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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1\***

### **Kazakhstan**

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

## I. Methodology

1. This national report was prepared by a specially constituted governmental working group headed by the Ministry of Justice of the Republic of Kazakhstan involving broad consultations with various ministries and departments, the Office of the Procurator General, the Supreme Court, the National Human Rights Commission under the Office of the President and the National Human Rights Centre and was approved by a government decision on 6 November 2009.

2. A series of consultation workshops were conducted for the preparation of the report, which included government officials, members of non-governmental organizations of Kazakhstan, international experts and staff members of the Office of the United Nations High Commissioner for Human Rights (OHCHR).

3. The constructive proposals and recommendations by non-governmental organizations, United Nations Development Programme (UNDP) experts and experts from the United Kingdom and Germany significantly improved the report.

4. Several NGOs took part in the discussions of the report in July and August 2009, including: the Raduga association of mothers of children with disabilities; the Sana Sezim Legal Centre for Women's Initiatives; the Committee on Penal Reform and Human Rights Monitoring; the Namys association of persons with disabilities; the Kazakhstan International Bureau for Human Rights and the Rule of Law; the Adil Soz International Fund for the Protection of Freedom of Speech; the Kazakhstan Children's Fund; the MediaNet International Centre for Journalism; the Almaty Helsinki Committee; the Feminist League; the Foundation for the Development of Parliamentarism in Kazakhstan; the Women's Association for Development and Adaptation; the Kazakhstan Citizens' Alliance; the Feniks Development and Adaptation Centre; the periodicals Zhan and Detstvo; and the MediaLife foundation. The discussions also included experts from the United Nations country team, the British Embassy and the Soros Foundation in Kazakhstan, Ms. Gay McDougall, the independent expert on minority issues, Mr. Bob Last, representative of the United Kingdom Mission to the Office of the United Nations and Other International Organizations at Geneva, Mr. Theodor Rathgeber, representative of the German Forum on Human Rights at the Human Rights Council and Pavel Chernikov, representative of the Ministry of Foreign Affairs of the Russian Federation.

5. Significant developments took place while the report was in preparation such as the approval by the Head of State of the 2009–2012 national plan of action on human rights in Kazakhstan and the State Legal Policy Concept for the coming decade. In this connection, the report included the national human rights priorities and objectives set out in those documents.

## II. Country background

6. Kazakhstan is a young, dynamic, democratic and unitary State with a presidential form of government. Great strides have been made since 16 December 1991, when it declared its independence, to reinforce social cohesion and to attain political stability and economic development for the entire people.

7. Kazakhstan covers a total area of 2,724,900 square kilometres. It is divided into 14 provinces, each of which is subdivided into districts that in turn are divided into settlements. Its capital is Astana.

8. The population as at 1 July 2009 was 15,880,600, with 8,473,500 (53.4 per cent) urban dwellers and 7,407,100 (46.6 per cent) rural inhabitants. The population density over the country as a whole was 5.8 persons per square kilometre.
9. Kazakhstan is founded on the principle of peoples' equal rights. As at 1 July 2009, Kazakhstan comprised more than 140 ethnic groups, the largest among them being Kazakhs, Russians, Ukrainians, Uzbeks and others.
10. Per capita gross domestic product, a key indicator of any country's development, has risen by around eightfold in the past 10 years, from US\$ 1,000 to US\$ 8,400, the level seen in a number of Central and Eastern European States.
11. The population census carried out between February and March 2009 showed marked social, economic and demographic changes in the country. Foremost among them were the advances made in standards of living. The share of the population living below the poverty level decreased from 34 to 12 per cent. The population's average cash earnings have increased almost fivefold during the previous decade.
12. Kazakhstan was among the first States to take emergency measures in response to the economic crisis. Moreover, the country did not withdraw from any of its previous commitments to social spending and the salaries of public servants, pensions and social benefits increased by about 30 per cent.
13. The birth rate has begun to rise. Overall, the population has increased from 14.9 million to 15.9 million over the past 10 years.
14. While there is a wide life expectancy gap between men and women, the gap narrowed between 2007 and 2008 from 11.6 to 10.5 years.

### **III. Normative and institutional framework for the promotion and protection of human rights**

15. On gaining independence, Kazakhstan endorsed the universal principles of the promotion and protection of human rights enshrined in the Charter and the Universal Declaration of Human Rights. The Constitution proclaims the person and his or her life, rights and freedoms as supreme values.
16. Much has been done in the wake of independence to fortify guarantees of human rights and freedoms. The national outline of legal policy for 2010–2020 seeks to attain to the maximum extent possible guarantees of constitutional, human and citizens' rights and freedoms and full and strict compliance with constitutional obligations by all State bodies, officials, citizens and organizations in the process of further strengthening the rule of law.
17. The Constitution has supreme legal force in the Republic. All laws and other legal and regulatory acts must be consistent with it; otherwise the Constitutional Council will rule them null and subject to cancellation.
18. Historic amendments to the Constitution strengthening the role of Parliament and political parties were introduced in 2007 after careful discussions in society. Many of the President's powers were transferred to the Parliament and local government bodies (maslikhat) assumed a more important role.
19. The protection of citizens' rights within the justice system and the independence of the judiciary have been reinforced significantly in recent years. Judges are now chosen by the Supreme Judicial Council, made up of parliamentary deputies, experienced judges and political officials. The Senate appoints the members of the Supreme Court. The introduction of trial by jury and specialized courts are major steps forward.

20. Kazakhstan has become a fully-fledged subject of international law and a party to more than 60 multilateral universal human rights agreements, including 7 United Nations human rights treaties, the “international human rights instruments”.

21. International treaties ratified by Kazakhstan have precedence over its laws and are directly applicable except where an international treaty requires the passage of a law for enforcement.

22. The Supreme Court adopted a regulatory decision on the application of international treaty standards on 10 July 2008 to promote full compliance with ratified treaty standards in judicial practice. The decision requires judges to be guided by the standards of international treaties to which Kazakhstan is a party, those standards being an integral part of the current Kazakh law.

23. Under the Constitution the President is the guarantor of the unity of the people, of State authority, of the inviolability of the Constitution and of civil and individual rights and freedoms.

24. Parliament is the supreme representative body of the Republic with legislative functions, including in the area of human rights. It consists of two chambers in constant session: the Senate and the *Majilis*.

25. The Government exercises executive power, heads the system of executive bodies and directs their work. It is a collegial body, directly accountable to the President and, in cases stipulated by the Constitution, to Parliament.

26. Human rights and freedoms are defended by the legislature, executive and judiciary. The independence of the judiciary is proclaimed in article 77 of the Constitution.

27. In addition to court protection, everyone has the right to apply to the Human Rights Commissioner, the Presidential Commission on Human Rights, the National Commission on Family Affairs and Gender Policy under the President and the Ministry of Education and Science Committee on the Protection and Promotion of the Rights of Children for protection of his or her rights. The Prime Minister and heads of ministries and departments each have an official webpage to help ensure that complaints are considered in a timely manner and that citizens’ constitutional rights, freedoms and interests are protected.

28. The Human Rights Commissioner monitors compliance with human and civil rights and freedoms and takes steps to remedy violations. In 2011, the Government will be amending the law on the work of the Commissioner with a view to enhancing his legal status.

#### **IV. International cooperation**

29. The Government has recognized the competence of the following international institutional human rights mechanisms to receive individual communications: the Committee on the Rights of the Child; the Committee against Torture; the Committee on the Elimination of Racial Discrimination; and the Committee on the Elimination of Discrimination against Women.

30. Kazakhstan maintains constant cooperation with international legal human rights monitoring mechanisms, periodically submitting reports to the treaty bodies and endeavouring to fulfil their recommendations and bring its legislation into line with the relevant treaties. The Government has by now successfully defended its initial and, in some instances, second and third periodic reports; this affirms Kazakhstan’s commitment to meeting its obligations.

31. Kazakhstan has been visited in recent years by delegations of OHCHR experts (2001); Mr. Bertrand Ramcharan, the Deputy High Commissioner for Human Rights (2003); Mr. Leandro Despouy, the Special Rapporteur on the independence of judges and lawyers (2004); Mr. Martin Scheinin, the Special Rapporteur on the promotion and protection of human rights while countering terrorism (2006); Ms. Louise Arbour, the United Nations High Commissioner for Human Rights (2007); Mr. Manfred Nowak, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (May 2009); and Ms. Gay McDougall, the independent expert on minority issues (July 2009). The Special Rapporteur on adequate housing, Ms. Raquel Rolnik, is expected to visit in 2010.

32. Kazakhstan sent a standing invitation to all Human Rights Council special procedures in July 2009.

33. Kazakhstan continues to cooperate closely with OHCHR and the regional office in Bishkek. It is carrying out a number of projects with the office, including work on the universal periodic review. Kazakhstan allotted US\$ 50,000 in voluntary contributions to OHCHR in 2008 and 2009.

## **V. Promotion and protection**

### **A. Right to life**

34. Everyone has the right to life under the Constitution.

35. As a result of a constitutional reform in May 2007, the use of the death penalty has been restricted solely to terrorist offences involving fatalities and very serious offences committed in wartime; this has meant the virtual abolition of capital punishment.

36. Public opinion continues to be divided over the State policy on the death penalty. According to an opinion poll conducted in the first half of 2008, 66.6 per cent of Kazakh nationals consider that the death penalty must be imposed in extreme cases, 44.3 per cent consider the death penalty to be a deterrent to crime and 38.3 per cent consider it ineffective and incapable of influencing the spread of crime.

37. Nevertheless, a policy of gradual abolition is being pursued. The number of offences punishable by death was cut in half in 1997. The Head of State declared an indefinite moratorium on executions of the death penalty on 19 December 2003 until the issue of complete abolition was resolved. The moratorium on executions continues to be maintained.

38. Before the moratorium on executions the death sentence was last carried out on 12 people in 2003. Death sentences were last imposed on two individuals in 2005, but have not been carried out because of the moratorium: they have been commuted to life imprisonment.

39. Kazakhstan associated itself with the statement by the European Union on the abolition of the death penalty at the sixty-first session of the United Nations General Assembly, on 19 December 2006.

40. On the whole, Kazakhstan is making steady progress towards the humanization of its criminal legislation. It is in the midst of decriminalizing specific articles of the Criminal Code, replacing criminal penalties with administrative ones. There are proposals to simplify inquiry and investigation procedures, to make wider use of conciliation and to strengthen safeguards against unwarranted prosecution.

## **B. Right to privacy**

41. The Government is taking steps to protect privacy. Parliament is considering a bill to amend several legislative acts on the protection of the right to privacy in response to a rise in violations of private life, personal and family privacy, honour and dignity and the confidentiality of personal investments and savings, correspondence, telephone conversations, mail, fax and other forms of communication.

42. New passports containing microprocessor chips began to be issued on 5 January 2009, and electronic identity cards were introduced on 8 September 2009. The transition to electronic identity documents is being carried out in accordance with international fraud protection standards. The Government will be drafting and introducing bills to Parliament in 2010–2011 on identity documents for Kazakh citizens and on the protection of personal information with a view to improving safeguards against breaches and the unlawful use of personal information.

## **C. Equality and non-discrimination**

43. The State guarantees equal human and civil rights and freedoms regardless of gender, race, ethnic background, language, origin, personal property or official status, place of residence, attitude to religion, convictions, membership of voluntary associations and other circumstances.

44. Over the years Kazakhstan has accumulated unique experience of various peoples living together in peace. An Assembly of Peoples of Kazakhstan, a constitutional body headed by the President that works to enhance ethnic and religious accord, has greatly helped to establish and affirm the Kazakhstan model of a multi-ethnic society. The Assembly of Peoples has become an important element in the political system of Kazakhstan, rallying all ethnic groups and ensuring the full exercise of the rights and freedoms of all citizens regardless of their ethnic background.

45. Parliament adopted a number of constitutional amendments in May 2007 that substantially changed the role of all representative branches of power. One of the most important innovations of the constitutional reform was the increase in the number of *Majilis* deputies to 107, 9 of whom are elected by the Assembly of Peoples.

46. The secretariat is the main administrative body of the Assembly. It is responsible for coordinating the work of government body having to do with ethnic groups, protecting their rights and interests, reviewing complaints and statements by representatives of ethnic groups and ethnic cultural organizations, drafting proposals to improve State ethnic policy and protecting minority rights.

47. The State is steadily creating an environment conducive to the development of the cultures and languages of the ethnic groups of Kazakhstan. Newspapers and magazines publish in 11 different languages, radio stations broadcast in 8 languages and television stations in 7. The average print run of media titles in ethnic languages, excluding Russian and Kazakh, is more than 80,000.

48. The number of cultural and ethnic organizations is growing steadily. They now number 621. Some 46 ethnic groups have their own centres. Besides Kazakh and Russian theatres, Kazakhstan has four other ethnic theatres, operating in Uzbek, Uighur, Korean and German. Three of them are the only ones of their kind throughout the Commonwealth of Independent States. There are 88 schools in which instruction is given entirely in Uzbek, Tajik, Uighur or Ukrainian. In 108 schools 22 ethnic minority languages are taught as subjects in their own right. Moreover, 195 specialized linguistic centres have opened, where

children and adults alike may choose from among 30 ethnic minority languages to study. There are more than 7,000 persons currently attending such centres.

49. Discrimination is a criminally punishable act (under the following articles of the Criminal Code: 141, Violation of equal rights; 160, Genocide; and 164, Incitement to social, ethnic, gender, racial and religious discord). Such offences are on the decline: 42 offences under that category were registered in 2006, 36 in 2007, 34 in 2008 and only 5 in the first half of 2009.

#### **D. Protection against torture, violence and other cruel or degrading treatment**

50. The Constitution guarantees that no one must be subjected to torture, violence or other cruel or degrading treatment or punishment.

51. The rights of detainees, including the right to protection against torture, are enshrined in the law governing the procedures and conditions applicable to detention in custody of persons suspected or accused of committing an offence. Torture is a criminal offence punishable by a fine of between 200 and 500 times the monthly accounting index or deprivation of liberty for a term of 5 to 10 years, plus forfeiture of the right to hold certain posts or engage in certain activities for up to 3 years, depending on the seriousness of the offence. Evidence obtained through torture is inadmissible in court. Victims of torture have the right to receive compensation.

52. Law enforcement and prison administration officials regularly undergo training and career development programmes, including the study and application of international human rights standards and laws.

53. However, incidents of torture by law enforcement officials still occur. According to the Supreme Court, seven people were convicted of torture in 2006, seven in 2007 and two in 2008. Prosecutions of unlawful acts (omissions) by the authorities and administrative bodies, voluntary associations, organizations, officials and civil servants are on the rise. For example, 6,493 cases were brought before the courts in 2008.

54. After careful consideration, Kazakhstan ratified the Optional Protocol to the Convention against Torture in 2008 and undertook to develop a national preventive mechanism independent of the State. The foundation for this mechanism currently exists under national law. Four years ago the Government introduced public oversight through regional monitoring commissions that include representatives of non-governmental human rights organizations. Such commissions operate in the bodies of the Ministry of Internal Affairs and in the penitentiary system.

55. The Ministry of Justice has drafted a 2009–2012 national plan of action to give effect to the recommendations of the Committee against Torture and coordinate measures to prevent torture. A bill amending certain legislation so as to settle the basis for the procedures governing detention has been drawn up. This groundbreaking bill covers the procedures and conditions governing the admission and registration of persons in special institutions, their rights and obligations, the measures applicable to them and the procedures for their release. In particular, it specifies the rights of persons detained in special institutions to receive parcels, correspondence, books, magazines and letters, to meet with family members and other persons, to take exercise and to take part in group cultural activities. One of the bill's innovations is the introduction of the concept of public oversight, allowing voluntary associations the opportunity to provide assistance including medical care, employment, leisure activities and education to persons detained in special institutions. The bill is currently under consideration by Parliament.

56. The Supreme Court is assessing and summarizing court practice regarding the consideration of complaints of torture, on the basis of which it will hand down a relevant decision by the end of 2009.

## **E. Situation in penitentiary institutions**

57. Kazakhstan is pursuing its policy of humanizing the penitentiary system. One of the most important strides made by this policy has been to transfer responsibility for running the penitentiary system from the Ministry of Internal Affairs to the Ministry of Justice.

58. The action taken has brought the penitentiary system steadily closer to international norms and standards. The system has undergone a range of positive changes, including updated legislation, improved living conditions, more comprehensive medical services and a decrease in the incidence of tuberculosis among convicts.

59. The Ministry of Justice and the Ministry of Health jointly carried out a national campaign in 2008 to improve preventive medical care for convicted women, men and minors.

60. Some US\$ 70 million of the national budget was spent between 2006 and the first half of 2009 on improving the prison system and bringing it closer into line with international standards. The funds were used for the reconstruction and renovation of correctional facilities, major repairs of buildings and facilities built in the pre- and post-Soviet period, and the construction of new institutions that comply with international standards.

61. The Government has introduced a bill to Parliament on further improvements to the penal and prison system. The bill seeks to improve prison conditions and the treatment of convicts, increase the effectiveness of non-custodial penalties and improve the legal and social protection of prison system personnel. It changes the conceptual approach to the way in which convicted persons are detained in secure correctional institutions.

## **F. Right to liberty and security of person**

62. Court-authorized arrest was introduced on 1 August 2008. Everyone has the right to personal freedom. Arrest and detention in custody are permitted only in the circumstances specified by law and with the authorization of a court, and are subject to appeal by the arrested person. Without court authorization, a person may be detained for no more than 72 hours. Every person detained, arrested or charged with an offence has the right of access to a lawyer (defence counsel) from the moment he or she is detained, arrested or charged.

63. Existing human and civil rights monitoring methods are not always applicable, given the specific nature of investigative work, and departmental in-house monitoring is limited. Therefore, procurators and the Human Rights Commission regularly check to see whether persons held in temporary holding facilities and on official premises are being lawfully detained.

64. The incidence of unlawful detention has decreased in recent years as a result. Furthermore, cases of persons unlawfully held in custody in unofficial places of detention have increasingly come to light. For example, in 2008 procurators released 850 unlawfully detained persons. Criminal proceedings were instituted in 44 cases of violations of constitutional rights, 24 of which were referred to the courts. In this connection, there is a need to improve detention and arrest warrant procedures.

## **G. Freedom of expression**

65. The Constitution guarantees freedom of speech, thought and creativity and prohibits censorship.

66. The media have undergone fundamental changes in recent years. As a result, 85 per cent of the media is privately owned. There are 8,248 news media outlets registered in Kazakhstan (2,513 of which are active), including 212 Internet-based outlets; 2,392 foreign media outlets disseminate information; and more than 9,000 domain names are registered under the .kz domain. A total of 159 news media outlets are owned by voluntary associations; 11 publications belong to political parties and movements and 10 to religious organizations.

67. A law amending legislation on the mass media, adopted on 6 February 2009, abolished the registration of television and/or radio broadcast media, simplified media re-registration procedures and put plaintiffs and defendants on an equal footing in contentions before the courts.

68. Journalists are no longer required to obtain authorization for the use of voice recorders or cameras in interviews, which had greatly hampered their work. The regulations on balanced television and radio broadcasting in the State language have been clarified: the volume of weekly television and radio programming in the State language must not be less than the aggregate of programming in other languages. The airtime given to television and radio programmes in the State language over six-hour periods beginning at 12 midnight local time, must be no less than the total airtime of broadcasts in other languages.

69. News editors are no longer subject to administrative liability for disseminating media items and news agency press releases and reports that are not officially registered. The confiscation of print runs of periodicals issued without the publisher's imprint has been abolished.

70. A law amending legislation on information and communication networks, adopted on 10 July 2009, was intended to put some order into the distribution of information via websites. Although websites are defined as mass media, unlike other media, they are not subject to listing by the relevant authority and are exempt from licensing.

71. The publication or distribution of information media may be interrupted or stopped only with the owner's or a court's authorization. The grounds for doing so are expressly provided for in the law, including advocating the abuse of narcotic drugs, psychotropic substances and their precursors, cruelty or violence, supremacy based on social status, race, ethnic background, religion, class or gender, the forcible overthrow of the constitutional system, the violation of Kazakhstan's territorial integrity, extremism or terrorism.

72. The Government will be working on a bill in the third quarter of 2010 amending the law on the development of information and information security, with the dual aims of giving more weight to the wording in the Constitution on citizens' right to receive and distribute information freely, and of protecting information.

## **H. Right of association**

73. The right of citizens to form associations is guaranteed. Foreign nationals and stateless persons lawfully present in the country have the same right as Kazakh citizens to be founders, members and participants in non-profit organizations, unless otherwise specified by existing laws and the international treaties to which Kazakhstan is a party. For example, they are not entitled to be members of political parties. More than 13,000 non-

governmental organizations are currently in operation in Kazakhstan, 1,709 of which are particularly active.

74. Voluntary associations must register with the State no more than two months after they have been established. Such associations may be established on the initiative of 10 persons or more. State registration essentially involves checking whether the constituent and other documents are in keeping with Kazakh human rights legislation. Steps are being taken to simplify the registration process for all legal persons, including voluntary associations. In particular, entities are both registered and entered into tax and statistical records under a “one-stop shop” principle within 10 days (instead of the previous 15-day time frame). State registration costs around US\$ 50.

75. Ten parties are registered in Kazakhstan. Amendments to the Political Parties Act were made in February 2009, clarifying how organizing committees (and interest groups) and political parties are to operate and be funded, lowering the number of members required to constitute a party to 40,000 and limiting the scope for denying registration of a political party on formal grounds not affecting the overall number of party members.

76. Modernizing the country’s political system in the future in order to bolster domestic political stability and unify society remains a top priority for the Government. In this connection, further steps will be taken to promote a stable and balanced political system.

## **I. Right to freedom of movement and to choose a place of temporary and permanent residence**

77. Everyone lawfully present in the territory of Kazakhstan has the right to move about freely, choose his or her place of temporary and permanent residence, leave and return to Kazakhstan without hindrance unless otherwise specified by the law.

78. People coming to Kazakhstan outnumber those leaving as a result of the country’s migration policy. More than 650,000 people have returned from the Commonwealth of Independent States, China, Mongolia, Turkey and the Islamic Republic of Iran to their ancestral homeland. At the same time the unique ethnic and religious composition of the people of Kazakhstan has been preserved.

79. Entry procedures for foreign nationals have been simplified. For example, as of September 2009 Kazakh consulates abroad simultaneously register the passports of and issue visas to citizens from 45 politically stable and economically developed countries. The holders of investor visas are registered in the same way. Citizens of several neighbouring countries (the Russian Federation, Tajikistan and Kyrgyzstan) fill in official migration cards instead of registering at entry points.

80. Mandatory citizens’ residence permits were abolished in 1993. The current mechanism for registering places of residence is for information purposes and is used only to keep a statistical record of the population for State social policy and budgetary planning, to settle issues of citizenship, to establish the whereabouts of missing persons, to set demographic, labour and employment policies and to guarantee the right of citizens to participate in election campaigns. It has been automated and simplified.

81. Electronic documents using biometrics to authenticate a person’s identity began to be issued in 2009. The registration information and details of the identity documents issued are stored in a single database that functions countrywide. The database is unique among the post-Soviet countries and is acknowledged internationally as one of the best of its kind. A remote-access system is in place to prevent personal information from being compromised. However, the Government constantly monitors efforts to improve the personal data protection mechanisms.

## **J. Rights of migrants and refugees**

82. Migration policy is a strategic aspect of State policy.

83. In recent years Kazakhstan has moved from the ranks of countries of origin of labour migration to join the countries where there is an influx of foreign workers. This is mainly due to Kazakhstan's economic growth beginning in 2000 and the consequent increase in jobs available and in the salaries and income of the population.

84. The Government gives priority attention to the domestic labour market and to the recruitment of qualified workers as it regulates labour migration, and thus sets a yearly quota for hiring foreign workers.

85. Existing legislation on migration policy requires further improvement. In this connection the Head of State has approved an outline of national migration policy for 2007–2015.

86. The Government will introduce a new bill on migration in December 2009. It provides for a new mechanism for cooperation and accountability among State bodies on migration issues; defines types of migration and categories of migrants; encourages the influx of foreign specialists with a high potential for innovation; and provides for additional social support measures for Kazakh citizens returning from abroad and citizens living in parts of the country where economic and environmental conditions are unfavourable.

87. A bill on refugees was introduced to Parliament in accordance with Kazakhstan's international obligations, setting out the legal status of asylum-seekers and persons recognized as refugees, providing for measures to protect them and uphold their rights, and focusing some attention on child refugees. Not once since accepting its international obligations concerning the rights of refugees has Kazakhstan returned a foreigner with refugee status to another State.

## **K. Combating trafficking in persons**

88. Kazakhstan is a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the United Nations Convention against Transnational Organized Crime and protocols thereto, and the Slavery Convention of 1926 and Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956. A special interdepartmental commission of the Government has been in operation since 2003. Combating human trafficking requires a comprehensive approach, as it falls within the competence of various State bodies. The Government has therefore adopted for the third time a plan of action to combat trafficking in persons (to follow the 2009–2011 plan).

89. The hidden nature of these offences makes it difficult to investigate them. The victims of such offences and other injured parties are therefore eligible for protection under the law on the protection of persons involved in criminal proceedings if they render assistance in a criminal investigation. A law amending legislation on combating trafficking in persons was adopted on 2 March 2006, bringing the offence of trafficking in persons into line with international definitions and thus stiffening the administrative penalties against it. Furthermore, there are provisions granting people in breach of migration regulations because they have been trafficked an exemption from administrative expulsion.

90. The Ministry of Internal Affairs authorities have launched a campaign against trafficking-related offences entitled Stop Trafficking, which led to the prosecution in 2008 of 6 cases of trafficking in persons, 5 cases of trafficking in minors, 2 kidnappings, 5 cases of deprivation of liberty for the purpose of exploitation, 107 cases of pandering and

maintaining a house of prostitution and 5 cases of enticement into prostitution. During the first half of 2009 (since January) 147 criminal investigations relating to trafficking in persons have been instituted.

91. The law enforcement bodies regularly inform the media about efforts to combat trafficking in persons and engage in public awareness campaigns with non-governmental organizations. More than 300 stories on trafficking issues were published in the electronic media and around 400 publications were issued by the national press in 2008.

92. The State is currently funding social projects by NGOs to combat trafficking in persons. There is an urgent need to rehabilitate victims of human trafficking, including through special crisis centres. In this connection the Ministry of Justice earmarked funding for social programmes to combat human trafficking in 2009. The programmes are expected to take three years to accomplish. In particular, the Government is working with NGOs to create crisis centres to house temporarily and rehabilitate victims of human trafficking and to conduct awareness campaigns.

## **L. Freedom of thought, conscience and religion**

93. Citizens of Kazakhstan, citizens of other States and stateless persons have the right to practice any religion freely, either alone or in community with others, or not to practice any religion; they may not be forced into adopting a particular attitude to, taking part in or abstaining from religious services, rites and ceremonies or into receiving religious instruction. Religious associations are independent of the State and equal before the law.

94. As at 1 July 2009 there were more than 4,200 religious associations and groups in Kazakhstan representing more than 40 confessions and denominations. There are more than 20 religious schools in operation.

95. The majority of the population of Kazakhstan, around 70 per cent, is Muslim. However, it must be emphasized that the predominance of Islam in Kazakhstan in no way hinders the observance of other faiths.

96. The number of Islamic associations has grown from 46 to 2,441 during Kazakhstan's years of independence. At the same time, the number of the Russian Orthodox Church parishes has increased from 62 to 293, Roman Catholic congregations from 42 to 86, Evangelical Baptist Church congregations from 168 to 362 and Seventh-day Adventist congregations from 36 to 66. Protestant associations have increased from 521 to 1,189.

97. Religious associations today issue 44 periodical religious publications. Formerly, there was not a single religious newspaper or magazine. There are currently 384 foreign missionaries from more than 20 countries in Kazakhstan; in 1990 there were only 12.

98. A State-wide standard for State registration services has been set to instil some order in the registration (for information purposes) of small religious groups. The standard allows religious groups filing an application to avoid bureaucratic hurdles on the part of local government authorities.

99. No one is entitled not to fulfil a civic obligation on religious grounds, except as stipulated by law. One obligation may be substituted for another on religious grounds only in accordance with the law of Kazakhstan. However, there is no law on alternative service.

100. As Kazakhstan attaches importance to constructive interfaith dialogue, it has sponsored meetings of world and traditional religious leaders (in 2003, 2006 and 2009). There is a permanent secretariat for that important forum. Such forums have not only demonstrated the correctness of the country's foreign policy but also shown the

effectiveness of the unique Kazakh model of interfaith cooperation. Since 2000 the central Government and local government authorities have had councils on relations with religious associations.

101. Efforts are being made to detect and suppress any breaches of the law in this area and to provide remedies for believers, regardless of their faith, whose rights have been infringed. There is an association of centres for the victims of destructive religious cults to help people overcome the adverse influence of destructive religious movements.

## **M. Right to freedom of peaceful assembly and association**

102. Citizens of Kazakhstan have the right to assemble peacefully and unarmed and to conduct meetings, rallies, demonstrations, processions and pickets. The exercise of this right may be restricted by law in the interests of State security, public order, public health or the protection of the rights and freedoms of other persons.

103. Notice of a peaceful assembly must be submitted to the relevant local authority no later than 10 days before the proposed date. The local authority must review the notice and inform the organizers of its decision no later than five days before the time proposed in the notice. Breaches of this procedure are punishable by a fine, short-term administrative detention for up to 15 days or deprivation of liberty for up to a year.

104. The local authority may propose a different time and venue for the peaceful assembly from those put forward in the notice, given the need to ensure public safety, protect the rights and freedoms of other persons, ensure that transport and other infrastructure can function normally, and protect trees, plants and small architectural features. The 2009–2012 national plan of action on human rights calls for legislation in this area given that applications have been turned down without good reason and peaceful assemblies have had to be held on city outskirts. The bill proposes to regulate all forms of peaceful assembly by changing from a permit system to a system of notification.

## **N. Right to social security**

105. The State seeks to ensure that special social services are provided in accordance with the principle of respect for human rights on a humanitarian, voluntary, targeted, accessible and equitable basis.

106. Women become eligible to receive a pension at age 58 and men at 63. Women who have given birth to five or more children and have raised them to the age of eight are entitled to retire on a pension at age 53. Formerly, such a right was granted only to women living in rural areas. As at 1 October 2009 persons receiving pension payments numbered 1,647,536.

107. Real per capita money incomes have grown by an average of 10 per cent per year over the past 10 years. Pensions and benefits have more than tripled and living allowances, sextupled. State social benefits have been raised by 12 per cent, living allowances by 11 per cent and public sector wages by 25 per cent as from 1 January 2009.

108. Non-governmental organizations provide much assistance in implementing social projects. The Government has allocated more than US\$ 6 million (1 billion tenge) in 2009 to implement social projects with NGO participation.

109. A law on State procurement of public goods and services was adopted in April 2005. A law on special social services was adopted in December 2008 to provide an up-to-date

model for delivering and expanding the market for such services, with and without NGO involvement.

110. A one-time State childbirth allowance and childcare benefits for a year after the birth are paid (regardless of family income) and a child allowance is paid to poor families for children up to the age of 18. The value of the one-time childbirth allowances and childcare benefits increased by 11 per cent between 2008 and 2009 (taking into consideration the rise in the monthly accounting index to 1,296 tenge as of 1 July 2009).

## **O. Right to a healthy environment**

111. The Constitution enshrines the right of everyone to a healthy environment, reliable information on the state of the environment and compensation for damage caused to a person's health or property by an environmental offence.

112. Kazakhstan is a party to the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus. A new Environmental Code has been adopted in which virtually all the recommendations of the meetings of the parties to the Convention are taken into account.

113. Between 2005 and 2008, efforts were focused on improving the performance of civil servants in responding to requests for information about the environment.

114. Transparency in State environmental impact assessments and public access to decision-making are provided for by public hearings as the environmental impact of proposed economic and other activities is assessed at the preplanning, planning, feasibility study and design stages.

115. The Ministry of the Environment joined with the Organization for Security and Co-operation in Europe (OSCE) Centre in Astana and Ecoforum to open the Aarhus Centre in Atyrau. The Centre provides the public with full, reliable information, over the Internet and by other means, on the state of the environment and on planned and current activities that could have a significant impact on the environment, and gives members of the public an opportunity to appeal against decisions violating public rights under the provisions of the Aarhus Convention, especially in the territory of the Ural-Caspian Basin.

116. Despite the efforts being made, the environmental situation in the territories struck by environmental disaster (the Semipalatinsk and Aral districts) remains difficult. Whether the Semipalatinsk nuclear testing site can be turned over to farming use is still an open question. The use of hydraulic irrigation works for major land reclamation and the establishment of the Syn Darya irrigation system has significantly altered natural environmental systems.

117. A draft State programme to tackle existing problems called the Kazakhstan Environment for 2010–2020 has been drafted and is under consideration; it suggests a mechanism to improve the environmental protection and natural resource management system. It provides for the establishment of the Zhasyl Damu ("Green growth") national centre for industrial waste management and use, whose main objective will be to train environmental activists, carry out environmental protection measures and explore environmental business niches.

## **P. Right to education**

118. Everyone is guaranteed the right to education. Secondary education is mandatory and public schools are free. Everyone has the right to free higher education on a

competitive basis in public institutions of higher education. Fee-paying education is available in private schools under the terms and procedures established by law. Kazakhstan has made bringing its education system and teacher training into line with international standards a key focus of its development strategy.

119. According to the UNDP *Human Development Report 2009*, Kazakhstan had the tenth highest literacy rate (99.6 per cent). According to the Asian Development Bank Kazakhstan ranked first in Asia in the 2009 education for all index (out of 129 countries) and fourteenth in literacy (out of 177 countries). It ranked fifth in mathematics according to the *Trends in International Mathematics and Science Study 2007*. The fact that preschool and 11 years of secondary education are free and mandatory accounted for Kazakhstan's high-level performance. Preparations to change over to 12 years of secondary general education are continuing.

120. With regard to preschool education, there are 58 kindergartens and 67 mini preschool centres. There are 7,733 public schools and 115 private schools. An estimated 99.3 per cent of all students attend public schools. There are 144 institutions of higher education, 55 public and 89 private.

121. A total of 85 per cent of the population between the ages of 5 and 24 have received an education. About 324,000 children attend kindergarten, 246,000 preschool, 2,533,000 primary and secondary school, 634,000 institutions of higher education, 111,000 vocational school, 499,000 specialized schools and 12,000 institutions of higher education.

122. Public education policy is underpinned by a commitment to the full integration of children with special needs into society. There has thus been a drive towards inclusive education. Special education organizations are in place to provide equal rights and opportunities for children with special needs to receive a general secondary education. There are 101 special remedial education organizations.

123. Information literacy among the general public is growing markedly. Some 34 per cent of the population aged 15 and older know how to use a computer, 20 per cent use the Internet and 12 per cent have a good command of English.

124. The Government devotes ample time to supporting institutions of higher education. Between 2007 and 2008, about US\$ 25 million was allocated to setting up 15 university laboratories. Every year, 200 of the best teachers from institutions of higher education are given grants from the national budget to engage in academic research, including exchanges abroad in top foreign universities. Each grant is worth US\$ 18,000 and is awarded on a competitive basis. Quality management systems have been introduced at 43 institutions of higher education in accordance with the International Organization for Standardization (ISO) 9,000 standards.

125. The Head of State instituted the Bolashak overseas scholarship programme in 1994 to help to train future leaders. The idea underlying this initiative was to give the most talented students the opportunity to receive a quality education abroad so that they might then apply the experience gained for the benefit of the State. In the 14 years since the programme was introduced more than 1,700 persons have received an education in the world's top universities – Harvard, Stanford, Cambridge, the Sorbonne and elsewhere. Up to 3,000 Bolashak scholarships per year have been awarded to Kazakh students since 2005. The scholarship offers a unique path to successful career development and professional achievement for graduating students. Many graduates of the programme now hold senior posts in the public service, the Government, international organizations and national companies have contributed to the State's development.

126. More than US\$ 700,000 from the 2009–2011 national budget has been set aside to introduce the European credit transfer and accumulation system in 2009 in order to

facilitate student exchanges. Kazakhstan is now working towards membership of the Bologna process so as to become part of a single education area and meet international standards.

127. The Government has been increasing the level of funding for education every year. General secondary education accounts for the largest share of education spending. Spending in 2008 amounted to US\$ 4.7 billion, an increase of 25.7 per cent compared to 2007.

128. New schools are being built within the framework of Kazakhstan's "100 schools, 100 hospitals" and "20 smart schools" programmes. Over the past 10 years, 616 new schools and 125 hospitals have opened.

## **Q. Right to decent housing**

129. State and local government authorities promote housing construction and are working on the national high-priority project to provide citizens with affordable housing. As a result the country's housing stock has increased by 24 million square meters, half of this in rural areas.

130. The Government has been carrying out a long-term housing construction financing programme and developing a mortgage credit system since 2000 to provide long-term financing and stimulate housing construction.

131. It continues to pursue a migration programme entitled "Nurly Kosh", under which the *oralmany*, or ethnic Kazakhs from abroad, can obtain housing through a preferential credit mechanism. The State provides support for young persons, above all young rural workers. There are plans to extend interest-free government housing loans and relocation allowances to encourage young skilled workers to move to rural areas starting in 2010. About US\$ 95 million will be allocated for those purposes in the coming three years.

132. The gaps in the existing Housing Relations Act, which neglected to give children without parental protection the opportunity to receive public housing, have now been filled.

133. The Government earmarked about US\$ 795 million in 2009 to refinance existing mortgage loans to Kazakh residents as part of its anti-crisis programme. In the first months of the programme alone about 1,500 participants received their apartments. Construction at 142 sites is expected to be completed by the end of the current year, so that more than 25,000 participants may be getting new apartments.

## **R. Right to free, qualified legal assistance**

134. Everyone has the right to qualified legal assistance. There is a free (publicly funded) State-run information centre system to expand access by vulnerable categories of citizens to qualified legal assistance. The Government intends to improve the system and the quality of the legal assistance provided. As the State contracts for social services at the central and local levels, there are plans to assess the quality of free legal assistance provided by State lawyers. Parliament is discussing a bill to amend certain legislation on the provision of qualified legal assistance.

## **S. Human rights education**

135. Government order No. 1116 of 29 November 2008 on the 2009–2011 advocacy, legal literacy, legal training and legal education programme was drafted and approved to

raise levels of legal literacy, improve the forms and methods of advocacy work and increase the effectiveness of legal training and education.

136. A survey carried out by the Kazakhstan Sociologists Association under a project named “Human rights in Kazakhstan: public opinion” showed that 52.6 per cent of 1,500 respondents considered that Kazakhstan lacked information about human rights and the means to protect them. Only a third of those polled, 30.7 per cent, said that they were satisfied with the amount of information available and 16.7 per cent found difficulty in replying. The results point to the need to inform the public about the law and establish accessible legal information centres. The Presidential Commission on Human Rights Digital Library could serve as one such centre.

137. The Digital Library was launched in Astana on 27 September 2006, providing free access to legal information for the people of Kazakhstan. The establishment of the Library is an integral part of the preparations for a national plan of action on human rights. It was established through the joint efforts of the UNDP office in Kazakhstan, the UNESCO Cluster Office in Almaty and the Presidential Commission on Human Rights.

138. One important feature of the Digital Library is that it is multilingual and user-friendly. The primary target readerships are rural communities and the most vulnerable segments of society, including persons with disabilities, pensioners, women, children, the poor and population groups without access to legal information.

## T. Women’s rights

139. The National Commission on Women’s Affairs and Family and Population Policy in the Office of the President, which has been running for 10 years, deals with women’s rights.

140. The first national plan of action to improve the status of women in Kazakhstan was adopted in 1999. Since then, Kazakhstan has ratified the Convention on the Nationality of Married Women and the Convention on the Political Rights of Women. The Kazakhstan Women’s Forum is held regularly, discussing pressing issues to do with the implementation of State gender policy. The fifth such Forum took place in 2009.

141. The Government has adopted and is pursuing a 2006–2016 gender equality strategy, which has led to constant support for female business enterprise. Tens of thousands of women have received preferential loans and opened their own businesses. In 2008, 61 peasant farms headed by women received loans from rural credit unions. An agricultural financial support fund has extended almost 10,000 loans totalling about US\$ 20 million to women. A gender research centre has been set up and is now operating. The Government is working closely with United Nations agencies in Kazakhstan to implement the Beijing Platform for Action to improve the situation of women.

142. The number of women in public service has risen by 58 per cent since the strategy was launched, and the number of women in political decision-making positions, by 7 per cent. Women account for 14 per cent of all members of Parliament, and for 17.1 per cent of officials in local government bodies.

143. Despite their rather high status in Kazakh society, women are still not sufficiently represented in government bodies and business. The 2009–2012 national plan of action on human rights proposes a 30 per cent quota of female members in representative government bodies and a higher proportion of women in decision-making posts in the executive. These proposals are now being discussed during work on a bill on equal rights and equal opportunities for men and women introduced by members of the *Majilis*. According to the schedule for action on the directives issued by the Head of State at the opening of the third

session of the fourth convocation of Parliament, on 1 September 2009, the bill should be passed by 1 July 2010.

144. Women continue to experience covert discrimination, which the Government intends to concentrate on counteracting. Combating violence, especially domestic violence, is an urgent issue. According to the Committee on legal statistics and special reports in the Office of the Procurator General, 567 rapes and attempted rapes were reported in the first half of 2009. There were 680 and 681 rapes reported during the same periods in 2008 and 2007, respectively. Of the 800 murders and attempted murders committed in the first half of 2009, 24 per cent of the victims were women and 37 victims were minors. A domestic violence bill has been drafted and put before Parliament.

145. A State programme to reduce maternal and child mortality is being carried out. A national maternal and child health centre and a national children's rehabilitation centre are in operation. A special programme to reduce breast cancer among women is being carried out, and regular preventive check-ups are run on the state of health of all women.

## **U. Rights of children**

146. Child welfare is under the protection of the State, which has put into practice consistent child rights protection arrangements. Child rights protection issues are covered under the Rights of the Child Act. Parliament is now considering a new draft Marriage (Matrimony) and Family Code. The Government is carrying out a programme entitled "Children of Kazakhstan for 2007–2011".

147. Following the discussion of the second and third periodic reports of Kazakhstan in the Committee on the Rights of the Child, the Head of State confirmed a conceptual framework for the development of a juvenile justice system in Kazakhstan over the period 2009–2011. Special juvenile courts have been created; efforts will continue with the establishment of similar courts, juvenile police and probation services throughout the penal system.

148. The Special Social Services Act, adopted in 2008, provides for services, sometimes publicly funded, to disadvantaged persons such as orphans, children with special needs and abused children.

149. The Government sets aside a minimum number of openings in institutions of higher education for students who fall into this category, such as children with disabilities, rural children and children without parental care.

150. Parliament is considering a bill that will, beginning in 2010, further increase child allowances, introduce monthly benefits equivalent to the minimum wage for parents (guardians) raising children with disabilities, and increase the special State benefit for mothers of large families.

151. Parliament is discussing the draft of a new marriage (matrimony) and family code. This contains innovative provisions that will improve the status of children, including child support for students in daytime education up to the age of 21, legal liability for delays by judicial bodies in paying child support and a requirement that citizens cannot leave the country without confirmation that they are not in arrears with child support payments. The draft code focuses particular attention on adoption issues, especially with respect to foreign adoptions.

152. According to statistics, 733 Kazakh children were adopted by foreign nationals in 2008, more than half of whom (335) were adopted by United States citizens, 149 by Spanish citizens and 59 by Belgian citizens. Kazakh citizens adopted 3,277 children. The draft code includes a special chapter on the adoption of children. Under the draft code,

Kazakh children may be adopted only by citizens of countries that have various international obligations towards Kazakhstan as regards the protection of children's rights and interests. Adoption agencies must be accredited with the competent children's welfare authority.

153. The prevention of child abandonment is one of the key policies of the Kazakh authorities. There were 51,294 orphan children and children without parental care registered in 2006, 48,456 in 2007 and 46,126 in 2008.

154. The Government had drafted a bill amending the law on family-type children's villages and youth homes. The intention is to grant youth homes independent status; this would help to extend the range of persons who undergo social rehabilitation in youth homes.

155. Parliament is at the adoption stage of the bill amending the law on the protection of the rights of the child. The bill stipulates harsher criminal and administrative penalties for offences against children and for enticing minors into crime.

## V. Health care

156. The Constitution provides for the right of everyone to health care and a guaranteed level of free medical assistance stipulated by the law. The provision of medical assistance in public and private health-care institutions and by private medical practitioners is governed by the procedures established by law.

157. Efforts to combat the spread of HIV are being made in accordance with the Government programme to counteract the AIDS epidemic in Kazakhstan over the period 2006–2010. The programme is aimed at combating the spread of HIV at the concentrated level and preventing it from becoming generalized. As a result, according to WHO experts, Kazakhstan is now facing a concentrated level of the epidemic and HIV prevalence among the general population is under 0.15 per cent, one fifth of the global the average and one quarter of the average level in Eastern Europe and Central Asia.

158. A Public Health and Health-Care Code has been adopted to improve the quality of medical services and develop a technologically advanced health-care system. A new model for administering drugs and State pharmaceutical standards has been introduced. Work continues on a programme to develop cardiological and heart surgery assistance and a programme to improve blood banks. However, the quality and accessibility of medical assistance, especially in remote areas, remains a problem.

159. A key aspect of the policies of the Kazakh Government is providing citizens a guaranteed level of medical care, including the following: emergency assistance; outpatient clinical assistance (primary health care, consultative and diagnostic services); inpatient assistance; and substitute inpatient assistance. Pregnant women and children under 5 are provided with essential drugs free of charge.

160. Kazakhstan's population policy is aimed at increasing life expectancy, reducing mortality, increasing the birth rate, regulating domestic and foreign migration, maintaining and advancing public health and improving the demographic situation in the country on that basis. The birth rate was 20.79 in 2007 and 22.75 in 2008. The death rate was 10.22 in 2007 and 9.74 in 2008.

161. Specialized, technologically sophisticated medical care is available at the national and provincial level. Patients are assigned places in national clinics under a quota system.

162. Patients with illnesses that cannot be treated in Kazakhstan are sent abroad for medical care under a publically funded "treatment abroad" programme. Under this

programme, 82 people were sent abroad in 2007, 103 in 2008 and 55 in the first 7 months of 2009. However, as the programme does not cover everyone needing such care, Kazakhstan is exploring the feasibility of establishing its own national high-tech centres and clinics.

163. Since 2005, medical facilities have been receiving medical equipment, supplies and ambulances, and the level of supplies available at such facilities has improved by more than 150 per cent. A total of 1,104 junior skilled workers have received overseas training since 2005, and skilled workers from abroad have been invited to Kazakhstan to train their counterparts since 2006.

164. A State programme entitled “Healthy Living for 2008–2016” is being implemented to prevent disease and promote healthy living. A national centre for the promotion of healthy living has been created for that purpose. The centre operates branches at the provincial and district levels.

## **VI. Challenges and achievements**

165. Kazakhstan clearly understands that, notwithstanding the importance of ratifying international human rights instruments, the main challenge lies in implementing them properly. There is a need to give fresh impetus to the Government’s Interdepartmental Commission on international humanitarian law and international human rights agreements, which was established in 2004 as a mechanism to coordinate the efforts of State bodies to fulfil international obligations. Country reports on the implementation of international human rights agreements ratified by Kazakhstan are drafted under the Commission; this helps the Government to monitor the implementation of the international obligations that it has undertaken.

### **A. Death penalty**

166. Despite an existing constitutional provision, the national plan of action on human rights in Kazakhstan for 2009–2012, approved by the Head of State, recommends ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Further work must therefore be done to bring about the gradual abolition of the death penalty.

### **B. Protection of persons with disabilities**

167. Currently, there are 424,149 persons with disabilities in Kazakhstan, 45,582 of whom are children under the age of 16.

168. A working group was set up in 2008 by order of the Prime Minister to draft proposals conducive to the implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, which Kazakhstan signed in December 2008.

169. It is worth noting that the State has done much to promote the social welfare of persons with special needs. For example, the law on social security for persons with disabilities in Kazakhstan provides for the systematic rehabilitation — medical, social and vocational — of persons with disabilities. Mandatory social security insurance against the risk of incapacitating disability was introduced in 2005.

170. Steps are being taken to overcome bureaucratic obstacles during the disability assessment process. For example, the list of physical impairments used as disability group standards that do not require periodic reassessment has been expanded from 27 to 44.

171. Steps are also being taken towards fully integrating persons with disabilities into society and reducing disability rates. There are 102 State medical and social institutions and 10 rehabilitation centres for persons with disabilities, 130 home help divisions for families with children with disabilities and 321 home help divisions for persons with disabilities and older persons. In accordance with individual needs, rehabilitation programmes offer prosthetic and orthopaedic assistance, special means of travel, auxiliary aids, health resort treatment, sign language interpretation and personal attendants.

172. Efforts are being made to offer employment opportunities to persons with disabilities. Local executive authorities set an employment quota — 3 per cent of all available jobs — for persons with disabilities, and create additional jobs by promoting the development of individual business enterprise and small and medium-sized firms.

173. The Government offers children with special needs comprehensive social, medical, remedial and special educational support from childbirth to adulthood, in accordance with the national law on the subject. New types of educational institutions have been established: mental health clinics (56); rehabilitation centres (15); psychological and special education centres (119) and speech therapy units (283).

174. The parents and legal guardians of children with special needs who are being raised and educated at home receive financial assistance. Parliament is considering a bill that provides for such people to be paid a wage, beginning in 2010.

175. A Government coordinating council on the social security of persons with disabilities includes members from non-governmental organizations. Its objective is to formulate recommendations on issues concerning the social security and the full integration into society of persons with disabilities.

### **C. Combating unemployment**

176. Today, one of the State's main objectives is to combat unemployment. The unemployment rate in the third quarter of 2009 reached 6.3 per cent.

177. The Government adopted a regional employment strategy during the previous parliamentary session and spent US\$ 1.3 billion on its implementation in 2009. The measures taken have already had a tangible positive effect. It has become the practice for the Government to enter into trilateral agreements with local authorities and major employers to save jobs, especially for young persons. More than 5,000 investment projects are in progress in the regions, and around 393,000 jobs have been created in 2009. The strategy has enabled Kazakhstan to stop the economic downturn and improve the situation in certain sectors.

178. Kazakh businesses have received significant support. Small and medium-sized businesses have taken up US\$ 893 million. In total, 2,500 small business entities have benefited from the programme, creating 4,700 new jobs. Production by small and medium-size businesses increased by 19 per cent from the first to the second quarter of 2009. According to international auditors who have built an index to assess the effectiveness of measures taken to address the crisis, Kazakhstan leads the countries of the Commonwealth of Independent States.

179. Raising labour productivity and the professional skills and qualifications of Kazakh specialists continues to be an urgent issue. About US\$ 1 billion in public funds have been allocated to addressing it.

## D. Combating corruption

180. State efforts to combat corruption are aimed at restoring human and civil rights. Kazakhstan was the first of the post-Soviet States to adopt an Anti-Corruption Act, in 1998. It established a special body, the Agency to Combat Economic Crime and Corruption, and the Presidential Anti-Corruption Commission. It ratified the United Nations Convention against Corruption and the United Nations Convention against Transnational Organized Crime in 2008.

181. The Head of State signed a decree on additional measures to strengthen the fight against crime and corruption and further improve law enforcement activities in Kazakhstan on 22 April 2009. This was a timely and necessary step in the light of the administrative and other reforms being carried out in this area.

182. A national plan of action to combat corruption is being implemented in collaboration with political parties, non-governmental organizations, the media and broad segments of society.

183. However, experience has shown that mechanisms for preventing and stopping corruption must be constantly enhanced and new mechanisms created if corruption is to be confronted successfully. Despite certain successes, more needs to be done to make the anti-corruption system run as fully and effectively as possible. The statistics on corruption offences remain negative. Therefore, Kazakhstan stands ready to share its approaches and to study and apply the lessons learned from anti-corruption work in other countries.

## E. Justice

184. The State is continuing to improve the justice system within the framework of the outline of legal policy, 2010–2020. Parliament is currently considering a bill amending the Criminal Code, Code of Criminal Procedure and Code of Civil Procedure so as to improve the justice system. The objective of the bill is to improve the separate parts of the justice system, further apply the adversarial principle and expand citizens' access to justice, putting in place an optimal tripartite justice system. The first part is composed of district and similar courts that would try civil and criminal cases at first instance. The second consists in provincial and similar courts that would try cases in appellate and cassational proceedings. The third is the Supreme Court, which would consider cases only under the supervisory procedure.

185. Criminal court proceedings have involved juries since 2007. In 2007, there were 36 cases involving juries (in which 3 persons were acquitted), in 2008, 42 cases (5 persons acquitted) and in 2009 (for the first 6 months), 34 cases (9 persons acquitted). Parliament is currently considering amendments that would give the accused (defendant) the right to request trial by jury at any stage in the judicial proceedings, right up to committal for trial. Special juvenile, military, economic and administrative courts have been introduced.

186. The State seeks the further development of the criminal justice system, including:

- Simplifying and increasing the effectiveness of criminal proceedings, including simplifying pretrial procedures
- Regulating by law and setting restrictions on preliminary inquiries
- Making it possible to use alternatives to pretrial detention, including bail, as preventive measures
- Gradually instituting restorative justice based on reconciliation of the parties and redress for injury

- Broadening the categories of criminal cases that may be investigated and prosecuted privately or semi-privately
  - Gradually expanding the categories of criminal cases tried by jury
  - Improving the mechanisms for providing qualified legal assistance in criminal cases not only to the accused and suspects, but also to victims and witnesses
187. Criminal policies are being developed in the following areas:
- Decriminalizing offences that do not pose a threat to public safety
  - Stiffening criminal penalties for offences against the rights of minors; offences committed by organized criminal groups or associations, and repeat offences
  - Expanding the use of non-custodial criminal penalties
  - Applying the principle of fair punishment to existing penalties
  - Introducing alternative forms of compulsory State service
  - Continuing gradually to narrow the scope for the imposition of the death penalty

## **F. Combating extremism and terrorism**

188. Ineffective migration control leads to the use of Kazakh territory as a transit corridor for illegal migration, one often used by transnational criminal organizations for the purpose of spreading extremism.

189. With religious events in the country coming under growing foreign influence, the greatest danger is caused by the activities of foreign operatives belonging to destructive and extremist non-traditional religious movements. The geographical location of the country and the population's weak grasp of religious issues leave the way open for the spread of extremist ideas, particularly among the young.

190. In this connection, work is being focused on improving legislation and the State system to counter extremism by seeking to root out and eliminate the causes and conditions that facilitate the spread of this threat. Steps are being taken to ratify the United Nations convention against terrorism. However, there is a need to step up public awareness campaigns with academic institutions and civil society organizations so that extremism is deemed unacceptable by the public at large and young persons in particular.

## **VII. National priorities and initiatives**

191. Kazakhstan has achieved the Millennium Development Goals of reducing poverty, increasing access to primary education and promoting the rights of women, and has made significant progress in fulfilling the other goals. It has come a long way in a relatively short period. The State does not intend to rest on its laurels and will continue to work in this area. It is necessary to address a wide range of urgent problems. Once begun, democracy building is a never-ending process. However, there is a course to be taken, and the course to be steered by Kazakhstan and its leader, elected in the early days of independence, is well defined and unambiguous. It is a course towards greater democracy, the rule of law and the protection of everyone's rights and freedoms.

192. The Head of State approved the national plan of action on human rights for 2009–2012 to enhance the human rights protection mechanism. The plan is a consolidated programme to improve human rights protection. It is the first detailed arrangement at the national level in Central Asian history.

193. On 24 August 2009 the Head of State confirmed the outline of national Legal Policy for the period up to 2020. The outcome charts the basic areas of human rights regulatory activities to be developed.

194. Kazakhstan will enhance the status of non-governmental organizations, provide State support for voluntary associations and bolster human rights protection mechanisms.

195. The Government intends to facilitate the development of citizens' initiatives, especially through local government.

196. Kazakhstan is taking steps to improve the delivery of public services and the protection of citizen's rights through non-governmental organizations (mediation).

197. Under market economy conditions, the State's social policy promises to expand the scope for using social partnerships, use existing and create new, secure, financial instruments for investing pension assets, and enhance the social security system for certain categories of citizens, especially those for whom social benefits are their sole livelihood.

198. The 2009–2012 national plan of action on human rights recommends ratifying the Rome Statute of the International Criminal Court. This issue will be considered from the position of enhancing the rights and freedoms of Kazakh citizens after the necessary preliminary steps are taken.

199. We will continue to boost legal literacy and the quality of public legal awareness campaigns through the media, including Internet resources. Scholarly research into the parts of the law most crucial to people's daily lives will be stepped up.

## VIII. Conclusion

200. **The tradition of human rights protection and the principles of democracy have a long history among the people of Kazakhstan. There is a well-known history of so-called steppe democracy. Within its scope, the legal standards of medieval Kazakh society had a long-standing tradition of allowing each member of the community to put forward arguments and pose questions affecting directly the interests of an individual or group, which protected one of the fundamental human and civil rights: the right to freedom of expression. When the Kazakh people regained independence after several centuries of colonial rule, it proclaimed, through the adoption of a Constitution by national referendum, that democracy building and the rule of law were the main objective for the nation's future development.**

201. **Kazakhstan has made every effort to maintain social, political and economic stability during a period of difficult reforms. After almost two decades of independence the success of the Kazakh project to build a nation State is duly recognized by the international community. The designation of Kazakhstan to hold the OSCE chairmanship in 2010 is a clear example of this.**

202. **The realization of basic elements of democratization and political liberalization has resulted in the successful running of a professional bicameral Parliament, the establishment of an independent judiciary and an executive, the confirmation of a multiparty system, guarantees of freedom of expression and assembly, the prohibition of censorship and the dynamic development of independent media and non-governmental organizations.**

203. **Kazakhstan displays a liberal attitude towards religion and tolerance for all faiths. As multi-ethnic and multi-faith Kazakhstan has been staunchly committed to that course, it has maintained peace and harmony, provided for steady social and**

**economic development and enhanced and expanded its relations with its international partners in every geographical and geopolitical area.**

**204. Kazakhstan needs sincere, objective and analytical assessments. They must help us all to better understand the conditions and needs of our people so that efforts may be focused and concerted to improve the quality of life of all Kazakhs.**

**205. The Government of Kazakhstan highly appreciates the assistance provided by the Human Rights Council to protect and promote human rights. Kazakhstan will expand and strengthen international cooperation in the area of protecting human rights and freedoms, engage in equal and constructive dialogue within the Council and endeavour to participate fully in all UPR processes.**

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