



# General Assembly

Distr.: General  
23 March 2010

Original: English

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**Human Rights Council**  
**Fourteenth session**  
Agenda item 6  
**Universal Periodic Review**

## **Report of the Working Group on the Universal Periodic Review\***

### **Kazakhstan**

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\* Previously issued under document symbol A/HRC/WG.6/7/L.9. The annex to the present report is circulated as received.

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## Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its seventh session from 8 to 19 February 2010. The review of Kazakhstan was held at the 9th meeting, on 12 February 2010. The delegation of Kazakhstan was headed the Deputy Prime Minister, Yerbol Orynbayev. At its 13th meeting, held on 16 February 2010, the Working Group adopted the report on Kazakhstan.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Kazakhstan: Bangladesh, Cuba and Mauritius.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Kazakhstan:
  - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/7/KAZ/1);
  - (b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/7/KAZ/2) and A/HRC/WG.6/7/KAZ/2/Corr.1;
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/7/KAZ/3).
4. A list of questions prepared in advance by Argentina, Denmark, the Czech Republic, Germany, the Netherlands, Sweden and the United Kingdom of Great Britain and Northern Ireland was transmitted to Kazakhstan through the troika. Those questions are available on the extranet of the universal periodic review.

## I. Summary of the proceedings of the review process

5. During the interactive dialogue, 54 delegations made statements. Recommendations made during the dialogue are found in section II of the present report.

### A. Presentation by the State under review

6. At the 9<sup>th</sup> meeting, on 12 February 2010, the Deputy Prime Minister noted, during his presentation of the national report, that the universal periodic review provides an effective interactive platform for exchanging views and sharing experiences in the area of human rights protection.
7. Since the early days of its independence, Kazakhstan has recognized the centrality of its people and of human rights and freedoms. It has made steady progress in the transition from a country with a command economy controlled by a totalitarian political system to a modern State with an open market economy and a liberal political system. Structural reforms, including the privatization of State property, land and housing, ensured robust economic growth over the past 10 years, which in turn contributed to a fourfold decline in the number of people with incomes below the poverty line, from 50 to 12 per cent.
8. Economic growth, poverty reduction and policy reforms have increased the well-being of citizens in many respects, including the enjoyment of the right to affordable housing, increased life expectancy, 100 per cent enrolment in secondary schools, a modern pension system and social assistance for families living below the poverty line. Kazakhstan

allocates more than 50 per cent of its annual State budget to education, health and social welfare. Social and political changes have been enshrined in the Constitution, adopted through a nationwide referendum, which recognizes and guarantees human rights and freedoms.

9. Kazakhstan has 10 political parties and has enhanced civil society as represented by non-governmental organizations. There are more than 15,000 registered non-governmental organizations, and Kazakhstan annually commissions them to provide social services worth more than \$13 million. There are more than 8,000 registered media outlets, representing a wide range of views, and more than 85 per cent of them are non-State entities.

10. The delegation noted that inter-ethnic and interfaith harmony is considered to be one of Kazakhstan's greatest achievements, and that representatives of more than 140 ethnic groups and 45 religious denominations coexist peacefully in the country. The development of Kazakhstan's model of multi-ethnic society has been promoted through the establishment of the Assembly of the People of Kazakhstan. Newspapers and magazines are published in 11 languages, radio programmes are broadcast in 8 languages and television programmes are broadcast in 7 languages.

11. All people have the right to a fair and transparent judicial system. Kazakhstan has had a jury trial system for criminal cases since 2007, and it has established specialized courts such as administrative, economic, military and juvenile courts to improve the efficiency of judicial proceedings. Juvenile courts carry out their functions in Almaty and Astana, and they will soon be established in all regions. As a result of the recent changes made to legislation, only a court can authorize an arrest.

12. Kazakhstan has become party to most multilateral and international human rights treaties. Kazakhstan has imposed an indefinite moratorium on the use of the death penalty, and it is moving towards its full abolition. Kazakhstan has established an Office of the Human Rights Ombudsman, which has extensive powers, as a central element of its institutional protection system. A Commission on Human Rights, under the President, works to support the head of State as a guarantor of rights and freedoms. With a view to the further enhancement of human rights protection mechanisms, the National Human Rights Action Plan for 2009-2012 is in the process of being implemented.

13. With regard to the issue of torture, Kazakhstan is committed to a policy of zero tolerance of torture. While referring to the finding of the Special Rapporteur, Manfred Nowak, that torture in the country was "neither systematic nor widespread", the Deputy Prime Minister expressed the assurance that the Government would not rest until all vestiges of torture had been fully and totally eliminated. Kazakhstan had adopted an action plan to eradicate torture. The country has drafted a law providing for the establishment of an independent national mechanism for the prevention of torture and, in December 2009, adopted a law providing for a generally more humane penal system and for greater privacy and security for convicts. Parliament is considering another draft bill that clarifies the grounds and the procedure for arrest and detention, and public surveillance will be permitted at pre-trial detention facilities in order to monitor detention conditions and the treatment of detainees.

14. In December 2009, the Supreme Court issued a normative decree setting forth a clear procedure for courts to follow when taking decisions with regard to the infringement of the rights of a suspect during an arrest. In particular, the Court has made clear that the time of arrest must be immediately and precisely recorded and that the decision to detain must be made within three hours after the arrest. The Court also set forth the grounds for criminal liability for those who have administered or instigated torture, and established a method for the assessment of evidence and the correct qualification of crimes in the event of an unlawful arrest.

15. Women constitute only 14 per cent of Parliament and only 10.3 per cent of the total number of Government officials in decision-making positions. Kazakhstan is committed to attaining the objective of at least 30 per cent representation by women in all elected and appointed positions by 2016. The Government's microcredit programmes have been aimed specifically at women. Women currently constitute 40 per cent of all owners of small and medium-size businesses.

16. Kazakhstan adopted the Law on the Prevention of Domestic Violence in December 2009, and there are 20 anti-crisis centres throughout the country. Kazakhstan has taken intensive educational measures to combat hidden discrimination against women. In 2009, those measures reduced the number of domestic crimes by 8 per cent in comparison with 2008.

17. As Chairperson-in-Office of the Organization for Security and Cooperation in Europe, Kazakhstan will place human rights issues at the top of its priorities. The delegation noted that the President had expressed his full commitment to the goal of achieving international status and stature for Kazakhstan, not just in economic terms, but also in social terms. Kazakhstan has launched its new development plan for 2020, which places human development at the centre of its efforts.

18. In conclusion, the Deputy Prime Minister expressed appreciation for the constructive discussion during the interactive dialogue, as well as the assurance that the Government would accord due consideration to all recommendations made by States.

19. With regard to the independence of the judiciary and prosecutorial power, the delegation noted that judges of the Supreme Court were elected by the Senate, that they enjoyed legal immunity and that the Constitution identified the principle of the financing of the judiciary. Steps were being taken to limit prosecutorial authority, and thus arrests related to criminal investigations had been authorized by the courts since August 2008.

20. Concerning the registration of the "Alga" party, the delegation noted that it had been suspended because the application had been signed by 111 people under the age of 18, 206 non-citizens, 11 deceased persons and 12 non-residents. In February 2009, Kazakhstan adopted amendments to the law on political parties, extending the time limit for the submission of applications and reducing the number of members required for registration.

21. With respect to the registration of religious organizations, the delegation explained that a religious community should consist of at least 10 adult citizens and should present statutory documents for registration, and that the Civil Code prohibited refusal of registration on grounds not specified in the law. In 2005, Kazakhstan further simplified the registration of small religious groups.

22. Regarding the protection of children with HIV/AIDS against stigmatization, it was noted that Kazakhstan, in cooperation with the United Nations Children's Fund, had established small networks involving health workers and psychologists to conduct training for families, teachers and nurses. The Centre for HIV/AIDS Prevention and Control organized training courses for the parents of HIV-infected children in order to enhance their knowledge and skills with regard to the issue. A total of \$400,000 was allocated for those initiatives in 2009.

23. The delegation highlighted the fact that, in 2006, Kazakhstan had established the Committee on children's rights protection to monitor the implementation of its obligations under the Convention on the Rights of the Child. Kazakhstan has 18 centres for the temporary adaptation and rehabilitation of homeless children, as well as a network of family support centres aimed at preventing children from being separated from their families. In May 2009, Kazakhstan established an inter-ministerial commission on juvenile issues, which supervises the work of 10 children's villages, 27 youth shelters, family-type

orphanages and foster families. Those measures helped to reduce the number of children without parental care from 16,008 in 2008 to 15,116 in 2009. Kazakhstan provides language training for refugee children.

24. Kazakhstan has established social centres for the prevention of child labour and exploitation in the Almaty and southern Kazakhstan regions. At the national level, a special department for the implementation of children's legislation has been established within the Office of the Prosecutor General, and specialized prosecutors work at the regional level. Juvenile police departments are functioning in Astana and Almaty, and a network of specialized barristers for juvenile cases has been established in five cities.

25. With respect to libel, the delegation stated that Kazakhstan did not agree that there was a need to decriminalize libel at this stage, because legal means such as the Criminal Code were the most efficient mechanism for preventing libel, as well as for punishing violations of individuals' right to dignity, which was guaranteed by the Constitution.

26. While the Constitution guarantees freedom of assembly, certain limitations are imposed when the objective of a gathering is recognized to be the incitement of racial, social or religious hatred or intolerance or an attempt to overthrow the constitutional order, or when a meeting might threaten public order and security. In practice, nearly 380 assemblies were organized in 2009, and 230 of them were held without notifying the authorities. In 2009, administrative liability was applied against only 88 participants in gatherings. The delegation noted that unjustified refusals to permit assembly still take place. The National Human Rights Action Plan for 2009-2012 calls for the adoption of a new law to replace the requirement for prior authorization by authorities with notification in order to organize a gathering.

## **B. Interactive dialogue and responses by the State under review**

27. During the interactive dialogue, statements were made by 54 delegations. Additional statements by 18 delegations, which could not be delivered during the dialogue owing to time constraints, will be posted on the extranet of the universal periodic review when available.<sup>1</sup> A number of delegations commended Kazakhstan for its comprehensive national report. A number of delegations noted with appreciation that Kazakhstan had ratified major international human rights instruments.

28. Kyrgyzstan noted that Kazakhstan had undertaken pioneering reforms and that it had adopted a National Human Rights Action Plan for 2009-2012, as well as a concept for a legal policy for the coming decade. It highlighted Kazakhstan's cooperation with human rights mechanisms, noting that the country had extended a standing invitation to special procedures, that it worked closely with the regional office of OHCHR and that it had taken measures to implement recommendations made by the Committee against Torture. Kyrgyzstan made recommendations.

29. Uzbekistan welcomed measures adopted to protect and promote human rights, and noted that Kazakhstan placed great importance on economic, social and cultural rights, including the rights of women and children, the right to health and the right to education. Uzbekistan highlighted Kazakhstan's efforts to develop its international cooperation in the area of human rights, including through regular engagement with the human rights treaty

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<sup>1</sup> Chile, Slovakia, Iraq, Italy, the Syrian Arab Republic, Switzerland, Austria, Afghanistan, Angola, the Libyan Arab Jamahiriya, Saudi Arabia, Bosnia and Herzegovina, Argentina, Tunisia, Mongolia, the Republic of Moldova, Palestine and Maldives

bodies and good cooperation with the Human Rights Council in the universal periodic review process.

30. The Sudan welcomed Kazakhstan's policies aimed at ensuring adequate housing and particularly commended Kazakhstan for helping young people to settle in rural areas, by providing interest-free loans to support the settlement process. The Sudan made recommendations.

31. Cuba welcomed the fact that the right to a healthy environment was protected in the Constitution. It noted the adoption, in 1999, of the national plan to improve the situation of women and the increase in the number of women in public service. Cuba also congratulated Kazakhstan on its 99.6 per cent literacy rate, on providing obligatory and free secondary education and on programmes providing treatment to persons with HIV/AIDS. Cuba made recommendations.

32. The Russian Federation appreciated the results achieved in strengthening social harmony, political stability and economic development. It noted the progress made in the areas of education, health care and social security, and in modernizing the political system. Noting that discrimination on ethnic grounds was not allowed, it asked what further measures had been taken regarding such discrimination. The Russian Federation made a recommendation.

33. Brazil congratulated Kazakhstan on its economic growth and on having significantly reduced its poverty rate. It noted that Kazakhstan had the highest literacy rate in Asia, that there was a moratorium on capital punishment and that homosexuality had been decriminalized. Brazil made recommendations.

34. Algeria praised the adoption of a National Human Rights Action Plan and expressed appreciation for Kazakhstan's interest in interfaith harmony. It noted the achievement of the Millennium Development Goals concerning poverty reduction and access to primary education. Algeria congratulated Kazakhstan on its plan to increase the percentage of women in high-level positions to 30 per cent by 2016. Algeria made recommendations.

35. Kuwait noted that Kazakhstan had achieved the Millennium Development Goals in the areas of poverty reduction, primary education and women's rights, inter alia, and highlighted the fact that Kazakhstan had ranked first in Asia in the area of universal education in 2008 and 2009. Kuwait also noted that Kazakhstan had continued to work to improve mechanisms for the protection of human rights, as shown in its Human Rights Action Plan, and that it had made considerable progress in promoting press freedom. Kuwait made recommendations.

36. The Bolivarian Republic of Venezuela highlighted the provision by Kazakhstan of social services under conditions of equality and inclusion. It also positively noted the increase in the number of persons receiving social benefits and pensions, in addition to the programme providing subsidies for the protection of children. In that context, it welcomed the adoption of legislation in 2005 and 2008 aimed at creating a modern model for the provision of special social services. Venezuela made a recommendation.

37. Yemen welcomed the constitutional amendments promoting the role of Parliament and political parties as well as local authorities. Yemen also commended Kazakhstan's accession to more than 60 international instruments concerning human rights, including seven United Nations treaties. Yemen expressed appreciation for the establishment of a network of Government-financed centres for the provision of free legal advice, and asked for further information about their impact on the protection of human rights.

38. Bahrain welcomed the adoption of the National Human Rights Action Plan and the conceptual framework for legal policies for the coming decade. Bahrain commended Kazakhstan for promoting the right to education by ensuring compulsory and free primary

and secondary education for all. In that regard, Bahrain requested further information about the efforts made to formulate strategic plans for the achievement of the Millennium Development goals related to education.

39. Nigeria welcomed Kazakhstan's cooperation with the United Nations human rights system, including its regular reporting to treaty bodies and the standing invitation extended to special procedures. Nigeria applauded the provision of free education and the high literacy rate attained, and noted progress made in the areas health care, including for persons with disabilities; housing; employment; and the fight against trafficking. It praised the achievement of Millennium Development goals related to poverty reduction and urged the consolidation of national institutions.

40. Hungary expressed concern at the fact that the two existing human rights institutions could not consider complaints regarding various political and institutional branches of power, and asked whether the planned amendment to the law regulating the status of the Human Right Commissioner would remedy the situation. It also asked what additional measures would be taken to address torture and ill treatment. Finally, it asked whether there were plans to facilitate the work of civil society organizations. Hungary made recommendations.

41. Turkey noted with appreciation the progress made in the area of human rights, as shown by Kazakhstan's chairmanship of the Organization for Security and Cooperation in Europe in 2010. It welcomed the National Human Rights Action Plan and Kazakhstan's cooperation with international human rights mechanisms. Turkey requested further information about individual complaint mechanisms with regard to alleged human rights violations. With regard to human rights education, Turkey praised the establishment of accessible centres of legal information.

42. Belarus appreciated Kazakhstan's attachment to the promotion of human rights and noted its active cooperation with special procedures, to which it had extended a standing invitation, and with the Office of the United Nations High Commissioner for Human Rights. It observed that Kazakhstan had achieved tangible successes in protecting the rights of its citizens and highlighted Kazakhstan's work to combat human trafficking. Belarus made recommendations.

43. France asked, regarding draft legislation on domestic violence, if Kazakhstan planned to carry out a public campaign to encourage victims to lodge complaints and to train law enforcement personnel. Regarding allegations of torture, France inquired what measures had been taken to ensure independent and effective investigations. Finally, concerning the adoption of a National Human Rights Action Plan, it asked about measures taken to ensure its implementation. France made recommendations.

44. Belgium welcomed the progressive abolishment of the death penalty, including through the moratorium of 2003 and the constitutional review of 2007. Belgium expressed concern about the treatment of asylum seekers and refugees, who were often sent back without regard for the principle of non-refoulement. Belgium made recommendations.

45. The Czech Republic expressed appreciation for Kazakhstan's national report and the country's replies to its advance questions and very informative introductory statement, and made a number of recommendations.

46. Egypt commended Kazakhstan's achievements in fulfilling its human rights obligations, in particular with regard to economic, social and cultural rights. It highlighted efforts aimed at poverty reduction. Egypt welcomed the launching of the new development plan for 2020, as well as the adoption of a National Human Rights Action Plan for 2009-2012. Egypt also made recommendations.

47. China noted positively the fact that over the previous decade, the gross domestic product of Kazakhstan had increased sevenfold and the average income of the population had increased fourfold. Additionally, it noted the enactment of a plan of action aimed at improving the status of women. It asked what further measures would be taken to improve primary education for children in rural areas.

48. Jordan expressed appreciation for Kazakhstan's efforts to improve its human rights situation, including through continued cooperation with human rights mechanisms, as shown by the extension of a standing invitation to special procedures, its support for OHCHR and its accession to a large number of international human rights instruments, as well as the development of a comprehensive legislative and institutional framework. Jordan highlighted the fact that Kazakhstan had imposed a moratorium on the death penalty. Jordan made recommendations.

49. Norway praised Kazakhstan's cooperation with the United Nations human rights system and the adoption of a National Human Rights Action Plan and of legislation in the area of gender. Norway expressed concern about the situation of human rights defenders, journalists and lawyers, as well as about restrictions on media. Norway made recommendations.

50. Serbia welcomed priorities identified by Kazakhstan, primarily in the Human Dimension of the Organization for Security and Cooperation in Europe, including the fight against trafficking. Serbia also welcomed the ratification of OPCAT and asked Kazakhstan to share its experiences in developing an effective national preventive mechanism.

51. Laos noted significant progress made with regard to social cohesion, political stability and economic development for all ethnic groups, as well as steps to strengthen the rule of law. Laos made recommendations.

52. Tajikistan noted that Kazakhstan had strengthened human rights protection and democratic principles and was making further efforts to consolidate democracy and the rule of law, as affirmed by the designation of Kazakhstan as Chair of the Organization for Security and Cooperation in Europe for 2010. Tajikistan highlighted measures implemented to combat human trafficking and to improve legislation concerning migration and the rights of migrants. Tajikistan made a recommendation.

53. Azerbaijan noted progress made in promoting and protecting human rights, including the ratification of international human rights instruments, the extension of a standing invitation to the special procedures and the adoption of the National Human Rights Action Plan. It highlighted Kazakhstan's success in achieving Millennium Development Goals in the area of poverty reduction. It asked about measures taken to integrate the large number of ethnic Kazakhs who had returned to Kazakhstan from various countries. Azerbaijan made recommendations.

54. Pakistan noted Kazakhstan's commitment to human rights, exemplified by its adherence to seven United Nations human rights treaties. It congratulated Kazakhstan on having achieved the Millennium Development Goals regarding poverty reduction. Pakistan noted Kazakhstan's ethnic diversity, its impressive education statistics and the provision of free qualified assistance to vulnerable groups. Pakistan made recommendations.

55. The Islamic Republic of Iran noted with interest the National Human Rights Action Plan and the national outline of legal policy aimed at the guarantee of constitutional human and citizen rights. It also noted the national Commission on Women's Affairs and Family and Population Policy, which promoted women's rights, as well as achievements in terms of employment, education, health care and social services. Iran made recommendations.

56. Canada welcomed recent legislation regarding elections, media and domestic violence, and congratulated Kazakhstan on its 2010 chairmanship of the Organization for

Security and Cooperation in Europe. Canada referred to reports concerning the alleged denial of fair trials and was concerned about means used to control media and freedom of expression. Canada recognized steps taken to combat human trafficking. Canada made recommendations.

57. Ukraine welcomed Kazakhstan's democratic transformation, especially after the adoption of constitutional amendments in 2007. It noted achievements with regard to ensuring tolerant relationships among the country's 140 ethnic groups and commended the establishment of the Assembly of the Peoples of Kazakhstan. Ukraine appreciated the opportunities thus provided to ethnic groups, including the Ukrainian community, but wished to see additional efforts to ensure adequate education in minority languages. It made a recommendation.

58. Ireland asked Kazakhstan about its plans to continue reforms aimed at improving the electoral process, addressing the low level of opposition participation and encouraging greater participation by ethnic minorities. Ireland noted that, during his 2009 visit, the Special Rapporteur on Torture had found that the use of torture went beyond isolated instances, and welcomed Kazakhstan's statement that it had adopted an action plan aimed at eradicating torture by 2012. Ireland made recommendations.

59. Viet Nam was pleased to note a series of measures taken to protect human rights and freedoms, particularly to combat human trafficking and protect the rights of women, children, migrants and refugees. It commended achievements in the areas of social security, health care and education, and applauded the adoption of a policy aimed at strengthening the rule of law and human rights for the period 2010-2020. It acknowledged Kazakhstan's cooperation with United Nations human rights mechanisms, including special procedures. Viet Nam made recommendations.

60. The United States expressed concern about media and religious freedom. It asked for further information about the Working Plan to Eliminate Child Labour. It welcomed the standing invitation extended to all special procedures. It expressed concern about the treatment of members of religious minorities. The United States made recommendations.

61. Mexico congratulated Kazakhstan on its commitment to human rights. It asked for further information about the governmental strategy for the effective implementation of the provisions of the judicial policy plan for 2010-2020, in particular measures aimed at harmonizing rights and freedoms of persons. Mexico made recommendations.

62. The delegation stated that, in addition to constitutional guarantees of freedom of religion, legislation provided for criminal and administrative liability for the violation of believers' rights and interference by State bodies in the activities of religious communities. A simplified procedure for the registration of religious communities was in place. A community could choose not to go through formal registration and to use the notification procedure. There were 4,427 registered religious organizations and 561 religious organizations that had used the notification procedure.

63. As noted by the delegation, the Human Rights Ombudsman had functions that were in keeping with the majority of the Paris Principles, including, *inter alia*, requesting information from Government bodies and officials, visiting State agencies and places of detention and initiating fact-finding with regard to human rights violations. Receiving complaints against the Prosecutor's Office concerning human rights violations was not prohibited. The Government planned to initiate draft legislation before Parliament to strengthen the institution.

64. Human rights education was included in the curriculums of educational establishments within the Prosecutor's Office, the Ministry for the Interior, the Justice Ministry and the judiciary. The Human Rights Ombudsman, in cooperation with the

international community, implemented various educational projects for civil servants, employees of the social protection and penitentiary systems, and non-governmental organizations.

65. The secretariat of the Presidential Human Rights Commission monitored the implementation of the National Human Rights Action Plan. As at January 2010, several recommendations set out in the Plan had been implemented, including the adoption of laws regarding health care, equal rights and opportunities for women and men, the prevention of domestic violence, and refugees. Several legislative amendments had been introduced in order to further improve the criminal correction and penal systems, the fight against corruption; the judiciary and the quality of legal services, the provision of free medical assistance and social protection; and the protection of consumer rights. The ratification of the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption was in process. Digital libraries had been established to provide human rights information to vulnerable groups.

66. The 2009 Law on Refugees incorporated main international principles regarding asylum seekers and refugees. For example, an asylum seeker had the right to appeal a decision to reject the granting of refugee status, as well as the right to remain in Kazakhstan during the appeal process. The Law also prohibited returning a refugee to a country in which his life would be threatened on account of his race, religion, nationality, membership in a particular social group or political opinions. Asylum seekers could apply for refugee status through the diplomatic representation and consulates of Kazakhstan.

67. Regarding the case of Evgeny Zhovtis, the investigation and trial process had been carried out in a transparent and impartial manner. The delegation noted that this was case in which a citizen had been accused in connection with the accidental death of a person, and that it should therefore not be considered a case against a human rights defender. In January 2010, Evgeny Zhovtis had appealed the court decision to the Supreme Court, and as the case was being considered by the Court, no one had the right to intervene in the judicial process.

68. The Constitution prohibited censorship and guaranteed freedom of expression, and the 2009 amendments to the Law on Media expanded media freedom by removing administrative barriers to print media and the registration of television and radio, and increased journalists' rights by eliminating the authorization requirement for the use of audio and video equipment during interviews. The 2009 Law on the Internet was not aimed at regulating the Internet, but prohibited information inciting violence, political, national or religious extremism, as well as pornography. During the seven months of its implementation, no court case against a website had been launched and no administrative closure of an Internet site had been documented.

69. Parliament was currently considering the adoption of five draft laws related to the protection of children's rights. New methods of inclusive education had been employed for the integration of children with disabilities. More than 12,000 children with disabilities studied in public schools and kindergartens, and several regions provided distance education for children with special needs. A quota system was in place to ensure access for children with special needs to colleges and universities.

70. Social and legal subjects, as well as a civil education course, were included in the curriculums of public schools. Since the 2006-2007 academic year, courses on the principles of the State and law had been provided in schools.

71. There were 380 special boarding schools for children in rural areas, and transportation was provided to enable them to attend schools. Nineteen languages were taught as separate subjects in 100 public schools to guarantee the right of members of ethnic groups to study their languages. A total of 195 specialized language centres had been

established, in which children and adults could study more than 30 languages of ethnic groups.

72. Germany inquired, with regard to the achievement of Millennium Development Goals in the area of education, about measures taken to meet the remaining challenges in terms of pre-primary education, the quality of education and the inclusion of disabled children. Germany made recommendations.

73. The United Kingdom of Great Britain and Northern Ireland expressed concern regarding the lack of accountability for torture, the introduction of legislation to tighten control over the Internet and the difficulties experienced by some minorities. It asked about the time frame envisaged for the full abolition of the death penalty. It made recommendations.

74. The Netherlands, noting that Kazakhstan had never returned a foreigner with refugee status to another State, nevertheless asked about the reported deportation of some Uighurs who had feared prosecution, and whether those individuals had not qualified for refugee status. The Netherlands made recommendations.

75. Malaysia commended efforts to enhance socio-economic development, as evidenced by the poverty reduction eradication programme and the emphasis placed on public health care, education and gender equality. Malaysia praised Kazakhstan's cooperation with international human rights mechanisms and its efforts to bring national legislation into conformity with relevant international human rights treaties. Malaysia made recommendations.

76. India welcomed the State Legal Policy for 2010-20 and the constitutional amendments of 2007. India noted positively steps taken in the area of penal and judicial reform, including the country's commitment to establishing a national preventive mechanism for monitoring detention conditions. It urged Kazakhstan to continue to expand the participation of civil society and media in policy processes and to consider establishing an independent human rights institution.

77. Spain supported Kazakhstan in its efforts to combat domestic violence and noted with satisfaction the possible adoption of a law on that issue. Spain congratulated Kazakhstan on having extended a standing invitation to special procedures and on having adopted a National Human Rights Action Plan. It made recommendations.

78. Australia, while noting Kazakhstan's zero-tolerance approach to torture, expressed concern about reports concerning the torture and ill treatment of detainees. It also noted with concern reports regarding the harassment and imprisonment of journalists, prohibitive penalties for civil defamation and libel, and restrictive laws concerning public assembly. Australia made recommendations.

79. Finland stated that the laws regarding freedom of expression, media and the Internet continued to be problematic and asked about plans to ensure conformity with international human rights standards. Finland inquired about plans to address problems related to the rule of law. Finland made recommendations.

80. Lebanon highlighted Kazakhstan's cooperation with special procedures, which demonstrated its transparency in interacting with United Nations human rights mechanisms. Lebanon commended Kazakhstan for ensuring the equal enjoyment of human rights, regardless of religious belief or ethnic or national origin. In that regard, Lebanon referred to the role of the Assembly of the Peoples of Kazakhstan and made a related recommendation.

81. Slovenia expressed concern regarding the situation in prisons, freedom of the media and of expression, and the situation of political parties. It encouraged measures aimed at

improving relevant laws and practices. Slovenia noted reports by human rights mechanisms that violence against women was widespread and asked about measures to address that concern. Slovenia made recommendations.

82. Sri Lanka praised the progress made in terms of social cohesion, peaceful coexistence, political stability and economic development. It noted the development of an institutional framework for the protection of human rights, the strengthening of the independence of the judiciary, and Kazakhstan's ratification of seven United Nations human rights instruments. Sri Lanka was satisfied with the achievement of Millennium Development Goals in the areas of poverty reduction, primary education and women's rights. Sri Lanka made recommendations.

83. The Philippines congratulated Kazakhstan on the large number of core human rights treaties ratified and its cooperation with human rights mechanisms. It welcomed the virtual abolition of the death penalty, the third action plan on human trafficking and Kazakhstan's active role in promoting interfaith dialogue. It also noted progress made in education and efforts to enhance human rights education. The Philippines made recommendations.

84. The Republic of Korea requested information about measures to improve the criminal justice system and the independence of the Human Rights Commission and the Ombudsman. It welcomed the recent introduction of amendments affecting the media, but noted concerns expressed regarding excessive restrictions on journalists. It made recommendations.

85. Qatar noted that Kazakhstan had taken significant steps towards the achievement of the Millennium Development Goals and the protection of human rights, including in the areas of poverty reduction and education. Noting that Kazakhstan had signed the Convention on the Rights of Persons with Disabilities, Qatar asked about the time frame for its ratification. Qatar made a recommendation.

86. Japan welcomed Kazakhstan's ratification of international human rights instruments and its cooperation with special procedures and OHCHR. Japan expressed the hope that Kazakhstan's human rights institutions would be further strengthened. Japan expressed appreciation for efforts made in the fields of education, health care and social security. Japan made recommendations.

87. Singapore congratulated Kazakhstan on improvements related to economic, social, cultural, civil and political rights. It noted that Kazakhstan had worked to strengthen the rule of law and to eradicate corruption. It commended Kazakhstan on having improved the legal framework and the quality of judicial and law enforcement personnel through training.

88. Sweden noted reports concerning restrictions on the freedom of assembly as well as Kazakhstan's plan to formulate a draft law on assembly. With regard to the law on the Internet, Sweden stated that extensive and vaguely formulated restrictions on content and registration requirements for users might limit the right of freedom of expression. Sweden made recommendations.

89. Morocco highlighted the importance of Kazakhstan's efforts to comply with its international obligations towards vulnerable groups, especially refugees and migrants, and welcomed the formulation of a draft law regarding the status of asylum seekers and refugees. Morocco noted the intention to establish a national mechanism for the prevention of torture. It also expressed appreciation for the emphasis placed on the protection of the environment. Morocco made recommendations.

90. Thailand welcomed the National Human Rights Action Plan and noted the existence of various human rights bodies, in particular the Human Rights Commissioner and the Presidential Commission on Human Rights. Thailand expressed appreciation for the fact that law enforcement and prison officials had been trained in human rights and asked

whether human rights education had been integrated into the education system. It made recommendations.

91. Armenia highlighted legislative reforms, as well as measures aimed at the reform of the justice system. Armenia welcomed the cooperation with civil society and international organizations with a view to establishing, within 12 months after acceding to the Optional Protocol to the Convention against Torture, a national preventive mechanism aimed at the monitoring of places of detention. Armenia made recommendations.

92. The delegation noted that the Law on the Prevention of Domestic Violence had been adopted in 2009. Kazakhstan planned to develop mechanisms for its implementation in consultation with non-governmental organizations. Special divisions within the Ministry for the Interior had been established to address domestic violence. There were 20 centres administered by non-governmental organizations to provide assistance to victims of domestic violence.

93. The delegation highlighted the fact that the Government programme aimed at combating human trafficking had been implemented since 2003. There was an inter-agency commission and a special division within the Ministry for the Interior to combat human trafficking. Criminal punishment had been introduced for the trafficking in persons, including children. A training centre had been established at the Police Academy to train police on that issue. As a result, the number of registered cases involving human trafficking had decreased in 2009.

94. Kazakhstan was carrying out a phased policy regarding the abolition of the death penalty. In 2003, an indefinite moratorium on the death penalty had been declared, and in 2007 the number of the categories of crimes for which it could be imposed were reduced. In addition, the amended Constitution stipulated that the death penalty was an extraordinary measure of punishment for acts of terrorism entailing the loss of life, in particular grave crimes committed during time of war.

## **II. Conclusions and/or recommendations**

**95. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Kazakhstan:**

- 1. To accomplish human rights voluntary goals as established by Human Rights Council resolution 9/12, including the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (Brazil);**
- 2. To sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);**
- 3. To consider ratifying (Slovenia)/ratify (Republic of Korea) the Convention on the Rights of Persons with Disabilities;**
- 4. To consider ratifying the Convention on the Rights of persons with disabilities, to which Kazakhstan is already a signatory, although the ongoing work being done in the country to protect the rights of persons with disabilities are noted (Thailand);**
- 5. To establish an effective and inclusive process that includes independent non-governmental organizations, not funded by Governments, to follow up on the recommendations resulting from the present review (Norway);**

6. To involve civil society organizations in its follow-up to the universal periodic review (United Kingdom of Great Britain and Northern Ireland);
7. To cooperate closely with the United Nations High Commissioner for Refugees with regard to the status of refugees and asylum seekers (Belgium);
8. To continue its cooperation with the United Nations and other international organizations to strengthen human rights (Lao People's Democratic Republic);
9. To continue its work to ensure the further refinement of laws aimed at protecting children's rights in order to step up criminal and administrative responsibilities for crimes and offences committed against children or involving children in crime (Kyrgyzstan);
10. To strengthen measures and enact specific legislation to combat discrimination and violence against women, in particular sexual and domestic violence (Brazil);
11. To continue efforts to improve the national legislation and law enforcement measures aimed at the promotion and protection of the rights of persons with disabilities (Egypt);
12. To continue the work being done to improve national legislation and law enforcement practices in the field of protecting the rights of disabled persons, according due consideration to generally acknowledged international standards (Islamic Republic of Iran);
13. To ensure that legislation relating to the Internet and other new communication technologies respects international human rights obligations (Sweden);
14. To enact the draft law on domestic violence in full compliance with international standards (Slovenia);
15. To examine, in the context of the reform regarding the Human Rights Commissioner, the transition from the institution of the ombudsman to the establishment of an independent national human rights institution, in conformity with the Paris Principles (Algeria);
16. To review the institutions of the Human Rights Commission and the Human Rights Commissioner (ombudsperson), and to take the measures necessary to bring them into conformity with the Paris Principles (Ireland);
17. To establish a national human rights institution in accordance with the Paris Principles (Germany);
18. To establish an independent national human rights institution in conformity with the Paris Principles (Malaysia);
19. To take steps to establish an independent national human rights institution in keeping with the Paris Principles (Philippines);
20. To consider establishing a national human rights institution in accordance with the Paris Principles, which should strengthen the human rights infrastructure in Kazakhstan (Thailand);
21. To introduce the post of the national ombudsman for the rights of the child with a view to the effective promotion and protection of children's rights (Islamic Republic of Iran);

22. To strengthen the authorities of the Assembly of the Peoples of Kazakhstan and to ensure that they are exercised in accordance with the purposes for which the Assembly was created (Lebanon);
23. To fully implement the National Human Rights Action Plan for the period from 2009 to 2012 (Russian Federation);
24. To fully implement the National Human Rights Action Plan, working together with civil society, and to ensure that the Plan is enshrined in law and has appropriate budgetary support (United States of America);
25. To implement the National Action Plan on human rights (Slovenia);
26. To strengthen policies promoting children's rights and the implementation of the Guidelines for the Alternative Care of Children, according to Human Rights Council resolution 11/7 and General Assembly resolution 64/142 (Brazil);
27. To implement various awareness-raising programmes, with a special emphasis on programmes for children (Hungary);
28. To strengthen measures aimed at eliminating child labour; to protect girls, children with disabilities, children in institutions and children born out of wedlock against discrimination; and to increase the attention accorded to protecting the rights of the child in the area of juvenile justice (Czech Republic);
29. To implement the programmes recommended by the World Health Organization (WHO) with a view to improving the medical assistance provided to women and children (Islamic Republic of Iran);
30. To employ all appropriate ways and means, while reiterating that human rights promotion and protection is a process, to further develop and strengthen a genuine culture of human rights, create greater human rights capacity-building and promote public awareness-raising with a view to the improved promotion and protection of human rights in society (Islamic Republic of Iran);
31. To further strengthen its measures to combat extremism in order to ensure the effective protection of human rights in the country (Viet Nam);
32. May develop a programme aimed at increasing the legal competence of the employees of correctional institutions so that they can effectively address issues pertaining to the early release of convicted persons (Sri Lanka);
33. To continue reforms aimed at the effective implementation of policies protecting and promoting human rights, through the full realization of the National Human Rights Action Plan, and by working closely with, inter alia, United Nations special procedures and mechanisms (Armenia);
34. To continue long-term policies for the successful integration into society of 650,000 ethnic Kazakhs repatriated from Asia, the Middle East and Europe (Armenia);
35. To continue its efforts to eradicate discrimination against women in all areas of life (Kyrgyzstan);
36. To continue its efforts to promote and improve the situation of women and to combat discrimination against them (Sudan);

37. To take the measures necessary to end covert gender discrimination, including domestic violence (Pakistan);
38. To ensure the use of vocabulary that does not stigmatize children with disabilities or children born out of wedlock (Slovenia);<sup>2</sup>
39. To further combat discrimination against persons with drug dependence and persons living with HIV/AIDS, particularly children (Brazil);
40. To redouble its efforts to eliminate the stigmatization of and discrimination against persons, especially children, infected and affected by HIV/AIDS (Thailand);
41. To continue the process of abolishing the death penalty, and to consider the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Philippines);
42. To establish torture as a serious crime punished with appropriate penalties, in keeping with the definition set out in the Convention against Torture (Australia);
43. To continue efforts to eliminate torture and improve the conditions of detention and the protection of the rights of detainees, and to share relevant experiences with interested countries (Algeria);
44. To continue to apply a zero-tolerance approach to torture and cruel, inhuman or degrading treatment or punishment (Germany);
45. To amend the law in order to ensure that torture is established as serious crime punished with appropriate penalties and ensure that it is brought into full conformity with the definition set out in the Convention against Torture (Germany);
46. To ensure that the recently adopted law on domestic violence is in full compliance with international standards, and to raise the awareness of legal officials regarding the need to act against violence against women within the family (Germany);
47. To further improve prison conditions (Azerbaijan);
48. To improve the standards and the situation of human rights in prisons, and to carry out an independent investigation into cases of violence in prisons (Slovenia);
49. To continue to increase its efforts to prevent and combat the trafficking in persons (Belarus);
50. To continue to apply a victim-centred approach to the fight against trafficking and consider the use of the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking as a reference tool (Philippines);
51. To introduce further measures aimed at the effective prevention and combating of human trafficking, including the continuation of the public awareness campaign and cooperation with the relevant non-governmental organizations (Japan);

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<sup>2</sup> The original recommendation read as follows: “Discontinue using vocabulary that stigmatizes children with disabilities or children born out of wedlock ” (Slovenia).

52. To continue to combat human trafficking and to make it a priority of the various governmental agencies entrusted with implementing the third action plan to combat human trafficking, for the period from 2009 to 2011 (Morocco);
53. To take measures to strengthen the independence of the judiciary, to implement existing judicial procedures and to tackle the issue of corruption in its courts (Canada);
54. To strengthen the roles of judges and defence lawyers in the criminal procedure, and to guarantee full access for defendants to the legal counsel of their choice (Czech Republic);
55. To take measures to prevent any interference in the exercise by defence lawyers of their functions, in accordance with the International Covenant on Civil and Political Rights (Spain);
56. To take measures to limit the powers of public prosecutors and bring criminal procedure into greater conformity with article 14 of the International Covenant on Civil and Political Rights (Netherlands);
57. To continue to develop the rule of law, including the independence of the judiciary and the impartiality of court processes, in order to bring legislation and practices further into line with the principles of the international legal system (Finland);
58. To impose concrete measures to ensure that courts carry out their functions in accordance with ratified international treaties (Norway);
59. To reform the judicial system in accordance with international standards regarding the administration of justice, including by reforming penal centres and the system for the administration of juvenile justice, and ensuring the independence of judges and lawyers (Mexico);
60. To continue to improve the judicial system to guarantee the rights of those in detention or in prison (Japan);
61. To adopt strict safeguards to ensure that no statement obtained through torture can be used in courts (Czech Republic);
62. To ensure that all trials, including those of terrorism suspects, comply with international standards for fair trials (Norway);
63. To further strengthen law enforcement and the judicial system in the effort to address impunity and prevent trafficking and domestic violence, as well as the sexual abuse of women and girls (Malaysia);
64. To establish effective complaint mechanisms for the victims of torture, with a special focus on persons in detention, so that any misconduct by police, prison or detention staff receives a full and independent investigation and regular punishment (Czech Republic);
65. To establish an independent monitoring mechanism for all places of detention, in keeping with the provisions of the Optional Protocol to the Convention against Torture, in order to effectively prevent torture (France);
66. To establish an independent national preventive mechanism in accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ireland);
67. To establish a national preventive mechanism that has adequate resources and is in conformity with the requirements, set out in the Optional

Protocol to the Convention against Torture, of full legal, functional and financial independence and of staff composition, immunities and privileges (United Kingdom of Great Britain and Northern Ireland);

68. May establish a national preventive mechanism for the prevention of torture in accordance with the provisions of the Convention against Torture and its Optional Protocol (Sri Lanka);

69. To support and implement the Presidential Decree for 2009-2011, on the development of the juvenile justice system (Sudan);

70. To continue its achievements in the area of freedom of religion (Kuwait);

71. To maintain an interfaith harmony, in particular the very useful initiative to hold conferences such as those held in 2003, 2006 and 2009, which brought together senior representatives of world and traditional religions (Algeria);

72. To raise the awareness of its law enforcement officials so that individuals may exercise their right to freedom of religion or belief free from harassment or threat of human rights violations (United Kingdom of Great Britain and Northern Ireland);

73. To extend the rights enjoyed by traditionally established religions to believers of non-traditional religions, and to enable them to carry out their peaceful activities free from Government interference (Netherlands);

74. To continue its advocacy for interfaith dialogue, and to share its best practices and experiences with other countries (Philippines);

75. To take concrete steps to meet obligations with regard to the creation of an environment that fosters freedom of expression (Norway);

76. To effectively investigate and prosecute violations committed against human rights defenders and journalists (Norway);

77. To make further efforts to expand the democratic space for media and civil society, in order to ensure that their freedom of expression is in keeping with international standards (Republic of Korea);

78. To continue current efforts to increase the representation of women in decision-making positions, including in Parliament and in State executive organs (Cuba);

79. To continue measures to enhance female representation in society (Azerbaijan);

80. To increase its efforts to fight unemployment, especially among young people (Sudan);

81. To continue efforts to combat child labour (United States of America);

82. To continue to adopt measures necessary for continued improvement in the delivery of social services to its population, with a view to further enhancing the social protection system for its inhabitants, in particular the most vulnerable (Bolivarian Republic of Venezuela);

83. To continue to implement measures aimed at enhancing the overall well-being of its citizens by guaranteeing their social and economic rights (Belarus);

84. To continue to make progress in implementing measures already under way to ensure universal access to health and education (Cuba);

85. To continue its efforts to guarantee social protection for persons with disabilities and their full integration into society (Kyrgyzstan);
86. To redouble efforts in the area of wealth distribution and poverty eradication, including by allocating adequate human and financial resources and by providing support and material assistance to the most marginalized and disadvantaged groups in the country (Malaysia);
87. To continue efforts to strengthen the education system in accordance with international standards, placing due emphasis on human rights education (Pakistan);
88. To introduce human rights education and training into school curriculums, in accordance with article 29 of the Convention on the Rights of the Child (Egypt);
89. To further enhance human rights education (Jordan);
90. To continue to strengthen efforts aimed at the further development of the cultures of Kazakhstan's ethnic communities (Pakistan);
91. To increase the number of schools providing education in minority languages, especially in the regions with concentrated minority populations (Ukraine);
92. To carry out all obligations arising from the Geneva Convention of 1951 on the status of refugees and the principle of non-refoulement, and to guarantee that individuals benefit from a fair and equitable trial before being returned to countries in which risks of torture, ill treatment and other serious human rights violations exist (Belgium);
93. To continue to place people at the centre of development in a harmonious society for all in order to permit further progress in the area of economic, social and cultural rights (Jordan);
94. To increase efforts to effectively meet the challenges related to the protection of the environment and the sustainable exploitation of natural resources, and to cooperate in that regard with the relevant international organizations (Qatar);
95. To continue to strengthen its efforts regarded as fundamental in assessing the impact of its economic activities on the environment (Morocco);
96. To continue its efforts to inform its citizens about their rights, and to improve the quality of the legal information disseminated by the media, including through the Internet (Kuwait);
97. To strengthen cooperation with the international community and international organizations, including the United Nation's Children's Fund, the United Nations Educational, Scientific and Cultural Organization and OHCHR, with a view to building capacity and securing technical assistance in crucial areas such as poverty eradication, justice administration, education and gender equality (Malaysia);
98. To share experiences and good practices with other countries in the areas of development and the protection of human rights (Lao People's Democratic Republic);
99. To share its experiences with other interested countries concerning its efforts to protect human rights, given all its efforts in that area (Tajikistan);

100. To share its positive experiences and best practices with other countries regarding the high level of ethnic and religious tolerance (Azerbaijan);

101. To share its experiences in the field of education with other countries (Viet Nam);

102. To share its experience regarding its innovative independent national mechanism for the prevention of torture, whose establishment could serve as an example of best practices in the fight against torture (Morocco).

96. Kazakhstan considers that recommendations Nos. 7, 8, 9, 10, 11, 12, 13, 14, 22, 26, 27, 28, 29, 31, 32, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 47, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 69, 70, 71, 72, 73, 74, 75, 76, 78, 79, 80, 81, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 above have already been implemented or are in the process of implementation..

97. The following recommendations will be examined by Kazakhstan, which will provide responses in due course, but no later than the fourteenth session of the Human Rights Council, to be held in June 2010:

1. To consider adhering to the International Convention on the Protection of the Rights of All Migrant Workers and Their Family Members (Algeria);

2. To join the declaration on sexual orientation and gender identity, while noting with congratulations the decriminalization of homosexuality (France);

3. To consider ratifying the Rome Statute of the International Criminal Court, as well as the Second Optional Protocol to the International Covenant on Civil and Political Rights (Slovenia);

4. To give yearly briefings to the Human Rights Council on the follow-up of the recommendations of this universal periodic review session as a voluntary measure (Hungary);

5. To reach out to the Special Rapporteur on Freedom of Religion and Belief to arrange a visit at the earliest possible opportunity (United States of America);

6. To carry out the necessary negotiations, within the framework of the standing invitation to special procedures, to ensure the effectiveness of visits by special procedures, in particular the Special Rapporteur on the promotion and protection of freedom of opinion and expression (Mexico);

7. To review relevant legal provisions and practices with a view to ensuring strict compliance with the principle of non-refoulement (Czech Republic);

8. To review existing legislation and enact comprehensive laws to address the trafficking in women, particularly in terms of prevention, prosecution, protection and rehabilitation (Canada);

9. To continue legislative reforms aimed at improving the electoral process before the presidential and parliamentary elections planned in 2012, by simplifying the registration procedure for political parties, ensuring opposition representation in the Central Electoral Commission and encouraging participation by ethnic minorities in order to ensure that its law, regulations and practice governing the electoral process are in keeping with the International Covenant on Civil and Political Rights (Ireland);

10. To abolish requirements for the registration of religious groups from the existing Administrative Code, in accordance with the laws adopted in 2005 on

the elimination of extremism and the strengthening national security, and to review the provisions of the Law on Freedom of Religion and Religious Associations in order to effectively guarantee freedom of belief and a non-discriminatory legal system for the registration of religious entities (Mexico);

11. To amend legislation containing libel and defamation clauses in order to ensure consistency with Kazakhstan's international human rights obligations and other relevant commitments in respect of freedom of expression and of the media (United Kingdom of Great Britain and Northern Ireland);

12. To revise the amendment to the Law on Information and Communication Networks to prevent the application of criminal legislation concerning defamation from being extended to any Internet content, and to strengthen freedom of expression and of the press with regard to political issues (Spain);

13. To continue to improve the laws dealing with freedom of expression, in particular freedom of the Internet, the media, elections and political parties, and bringing them into full compliance with international standards (Slovenia);

14. To make efforts to speedily draft and implement the new law on the right to assembly with fewer demands regarding prior registration and fewer requirements for information concerning, for example, the participants in an assembly, and to clarify policy intentions for State authorities or others entrusted with implementing decisions under the new law (Sweden);

15. To further reform the institutional framework, including in the area of the electoral process and the mass media, in order to fully ensure the democratic process in the country (Japan);

16. To abolish the death penalty in all circumstances, although the existence of a moratorium on executions, the commutation of such penalties into prison sentences, and the efforts made to restrict, in the Constitution, the application of the death penalty to a reduced number of crimes, are welcomed (France);

17. To completely abolish the death penalty and, to that end, to ratify as soon as possible the Second Optional Protocol to the International Covenant on Civil and Political Rights, as provided for in the 2009-2012 National Human Rights Plan (Belgium);

18. To introduce a moratorium on the death penalty in all cases, including penalties for the crime of terrorism and war crimes, although the abolition of the death penalty for civilians is noted with satisfaction (Spain);

19. To consider the rules for the registration of religious groups, and to take steps to promote interfaith harmony, including with regard to those faiths considered to be non-traditional in the country, in order to adhere to the Constitution and to international norms (Norway);

20. To review provisions set out in its Criminal Code criminalizing libel in order to ensure that they comply with the International Covenant on Civil and Political Rights and the standards of the Organization for Security and Cooperation in Europe, and to put an end to attempts to block Internet sites or filter their content (Czech Republic);

21. To revise its legislation on criminal libel, to limit defamation awards and to refrain from restricting access to the Internet (Netherlands);

22. To remove the provisions concerning criminal libel against journalists (Australia);
  23. To consider the decriminalization of defamation and violation of the honour and dignity of public officials, and the abolishment of criminal penalties for libel (Finland);
  24. To counter the trend towards the repression of free speech, including restrictions of web-based media (Norway);
  25. To eliminate criminal liability for defamation in the media, and to amend the civil code to ensure that any judgement in a civil libel case is reasonable and proportionate and does not result in the closure of the media outlet in question (United States of America);
  26. To discontinue the use of judicial action against journalists and media outlets, including the filing of civil and criminal libel suits (Canada).
98. All conclusions and/or recommendations set out in the present report reflect the positions of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

## Annex

### Composition of the delegation

The delegation of Kazakhstan was headed by the Deputy Prime Minister, Yerbol Orynbayev, and was composed of 23 members:

- Madina Jarbussynova, Ambassador-at-Large, Ministry for Foreign Affairs, Deputy Head of Delegation
- Mukhtar Tileuberdi, Ambassador, Permanent Representative of Kazakhstan to the United Nations
- Marat Beketayev, Vice-Minister of Justice
- Birzhan Nurumbetov, Vice-Minister of Labour and Social Protection of the Population
- Eldana Sadvakasova, Vice-Minister of Environmental Protection
- Gaziz Telebayev, Vice-Minister of Culture and Information
- Tastemir Abishev, Secretary of the Human Rights Commission under the President of the Republic of Kazakhstan
- Serik Akhmetov, Secretary of the National Commission on Women Affairs and Family Demographic Policy under the President of the Republic of Kazakhstan
- Bakhyt Meldeshev, Secretary of the Central Election Commission
- Yuri Shokamanov, Executive Secretary of the Statistic Agency
- Vyacheslav Kalyuzhny, Head of the National Centre for Human Rights
- Mukharan Amirov, Chairman of the Investigation Committee of the Minister for the Interior
- Ardak Doszhan, Chairman of the Committee on Religious Affairs, Ministry of Justice
- Raissa Sher, Chairman of the Committee on the Protection of the Rights of Children, Ministry of Education and Science
- Marklen Kamnazarov, Judge of the Supreme Court
- Elvira Azimova, Department Director, Ministry of Justice
- Arman Aydarkhanov, Director of the Department of the Organization of Medical Aid, Ministry of Health
- Andrey Kravchenko, Director of the International Law Department, General Prosecutor's Office
- Viktor Timoshenkov, Deputy Director of Department of Educational and Social Legal Work, Ministry of Defence
- Assel Utegenova, Head of Division, Department of Multilateral Cooperation, Ministry for Foreign Affairs
- Damir Satenov, Assistant of Deputy Prime Minister
- Abzal Saparbekuly, Counselor of the Permanent Mission of Kazakhstan to the United Nations