Constitution prior to 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 was abolished for ordinary crimes and Kazakhstan has been observing a moratorium on executions.

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.

and visit its website: <http://www.worldcoalition.org/protocol>