

**Responses to Recommendations**

**KAZAKHSTAN**

Review in the Working Group: 12 February 2010  
 Adoption in the Plenary: 09 June 2010

**Kazakhstan’s responses to recommendations (as of 10.08.2012):**

<b>In the Report of the Working Group:</b>	<b>In the Addendum:</b>	<b>During the plenary:</b>	<b>Summary:</b>
102 recs. accepted (among which 68 were considered as already implemented or in the process of implementation); 26 pending	Out of the 26 recs. pending, 15 accepted, 7 not accepted or rejected and 4 already implemented (n°97.5, 97.6, 97.7 and 97.9 -> no clear position)	The delegation declared accepting 121 recs. out of 128 and rejecting 7: n°97.1, 97.2, 97.3, 97.4, 97.10, 97.12 and 97.19. The 4 considered as “implemented” in the addendum are therefore accepted.	Accepted: 121 Rejected: 7 No clear position: 0 Pending: 0

**List of recommendations contained in Section II of the Report of the Working Group A/HRC/14/10:**

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

A - 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);

A - 2. To sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Spain);

A - 3. To consider ratifying (Slovenia)/ratify (Republic of Korea) the Convention on the Rights of Persons with Disabilities;

A - 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);

- A - 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);
- A - 6. To involve civil society organizations in its follow-up to the universal periodic review (United Kingdom of Great Britain and Northern Ireland);
- A - 7. To cooperate closely with the United Nations High Commissioner for Refugees with regard to the status of refugees and asylum seekers (Belgium);
- A - 8. To continue its cooperation with the United Nations and other international organizations to strengthen human rights (Lao People's Democratic Republic);
- A - 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);
- A - 10. To strengthen measures and enact specific legislation to combat discrimination and violence against women, in particular sexual and domestic violence (Brazil);
- A - 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);
- A - 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);
- A - 13. To ensure that legislation relating to the Internet and other new communication technologies respects international human rights obligations (Sweden);
- A - 14. To enact the draft law on domestic violence in full compliance with international standards (Slovenia);
- A - 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);
- A - 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);
- A - 17. To establish a national human rights institution in accordance with the Paris Principles (Germany);
- A - 18. To establish an independent national human rights institution in conformity with the Paris Principles (Malaysia);
- A - 19. To take steps to establish an independent national human rights institution in keeping with the Paris Principles (Philippines);
- A - 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);
- A - 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);
- A - 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);
- A - 23. To fully implement the National Human Rights Action Plan for the period from 2009 to 2012 (Russian Federation);

A - 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);

A - 25. To implement the National Action Plan on human rights (Slovenia);

A - 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);

A - 27. To implement various awareness-raising programmes, with a special emphasis on programmes for children (Hungary);

A - 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);

A - 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);

A - 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);

A - 31. To further strengthen its measures to combat extremism in order to ensure the effective protection of human rights in the country (Viet Nam);

A - 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);

A - 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);

A - 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);

A - 35. To continue its efforts to eradicate discrimination against women in all areas of life (Kyrgyzstan);

A - 36. To continue its efforts to promote and improve the situation of women and to combat discrimination against them (Sudan);

A - 37. To take the measures necessary to end covert gender discrimination, including domestic violence (Pakistan);

A - 38. To ensure the use of vocabulary that does not stigmatize children with disabilities or children born out of wedlock (Slovenia); **1**

A - 39. To further combat discrimination against persons with drug dependence and persons living with HIV/AIDS, particularly children (Brazil);

A - 40. To redouble its efforts to eliminate the stigmatization of and discrimination against persons, especially children, infected and affected by HIV/AIDS (Thailand);

A - 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);

A - 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);

A - 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);

A - 44. To continue to apply a zero-tolerance approach to torture and cruel, inhuman or degrading treatment or punishment (Germany);

A - 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);

A - 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);

A - 47. To further improve prison conditions (Azerbaijan);

A - 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);

A - 49. To continue to increase its efforts to prevent and combat the trafficking in persons (Belarus);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 58. To impose concrete measures to ensure that courts carry out their functions in accordance with ratified international treaties (Norway);

A - 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);

- A - 60. To continue to improve the judicial system to guarantee the rights of those in detention or in prison (Japan);
- A - 61. To adopt strict safeguards to ensure that no statement obtained through torture can be used in courts (Czech Republic);
- A - 62. To ensure that all trials, including those of terrorism suspects, comply with international standards for fair trials (Norway);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 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);
- A - 69. To support and implement the Presidential Decree for 2009-2011, on the development of the juvenile justice system (Sudan);
- A - 70. To continue its achievements in the area of freedom of religion (Kuwait);
- A - 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);
- A - 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);
- A - 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);
- A - 74. To continue its advocacy for interfaith dialogue, and to share its best practices and experiences with other countries (Philippines);
- A - 75. To take concrete steps to meet obligations with regard to the creation of an environment that fosters freedom of expression (Norway);
- A - 76. To effectively investigate and prosecute violations committed against human rights defenders and journalists (Norway);
- A - 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);

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

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

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

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

A - 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);

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

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

A - 85. To continue its efforts to guarantee social protection for persons with disabilities and their full integration into society (Kyrgyzstan);

A - 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);

A - 87. To continue efforts to strengthen the education system in accordance with international standards, placing due emphasis on human rights education (Pakistan);

A - 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);

A - 89. To further enhance human rights education (Jordan);

A - 90. To continue to strengthen efforts aimed at the further development of the cultures of Kazakhstan's ethnic communities (Pakistan);

A - 91. To increase the number of schools providing education in minority languages, especially in the regions with concentrated minority populations (Ukraine);

A - 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);

A - 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);

A - 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);

A - 95. To continue to strengthen its efforts regarded as fundamental in assessing the impact of its economic activities on the environment (Morocco);

A - 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);

A - 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);

A - 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);

A - 99. To share its experiences with other interested countries concerning its efforts to protect human rights, given all its efforts in that area (Tajikistan);

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

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

A - 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:**

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

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

R - 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);

R - 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);

A - 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);

A - 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);

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

A - 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);

A - 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);

R - 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 nondiscriminatory legal system for the registration of religious entities (Mexico);

A - 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);

R - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

A - 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);

R - 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);

A - 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);

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

A - 22. To remove the provisions concerning criminal libel against journalists (Australia);

A - 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);

A - 24. To counter the trend towards the repression of free speech, including restrictions of web-based media (Norway);

A - 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);



A - 26. To discontinue the use of judicial action against journalists and media outlets, including the filing of civil and criminal libel suits (Canada).

#### *Notes*

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

*Disclaimer: This classification is not official and is based on United Nations documents and webcast. For questions, comments and/or corrections, please write to [info@upr-info.org](mailto:info@upr-info.org)*