**STATEMENT**

**UPR Pre-session on Kazakhstan**

**Geneva, September 10, 2019**

This statement is delivered on behalf of Kazakhstan International Bureau for Human Rights and the Rule of Law, the human rights organization focused on protection and promotion of political rights and civil liberties, and the Coalition of Kazakhstani NGOs on UPR.

It should be noted that like during the previous cycle, while preparing the national report the State, primarily, the Ministry of Justice of the Republic of Kazakhstan, had intensive consultations with the civil society, including with the NGO Coalition on the UPR. Unfortunately, the position of the State and the civil society differs greatly on a range of issues of observance of political rights and civil liberties.

This statement addresses the following issues: (1) general issues, (2) free and fair elections, (3) freedom of assembly and association and (4) freedom of religion or belief.

First of all, I have to note that based on the results of the general assessment of the implementation of the recommendations under the UPR, the Kazakhstan NGO Coalition on the UPR obtained the following results on 147 recommendations (51 were rejected): 10 recommendations were fully implemented; 103 recommendations were partially implemented (in process); 33 recommendations were not implemented. See **slide 1**.

Despite the consistent recommendations of the members of the UN HRC, Kazakhstan has not acceded or ratified a number of human rights treaties which you can see on the **slide 2**.

***We urge the State to ratify the said international human rights treaties.***

In 2017, Article 10 of the Constitution of Kazakhstan, which previously prohibited the deprivation of citizenship, was amended so that the deprivation of citizenship is now permitted on the basis of a court decision for committing terrorist crimes, as well as for causing other serious harm to the vital interests of the Republic of Kazakhstan. Moreover, the legislation of the Republic of Kazakhstan does not allow dual citizenship. Thus, despite the UNHCR's calls for decisive measures to reduce statelessness, the Republic of Kazakhstan has not only failed to accede the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness, but has adopted legislative provisions that contribute to statelessness, as citizens of Kazakhstan deprived of citizenship will become stateless persons. **See slide 3**.

***We urge the State to repeal national legislation promoting statelessness.***

The situation with the right to participate in governing own country and to the fair free elections continues to be unsatisfactory. The political opposition is represented neither in the Parliament nor in local representative bodies. The opposition does not have effective access to nationwide media either. Election commissions at all levels do not appear to be independent, and the procedures for counting and announcing vote results are criticized fairly. For the entire time of observation, neither the local independent observers, nor election observation missions of the OSCE and the European Union recognized either the elections of the President of the Republic of Kazakhstan, or parliamentary or local elections as meeting the international standards for free and fair elections, including the presidential elections held in June 2019 in the Republic of Kazakhstan. See **slide 4**.

***We urge the State to bring the national election legislation, including laws on political parties and the media and the law enforcement practices, in line with the international standards, including the 1990 OSCE Copenhagen Document.***

Almost all recommendations on ensuring the right to freedom of association, including on the organization of trade unions were not implemented. Since 2017, the special detailed reporting has been introduced to be filed by an NGO with the specially created department – the Ministry of Information and Public Development, providing full information about a non-governmental organization, its founders, members, programs or projects, as well as additional reporting of all legal entities and individuals receiving foreign funding for legal assistance, opinion polls or research, or the collection, analysis and dissemination of any information. The independent trade unions continue to be under pressure, including in connection with the adoption of a new Trade Union Law in 2014, which caused serious criticism of the International Labour Organization and the International Federation of Free Trade Unions. The application of this law led to the liquidation of many independent trade unions, including the Confederation of Independent Trade Unions of Kazakhstan and the persecution of its president L. Kharkova and other activists. See **slide 5**.

***We urge the State to bring legislation and enforcement practice in the area of ensuring the right of freedom to association, including right to organize trade unions into line with the international standards.***

Almost all recommendations given with regard to the right to freedom of peaceful assembly, in particular. Holding peaceful assemblies is possible only with prior permission, and in all regions and cities of the Republican significance peaceful assemblies may only be held in one of the two designated places, usually in remote areas. The authorities make extensive use of “preventive detentions” and administrative arrests of organizers and potential participants in peaceful assemblies before they take place. In May-June 2019, in particular, after the elections of the President of the Republic of Kazakhstan, over 4,000 participants in peaceful protests were detained and over a thousand of them were convicted, which fact was noted by the UN High Commissioner in her speech at the opening of the 42nd session of the UN Human Rights Council. The recommendations of the UN High Commissioner for Human Rights and the UN Human Rights Committee on the creation of an international commission to investigate the tragic events in Zhanaozen and at Shetpe railway station in 2011 were never implemented. See s**lide 6**.

**We urge the State *to put in place a fundamental reform of the laws on peaceful assembly and change the law-enforcement practices, and implement a recommendations of High Commissioner for Human Rights and the UN Human Rights Committee on the full-scale investigation of the tragic events in Zhanaozen and at Shetpe railway station.***

A number of recommendations regarding the freedom of conscience, religion or belief, given in particular were also rejected by the State. The Law of the Republic of Kazakhstan on religious activity and religious associations, adopted in 2011, continues to be in force, containing a number of restrictions that do not comply with the basic principles of international human rights law. This Law and a number of by-laws issued thereunder are aimed at tightly regulating religious activity, infringe the right of everyone to jointly with others have and disseminate religious and other beliefs and act in accordance with them, violate the constitutional principle of separation of religious associations from the State with regard to disproportionate interference of the State into the affairs of religious associations, infringe the right to freedom of association and freedom of expression, introduce unreasonable restrictions on the spread of religion views, missionary work, etc. The recommendations of the UN Human Rights Committee, of the Bureau for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe, the UN Special Rapporteur on freedom of religion and belief, were not accepted by the authorities of Kazakhstan.

For a number of years after the adoption of new legislation on religious activity and religious associations, believers of various faiths, especially the small or the so-called “non-traditional” ones, are persecuted, denied registration due to their small numbers, and are held administratively liable for disseminating religious views or materials not in designated places, illegal missionary activity, etc. Sanctions range from fines to criminal prosecution for “inciting religious hatred” to long-term imprisonment. See **slide 7**.

***We urge the State to revise the Law on Religious Activities and Religious Associations and the subordinate legislation adopted thereunder, in order to bring them into line with the international standards, taking into account the recommendations of the UN Human Rights Committee, OSCE ODIHR and the UN Special Rapporteur on freedom of religion and belief.***

Thank you for your attention.