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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Kazakhstan

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

Position of Kazakhstan on the 26 recommendations made by delegations participating in the universal periodic review (on which Kazakhstan had reserved its position)

<i>No. of recommendation</i>	<i>Position of the Kazakh authorities</i>
1	<p>Taking into account the financial implications that would result from proper implementation of the obligations arising under the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the need to amend legislation, signature of this instrument would be premature at the current stage.</p> <p>Kazakhstan therefore does not accept the recommendation.</p>
2	<p>The issue of adherence to the declaration on sexual orientation and gender identity requires thorough discussion, so that public opinion may be taken into account. At the same time, it should be noted that there is no policy of discrimination on grounds of sexual orientation in Kazakhstan.</p> <p>Accordingly, Kazakhstan does not accept the recommendation.</p>
3	<p>The recommendation concerning ratification by Kazakhstan of the Rome Statute of the International Criminal Court cannot be accepted until all the branches of power have agreed on a common position. The issue of ratification is under consideration by the competent Kazakh authorities.</p>
17	<p>The recommendation is accepted. Kazakhstan is implementing a policy of phased abolition of the death penalty, which has not been applied in the country since 1 December 2004. Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights will take place in line with this policy.</p>
4	<p>We believe that the recommendation may be rejected.</p> <p>There is no obligation on States reporting under the universal periodic review procedure to “give yearly briefings to the Human Rights Council on the follow-up of the recommendations”. Nevertheless, Kazakhstan intends to organize regular briefings in the country, with the participation of national and international NGOs, on the follow-up of the recommendations made in the context of the universal periodic review.</p>
5	<p>In July 2009, Kazakhstan addressed a standing invitation to all Human Rights Council special procedures mandate holders. It has received special rapporteurs regularly and will continue to do so, taking into account its capacities and the importance and urgency of the various topics covered for Kazakhstan.</p>
6	<p>These recommendations have thus already been implemented by Kazakhstan, and it has officially invited all the special rapporteurs to visit the country to assess the fulfilment of its obligations whenever they so wish.</p>

<i>No. of recommendation</i>	<i>Position of the Kazakh authorities</i>
7	<p>The current legislation in Kazakhstan ensures strict compliance with the principle of non-refoulement. For example, extradition is prohibited under the Code of Criminal Procedure if the person concerned has been granted political asylum or if, under Kazakh legislation, the act that prompted the extradition request is not recognized as an offence, criminal proceedings cannot be instituted or the sentence cannot be carried out. On 4 December 2009, Kazakhstan adopted the Refugees Act, which prohibits the return or expulsion of asylum-seekers or refugees to countries where their lives or freedom are threatened on account of their race, religion, ethnicity, nationality, membership of a particular social group or political convictions.</p> <p>In the light of the foregoing, we consider that the recommendation has been implemented.</p>
8	<p>Continuous, targeted efforts are being made in the country to combat trafficking in persons, including women. A government programme against trafficking in persons has been implemented since 2003. Trafficking is now a criminal offence punishable by imprisonment for a term of from 5 to 15 years. Assistance is provided to victims under the Act on Special Social Services, which was adopted on 29 December 2008. Kazakh victims of trafficking abroad are given financial assistance with their return home through Kazakhstan's diplomatic missions. Conscious of the international significance of the problem and the need for an effective mechanism to protect human rights, Kazakhstan is pursuing its efforts in this area.</p> <p>The recommendation is thus accepted insofar as it relates to the enhancement of organizational and practical measures.</p>
9	<p>The recommendation has been implemented.</p> <p>The appropriate amendments have been made to the legislation currently in force. For example, political parties not represented in an electoral commission have the right to delegate a representative with an advisory vote to serve on the electoral commission concerned, including the Central Electoral Commission, in the period before and during an election campaign.</p> <p>To safeguard the interests of ethnic minorities and ensure their participation in government, in 2007 a provision was inserted in electoral legislation whereby nine deputies in the Majilis (lower house) of the Parliament of Kazakhstan are elected by the People's Assembly. The members of the People's Assembly, for their part, are elected at sessions of the provincial assemblies on the basis of proposals by ethnic cultural associations or on the decision of their governing bodies.</p> <p>The registration procedure for political parties has been simplified (the deadline for presenting documents has been extended, the number of party members required has been reduced, and the mechanism for suspending the registration deadline and for registering new political parties formed after the reorganization of existing ones has been clarified).</p>

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10	The recommendation is not accepted.
19	<p>If a religious group wishes to acquire the status of a legal person, it must register with the State; the minimum threshold for registration is 10 members. Since 2005, religious groups that do not wish to acquire the status of a legal person, irrespective of their affiliation, have been subject to “informational” registration; this essentially involves notifying the competent State authority of their existence by means of a declaration.</p> <p>Currently, 3,776 religious associations are active in Kazakhstan.</p> <p>Overall, given the geopolitical situation in Kazakhstan, which is located in a zone where religious extremism is spreading, we consider it necessary to retain the current procedure of “informational” registration.</p>
11	The recommendation is accepted.
13	<p>The current Constitution of the Republic of Kazakhstan guarantees freedom of expression and creative activity, and censorship is prohibited. Everyone has the right freely to receive and disseminate information by any means not prohibited by law. Kazakh legislation contains no provisions criminalizing defamation by journalists.</p> <p>In addition, the National Plan of Action on Human Rights for 2009–2012 recommends that the law should be amended to make defamation an administrative offence. In this connection, Kazakhstan intends to continue to enhance its legislation in the field of freedom of expression, with a view to the implementation of the National Plan.</p>
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25	<p>The law adopted on 10 July 2009 provides for amendments in respect of information and communication networks in general; it does not violate the constitutional rights of citizens, nor is it a specialized statute regulating relations in the Internet sphere. Its provisions are aimed at preventing the dissemination in the territory of Kazakhstan, via the media and the Internet, of material that infringes citizens’ rights as enshrined in articles 17 and 18 of the Constitution or that propagates political, ethnic or religious extremism. It contains no amendments seeking to apply criminal legislation to defamation committed online.</p> <p>Kazakhstan therefore does not accept the recommendation concerning the revision of the law, since no amendments of the type described are envisaged in the text.</p>
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12	<p>The law adopted on 10 July 2009 provides for amendments in respect of information and communication networks in general; it does not violate the constitutional rights of citizens, nor is it a specialized statute regulating relations in the Internet sphere. Its provisions are aimed at preventing the dissemination in the territory of Kazakhstan, via the media and the Internet, of material that infringes citizens’ rights as enshrined in articles 17 and 18 of the Constitution or that propagates political, ethnic or religious extremism. It contains no amendments seeking to apply criminal legislation to defamation committed online.</p> <p>Kazakhstan therefore does not accept the recommendation concerning the revision of the law, since no amendments of the type described are envisaged in the text.</p>
14	<p>The recommendation is accepted.</p> <p>The National Plan of Action on Human Rights for 2009–2012 provides for the drafting of a new law on the organization and holding of peaceful assemblies in Kazakhstan, which should improve procedures in this area.</p>

<i>No. of recommendation</i>	<i>Position of the Kazakh authorities</i>
15	<p>The recommendation is accepted.</p> <p>Kazakhstan is working continuously, with the participation of all stakeholders and of international organizations such as the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, to further improve and develop its electoral legislation on the basis of universally recognized democratic principles.</p>
16	<p>Kazakhstan accepts these recommendations.</p>
18	<p>The 2007 Constitution limits significantly the types of offence for which the death penalty may be imposed. Since December 2003, there has been an open-ended de facto moratorium on executions. Moreover, Kazakhstan, which is pursuing a policy of phased abolition of the death penalty, supports the international position on abolition. At the sixty-first session of the General Assembly, on 19 December 2006, it aligned itself with the statement by the European Union on the abolition of the death penalty. The issue is included in the National Plan of Action on Human Rights for 2009–2012.</p>
