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HUMAN RIGHTS PROTECTION MECHANISMS: INTERNATIONAL STANDARDS AND NATIONAL PRACTICE OF KAZAKHSTAN

Abstract. This article investigates how international human rights monitoring bodies affect domestic human rights systems through an examination of the Republic of Kazakhstan. The research investigates the ongoing discrepancy between Kazakhstan's international legal commitments and its domestic human rights standard implementation. The study investigates international human rights oversight mechanisms as its main subject while analyzing Kazakhstan's responses to UN Human Rights Committee and Committee against Torture and Universal Periodic Review (UPR) recommendations through institutional and legal frameworks. The research evaluates the impact of international monitoring systems on domestic legal and institutional changes and determines the elements which influence their execution. The study uses a combination of comparative legal analysis, teaching studies and institutional methods for studying specific situations, as well as data from United Nations documents, Kazakh legal sources, scientific publications and civil society reports.

This article shows that Kazakhstan has achieved progress through treaty ratification and Ombudsman institution creation, yet practical execution remains restricted. The fundamental obstacles regarding freedom of expression together with association rights and movement freedom and domestic violence protection continue to exist. The success of international monitoring depends on political will together with independent institutions and active civil society involvement. The research adds to knowledge about transnational legal influence and provides useful recommendations to boost national compliance. Its results provide valuable information to policymakers together with legal scholars and human rights advocates who want to boost international monitoring effectiveness in hybrid or transitional legal systems.

Keywords: international human rights law, human rights monitoring, universal periodic review (UPR), institutional reform, treaty bodies.

Introduction

National human rights protection systems in the twenty-first century base their development on both universal standards and supranational monitoring bodies which enforce legal standards on domestic sys-

tems through political and normative power. The global governance architecture relies on these mechanisms which include the UN Human Rights Council's Universal Periodic Review and treaty-based bodies to perform independent multilevel over-

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sight procedures for the implementation of international legal obligations. The dual status of Kazakhstan makes it a vital research subject since it participates actively in international human rights monitoring systems while experiencing legal and institutional changes as a post-Soviet state. Kazakhstan became a party to multiple international human rights treaties and established the Ombudsman and constitutional courts to translate these international norms into national laws. The actual implementation of rights remains far behind Kazakhstan's international treaty commitments and domestic rights realization especially regarding freedom of expression and association and movement rights and domestic violence protection.

The research investigates the structural aspects as well as normative frameworks and procedural aspects of Kazakhstan's interactions with universal and treaty-based monitoring systems. The analysis assesses how these mechanisms shape the development of legislation together with institutional transformations and operational conduct of law enforcement agencies and judicial entities. The thesis demonstrates that international monitoring systems generate normative influence and soft power effects but need institutional freedom together with societal involvement and political backing to create systematic transformations.

The research findings offer useful information to legal experts and international law scholars and policymakers and civil society representatives and international human rights monitoring bodies who want to improve human rights implementation in countries transitioning to democracy.

Methods and Materials

The research combines qualitative multidisciplinary methods which include comparative legal analysis doctrinal research and institutional case studies to study international human rights monitoring mechanisms in Kazakhstan. The study assesses how well Kazakhstan's domestic laws match its international treaty obligations specifically under the International Covenant on Civil and Political Rights and the Convention against Torture. The research evaluates Kazakhstan's legal treatment of freedom of expression and association and movement rights and domestic

violence protection through a comparison with Poland Slovenia and the United Kingdom.

The study examines soft law instruments and supranational mechanisms' outputs including General Comments and Concluding Observations and Universal Periodic Review (UPR) recommendations through doctrinal legal methods. The research conducts institutional-empirical analysis to study Kazakhstan's interactions with international human rights bodies including the Human Rights Committee and the Committee against Torture and the growth of national institutions such as the Ombudsman and judicial reforms. The research method provides a complete understanding of human rights oversight mechanisms in Kazakhstan's legal and institutional framework.

Results and Discussion

International human rights protection in modern times depends on both universal norms and principles alongside a broad network of monitoring systems which operate independently with regulatory powers. The mechanisms exercise supranational oversight of State implementation of international obligations which drives domestic legal systems to align with universal standards [1]. The Universal Periodic Review (UPR) operates under the UN Human Rights Council as its main universal monitoring tool. The procedure operates as a distinctive mechanism which extends to all UN member countries while following principles of universal equality and mutual responsibility [1]. The review process requires each State to present a national report which gets evaluated together with alternative sources such as civil society reports and international organization reports. The political and moral impact of these recommendations as soft law increases state motivation to perform institutional reforms [2].

The UN treaty bodies maintain a unique position within international monitoring systems because they specialize in specific international treaties. The Human Rights Committee together with the Committee against Torture and the Committee on the Elimination of Discrimination against Women and other bodies evaluate periodic reports from States parties to create assessments and specific recommendations

for human rights policy improvement [3]. The recommendations alongside General Comments create a quasi-normative body which holds significant authority in both international and national judicial systems.

The treaty bodies use the individual complaint mechanism as their most advanced instrument since States must first accept committee competence. The mechanism allows personalization of international human rights law through quasi-judicial procedures which individuals can use after exhausting all domestic remedies [4]. The non-binding nature of committee decisions does not stop States from using them to modify their law enforcement practices which demonstrates the growing influence of international mechanisms on domestic jurisdiction.

The international human rights system gains strength through the increasing importance of UPR and treaty body institutional interactions. The standardization of recommendations from different structures eliminates duplication while strengthening the universal nature of legal standards [5]. The interaction between different organizations enables States to experience a combined effect of monitoring and accountability efforts. The regional protection level includes institutions such as the European Court of Human Rights and the Inter-American Commission on Human Rights and the African Commission on Human Rights. The regulatory practices of Kazakhstan do not participate in relevant jurisdictional mechanisms but they indirectly shape human rights doctrine and provide national reforms with comparative analysis.

The State demonstrates its commitment to being a responsible global human rights participant through its active involvement in international monitoring procedures. The UPR and treaty bodies receive regular reports from Kazakhstan and its OHCHR interactions demonstrate the established nature of international cooperation in this field [6]. The received recommendations face selective and limited implementation because the country lacks political will and institutional barriers. The monitoring process depends on civil society because its absence would render international mechanisms less empirically valid. International bodies receive objective assessment data from national human rights NGOs together with expert networks

and independent media while these bodies also disseminate international recommendations back to national spaces [7]. Through its bi-directional interaction monitoring functions as both a reporting system and a mechanism for human rights mobilization between borders.

The positive trends in international mechanisms need to be acknowledged while recognizing multiple structural and substantive deficits which affect their functioning. The monitoring mechanisms face three main limitations which include restricted funding and inconsistent recommendation execution and no legal requirements and political context-dependent effectiveness [8]. The current situation requires immediate attention to institutional monitoring mechanism reform proposals which focus on strengthening mandates and optimizing procedures and implementing digital technologies to enhance coverage and responsiveness.

International human rights monitoring mechanisms serve dual purposes in the global human rights infrastructure by establishing norms, effecting transformations and perform dual roles of establishing norms and effecting changes. These supranational mechanisms perform dual roles by evaluating national compliance with individual rights while simultaneously triggering institutional reforms at the national State level.

MECHANISMS FOR MONITORING HUMAN RIGHTS

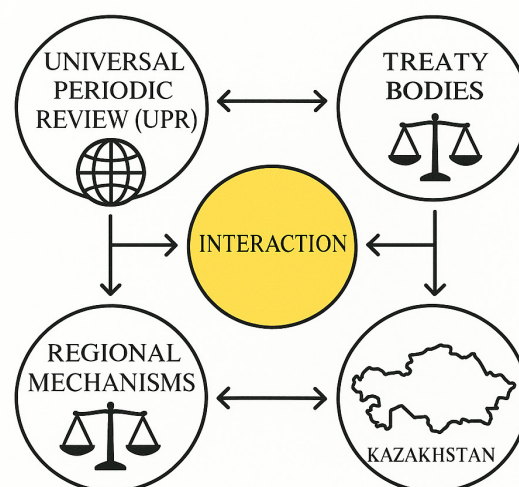


Diagram 1 - Mechanisms for Monitoring Human Rights

The diagram shows how international and regional human rights monitoring institutions (such as the Universal Periodic Review and UN treaty bodies) interact to influence national systems, with Kazakhstan as an engaged participant. At the center is an Interaction node, which represents coordinated communication among oversight levels, which ensures consistent recommendations, reduces duplication, and increases pressure on states to implement international standards. This integrated model shows how different mechanisms work together to create a stable and effective human rights policy.

Kazakhstan shows its dedication to universal human rights principles through its treaty ratifications and constitutional and legislative rights protections. The implementation of human rights in foundational laws by governments requires continuous monitoring from both global and regional international bodies [9]. These mechanisms enhance international norm implementation while driving domestic institutional changes. The scholars agree that proclaimed rights become ineffective when there is no proper implementation [10]. The practical enforcement of rights in Kazakhstan faces major challenges despite having advanced legal norms [7] which demonstrates the necessity for operational frameworks to achieve rights realization in practice.

The Republic of Kazakhstan implements institutional changes in criminal procedure to meet international human rights requirements. The authority to authorize pre-trial detention shifted from prosecutors to judicial courts in 2008. The judicial system gained enhanced oversight of freedom restrictions through this reform while enforcing the International Covenant on Civil and Political Rights provision which requires court orders for arrest and detention [11]. The Republic of Kazakhstan's Constitution permitted prosecutors to authorize arrests before the 2003 international legal obligation ratification. The elimination of this conflict was ensured by the constitutional amendments of 2007 and the reform of criminal procedure legislation in 2008.

The effectiveness of this reform faces ongoing challenges because law enforcement and judicial authorities continue to experience operational problems. The implementation of fair justice remains

limited because of unstable oversight systems and executive branch interference in judicial operations and insufficient professional training for investigators and judges. The criminal justice system will achieve sustainable progress when the judiciary operates independently while judicial procedures become transparent and public trust in the system develops [11].

The Commissioner for Human Rights (Ombudsman) functions as the primary quasi-judicial mechanism for human rights protection in Kazakhstan through its activities under the criminal justice reforms which strengthened the national human rights protection system. The institution's creation marked a crucial development that brought national legal systems closer to international standards for parliamentary oversight of individual rights and freedoms [12]. The Ombudsman carries out two essential responsibilities through which he investigates citizen complaints about government agency actions and officials' omissions while tracking national human rights violations to identify patterns and create recommendations for improvement. The institution monitors human rights conditions across the country through interactions with government bodies and civil society organizations.

The Ombudsman institution functions as a vital component of the Kazakh judicial system which enhances the overall performance of the national rights protection mechanism. Although the institution has achieved some results its institutional potential remains unexplored. The effectiveness of this institution requires three essential conditions which include expanding the Commissioner's authority and strengthening his independence guarantees and enhancing his response capabilities against official abuse [13]. The development of an independent ombudsman institution together with judicial reforms should be seen as interconnected legal frameworks which will help Kazakhstan meet its international commitments and build stronger internal human rights protection systems.

The mechanism operates with multiple structural and functional constraints despite its positive development. The Commissioner receives official authority to defend citizens' rights yet his recommendations lack legal enforcement power and his operations face insufficient legal back-

ing and insufficient resources. The system violates the Paris Principles established through UN General Assembly Resolution 48/134 because they require national human rights institutions to have independence and sufficient resources and effective complaint handling authority. The Kazakh Ombudsman lacks the legislative initiative power which European models possess thus restricting his ability to influence national human rights protection system reforms. The Ombudsman functions as an inadequate human rights protection instrument because it operates without sufficient conditions for effective operation [14].

The institution of the Ombudsman in Kazakhstan faces ongoing legal and institutional barriers that prevent its effective operation despite recent strengthening efforts. The Commissioner lacks sufficient legal status because his powers remain partially uncodified in the Constitution which creates legal uncertainty and restricts his ability to protect citizens' rights. The 2017 Senate amendments to appoint the Ombudsman did not lead to complete constitutional regulation of his powers. The Ombudsman faces difficulties in executing his powers because there are no effective systems to enforce mandatory compliance with his recommendations since official disregard of regulations leads to no consequences [15]. The Ombudsman faces an immediate challenge because he lacks legislative initiative which restricts his ability to address systemic violations through legal reforms as European ombudsmen do. The Ombudsman faces a crucial challenge because there is no legal requirement for media coverage of his decisions which hinders public oversight and transparency development while international examples demonstrate how media collaboration enhances government accountability.

The practical implementation of civil liberties in Kazakhstan remains distant from its international human rights commitments despite institutional progress. Civil liberties particularly face major issues re-

garding free speech and peaceful assembly rights. Although the 2017 legislative reforms brought international standards into alignment with domestic laws about rallies and defamation penalties journalists along with activists face ongoing harassment while Internet platforms remain blocked and discriminatory public gathering regulations persist. The administrative and law enforcement practices fail to respect international obligations while obstructing civil society work. According to scholars the solution to this contradiction requires complete implementation of international expression guarantees together with authentic dialogue between state institutions and society. A full achievement of this goal demands active participation from independent actors including NGOs along with free media organizations and civic initiatives who will maintain public oversight and enforce governmental accountability [16].

The practice of exercising freedom of peaceful assembly in Kazakhstan remains a subject of reasonable criticism from international organizations and human rights organizations. The new Law "On the procedure for organizing and holding peaceful assemblies in the Republic of Kazakhstan" from 2020 did not bring the provisions and law enforcement practice in line with international standards. According to the current law, organizers must send a notification to local executive authorities no later than 5 working days before the day of its holding¹. In addition, meetings are allowed only in designated areas designated by local authorities.

The government agencies' response to the January 2022 events remains a major concern because numerous instances of excessive force were documented during mass protests throughout different regions of the country. Official statistics show that more than 200 people died during the events² and the number of detainees reached approximately 10,000³. Law enforcement agencies have received numerous reports about torture and ill-treatment as well as denial of legal counsel. To this

¹ Law of the Republic of Kazakhstan dated May 25, 2020 No. 333-VI ZRK "On the procedure for organizing and holding peaceful assemblies in the Republic of Kazakhstan". // URL: <https://adilet.zan.kz/eng/docs/Z2000000333> (date of reference: 05.07.2025).

² Список лиц, погибших во время январских событий. Генеральная прокуратура Республики Казахстан. // URL: <https://www.gov.kz/memleket/entities/prokuror/press/news/details/413195?lang=ru> (дата обращения: 05.07.2025).

³ 2022 Kazakh unrest. Wikipedia: The Free Encyclopedia. // URL: https://en.wikipedia.org/wiki/2022_Kazakh_unrest#cite_note-227killed-14 (date of reference: 05.07.2025).

day, no independent thorough investigation has been performed regarding these events and only a few employees have faced consequences for their violations. The current law enforcement practices demonstrate institutional weaknesses in peaceful assembly protection mechanisms which need fundamental changes to both laws and their execution systems.

The right to freedom of association stands as an essential matter that needs immediate reform. The requirement for public associations to obtain state registration under Kazakhstan's law violates Article 22 of the International Covenant on Civil and Political Rights because it makes unregistered groups illegal [17]. The Ministry of Justice of the Republic of Kazakhstan has refused to register numerous non-governmental organizations because their activities did not match the official ideological line. The Alga, Kazakhstan opposition movement received denial of registration twenty-four times with the most recent refusal occurring in April 2024⁴. The feminist initiative group Feminita has attempted registration since 2017 but received continuous rejections because officials claimed the organization's goals conflicted with societal spiritual and moral values⁵. The foundation which assists domestic violence victims faced five consecutive denials for registration after its establishment by S.Nukenova's brother⁶. The examples show that the existing NGO legislation functions as a control mechanism which restricts freedom of association rights and limits independent civic activities. The observed trend damages democratic participation institutions so the legal framework for association registration needs immediate review to remove discriminatory obstacles.

The constitutional provision that restricts this right to citizens breaks international standards because it denies stateless persons and foreign nationals from protection. A repeated state practice of denying registration to independent NGOs while imposing restrictions on unregistered

groups and assemblies while performing financial inspections violates both domestic and international obligations. These practices destroy the core elements of civil society while preventing the establishment of an authentic democratic system. The government must perform a thorough evaluation of association legislation to guarantee it complies with Kazakhstan's international human rights commitments.

The right to free movement exists in Kazakhstan's Constitution yet the country encounters difficulties when enforcing this right. The right to free movement remains limited because of administrative challenges including prolonged approval processes and complex residence requirements and inadequate migration policy coordination. The restrictions on citizens' freedom to move between locations create negative effects on the country's investment potential and its openness to immigration. Human rights protection through actual practice requires more than laws since it needs administrative changes along with procedural simplification and digital public service implementation. The country needs to improve transparency and efficiency in migration regulation to transform constitutional rights into real enforceable protections for all citizens across the nation [18].

The institutional reforms in Kazakhstan have achieved some progress but the structural problems continue to prevent the complete implementation of international human rights obligations in practice. A sustainable human rights-oriented legal system needs a unified approach which includes legislative updates and institutional changes and active civil society participation. The state's response to domestic violence demonstrates an obvious mismatch between international standards and national practice. The Republic of Kazakhstan depends on the Law of the Republic of Kazakhstan dated December 4, 2009, No. 214-IV "Concerning Prevention of domestic violence" which serves as its main legal instrument to address domestic violence despite its limited scope and preventive fo-

⁴ Список жертв январских событий в Казахстане: что известно. Радио Азаттык. // URL: <https://rus.azattyq.org/a/32919069.html> (дата обращения: 05.07.2025).

⁵ Kazakhstan: Feminist Group Denied Registration. Human Rights Watch. // URL: <https://www.hrw.org/news/2019/09/13/kazakhstan-feminist-group-denied-registration#:~:text=Feminita%20filed%20a%20case%20against,doesn't%20provide%20any%20charitable%20services> (date of reference: 05.07.2025).

⁶ Брату Салтанат Нукуновой не дают защитить жертв бытового насилия. Orda.kz. // URL: <https://orda.kz/bratu-saltanat-nukenovoj-ne-dajut-zaschitit-zhertv-bytovogo-nasilija-390471/> (дата обращения: 05.07.2025).

cus⁷. The law faces criticism from scholars because it contains unclear definitions and lacks consistent enforcement systems and insufficient interagency coordination to address modern challenges. The justice system remains unaware of numerous unreported cases that go unpunished because the current legal and institutional framework needs substantial reform.

The scientific and human rights communities investigate international best practices to handle Kazakhstan's legal and institutional deficits in protecting human rights specifically in domestic violence cases. The countries of Poland Slovenia and the United Kingdom have established specific laws and protective orders while implementing preventive and educational and rehabilitative measures through public awareness campaigns and crisis centers and aggressor rehabilitation programs and free legal aid. The complete set of strategies both matches international requirements and creates a lasting support system for vulnerable groups which decreases private sphere violence [19].

The government of Kazakhstan faces institutional and political pressure for reform because it participates in international human rights monitoring mechanisms including the Universal Periodic Review (UPR) and UN treaty bodies. The non-binding external evaluations create strong moral and political pressure that forces the government to tackle systemic problems [6]. The Human Rights Committee and other bodies review Kazakhstan's national reports to generate recommendations that advance the country's legal and institutional development across freedom of expression and women's rights and judicial independence.

The national human rights architecture of Kazakhstan receives essential support from civil society organizations. The oversight and accountability functions of NGOs and independent media and public advisory councils face structural limitations which restrict their influence. The recent period has brought more NGOs into legal reform activities and collaborative educational programs and public policy dialogue. Experts agree that the protection of human rights requires civil society to have expanded legal and political space and decision-making participation and independent public oversight [13]. The State maintains

its core duty to protect human rights but successful civil society collaboration and ongoing international monitoring remain crucial for solving ongoing problems and achieving enduring reform.

Conclusion

The research confirms that international human rights monitoring systems function as core instruments within the framework of transnational legal governance through both normative and operational functions. These mechanisms perform dual functions by creating global benchmarks while they push legal systems and policies toward fundamental change from within. The Republic of Kazakhstan shows a defined path toward international legal alignment through its involvement with the Universal Periodic Review and treaty body procedures.

The analysis shows that Kazakhstan maintains declarative compliance which continues to exist alongside consistent structural discrepancies between its international commitments and actual implementation. Systemic barriers which combine normative fragmentation with institutional inertia and limited administrative responsiveness prevent Kazakhstan from achieving freedom of expression association and movement rights and proper criminalization of domestic violence. The lack of specialized legal frameworks and inadequate operationalization of international recommendations makes it challenging to achieve effective national human rights protection.

The Ombudsman institution together with judicial reforms demonstrates international alignment yet their power remains restricted because they answer to executive authority. The persistent difference between formal legal systems and actual enforcement practices requires a transition from passive acceptance to active adoption of international norms.

The strength of civil society participation determines both the epistemic and procedural validity of international monitoring mechanisms. Rights-based NGOs and independent media and public oversight councils enable monitoring functions to move from global institutions to local environments. The available political space for civil society actors depends on legislative

⁷ Law of the Republic of Kazakhstan dated December 4, 2009 No. 214-IV "On Prevention of Domestic Violence" // URL: https://adilet.zan.kz/eng/docs/Z090000214_ (date of reference: 05.07.2025).

protections and political freedoms.

Kazakhstan's development of a meaningful human rights protection framework depends on the combined forces of international monitoring standards and domestic institutional development and increased empowerment of non-governmental actors. The transition toward rights-effective governance demands the establishment of self-sustaining enforcement systems to-

gether with jus cogens standard-based legal doctrine development and a systematic process to embed international norms into national legal practices and consciousness. Kazakhstan can achieve true compliance with contemporary international human rights obligations through this comprehensive alignment of multiple factors.

Authors' contributions

Zhamankarayeva G.S. played a key role in conceptualizing and designing the study, gathering and analyzing data, and interpreting results. She took responsibility for the work's overall integrity, addressed concerns about data accuracy and article completeness, authored the manuscript, evaluated and refined critical sections, and examined relevant literature.

Matayeva M.K. provided expert guidance, overseeing the development of the research concept and methodology, also reviewed the manuscript, aided in interpreting findings, and ensured the work maintained a high scientific standard throughout.

Maishekina E.S. was instrumental in drawing key conclusions, overseeing the research process, and participating in manuscript revision.

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АДАМ ҚҰҚЫҚТАРЫН ҚОРҒАУ ТЕТІКТЕРІ: ХАЛЫҚАРАЛЫҚ СТАНДАРТТАР ЖӘНЕ ҚАЗАҚСТАННЫҢ ҰЛТТЫҚ ТӘЖІРИБЕСІ

Аннотация. Бұл мақалада адам құқықтарының мониторингі жөніндегі халықаралық органдардың Қазақстан Республикасын сараптау арқылы адам құқықтарының отандық жүйелеріне қалай әсер ететіні зерттеледі. Зерттеу Қазақстанның халықаралық-құқықтық міндеттемелері мен оның адам құқықтары саласындағы ішкі стандарттарын енгізу арасындағы сәйкессіздікті зерттейді. Зерттеу қазақстанның БҰҰ-ның Адам Құқықтары Жөніндегі Комитеті мен Азаптауға қарсы

Іс-қимыл Комитетіне берген жауаптарын және институционалдық және құқықтық негіздер арқылы Жалпыға Бірдей Мерзімді Шолу (UPR) ұсыныстарын талдай отырып, оның негізгі пәні ретінде адам құқықтарын қадағалаудың халықаралық тетіктерін зерттейді. Зерттеу халықаралық мониторинг жүйелерінің ішкі құқықтық және институционалдық өзгерістерге әсерін бағалайды және олардың орындалуына әсер ететін элементтерді анықтайды. Зерттеу барысында салыстырмалы құқықтық талдау, оқытушылық зерттеулер және нақты жағдайларды зерттеудің институционалдық әдістері, Сондай-ақ Біріккен Ұлттар ұйымының құжаттарынан, қазақстандық құқықтық дереккөздерден, ғылыми жарияланымдардан және азаматтық қоғам есептерінен алынған мәліметтер жиынтығы қолданылады.

Бұл мақалада Қазақстан шарттарды ратификациялау және Омбудсмен институтын құру арқылы прогреске қол жеткізгені көрсетілген, бірақ іс жүзінде орындалуы шектеулі болып қала береді. Сөз бостандығына қатысты негізгі кедергілер қауымдастық құқықтарымен және қозғалыс еркіндігімен және тұрмыстық зорлық-зомбылықтан қорғаумен бірге жалғасуда. Халықаралық мониторингтің жетістігі тәуелсіз институттармен бірге саяси ерік-жігерге және азаматтық қоғамның белсенді қатысуына байланысты. Зерттеу трансұлттық құқықтық ықпал туралы білімді толықтырады және ұлттық сәйкестікті арттыру бойынша пайдалы ұсыныстар береді. Оның нәтижелері саясаткерлерге гибриді немесе өтпелі құқықтық жүйелердегі халықаралық мониторингтің тиімділігін арттырғысы келетін заңгер ғалымдармен және құқық қорғаушылармен бірге құнды ақпарат береді.

Түйінді сөздер: адам құқықтарының халықаралық құқығы, адам құқықтарының мониторингі, жалпыға бірдей мерзімді шолу (UPR), институционалдық реформа, шарттық органдар.

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МЕХАНИЗМЫ ЗАЩИТЫ ПРАВ ЧЕЛОВЕКА: МЕЖДУНАРОДНЫЕ СТАНДАРТЫ И НАЦИОНАЛЬНАЯ ПРАКТИКА КАЗАХСТАНА

Аннотация. В данной статье исследуется влияние международных органов по мониторингу прав человека на национальные системы защиты прав человека на примере Республики Казахстан. В исследовании рассматривается сохраняющееся несоответствие между международно-правовыми обязательствами Казахстана и соблюдением им национальных стандартов в области прав человека. В качестве основного предмета исследования рассматриваются международные механизмы надзора за соблюдением прав человека, а также анализируются ответы Казахстана на рекомендации Комитета ООН по правам человека и Комитета против пыток и Универсального периодического обзора (УПО) с использованием институциональных и правовых рамок. В исследовании оценивается влияние международных систем мониторинга на внутренние правовые и институциональные изменения и определяются элементы, влияющие на их реализацию. В исследовании используется сочетание сравнительно-правового анализа, педагогических исследований и институциональных методов для изучения конкретных ситуаций, а также данные из документов Организации Объединенных Наций, казахстанских правовых источников, научных публикаций и отчетов гражданского общества.

В этой статье показано, что Казахстан добился прогресса благодаря ратификации международного договора и созданию института омбудсмена, однако практическая реализация остается ограниченной. Фундаментальные препятствия, касающиеся свободы выражения мнений, а также прав на ассоциацию, свободу передвижения и защиту от насилия в семье, продолжают существовать. Успех международного мониторинга зависит от политической воли в сочетании с независимыми институтами и активным участием гражданского общества.

Исследование расширяет знания о транснациональном правовом влиянии и дает полезные рекомендации по повышению соблюдения законодательства на национальном уровне. Его результаты предоставляют ценную информацию политикам, а также ученым-юристам и защитникам прав человека, которые хотят повысить эффективность международного мониторинга в смешанных или переходных правовых системах.

Ключевые слова: международное право в области прав человека, мониторинг прав человека, универсальный периодический обзор (УПО), институциональная реформа, договорные органы.

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