

Kazakhstan: Criminal Code Must Be Amended

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Mr President,

ARTICLE 19 welcomes the adoption by Kazakhstan of recommendations relating to freedom of expression during its UPR, but contrasts this against the reality on the ground, where the government is proactively restricting the free exercise of this right.

Since Kazakhstan's UPR, a new Criminal Code came into force on 1 January 2015 that places undue restrictions on freedom of expression.

The new Criminal Code retains excessive custodial penalties for defamation (Articles 130, 131) and provides up to five years imprisonment for insulting the President (Articles 378, 375). We are concerned these provisions may be abused by those in power who seek to silence dissenting voices.

We thank States who made recommendations on the decriminalisation of insult and defamation, but lament Kazakhstan's subsequent rejection of most of these recommendations. We welcome Kazakhstan's acceptance of Australia's recommendation to "ensure changes to its criminal and civil codes, decriminalize slander and libel" and call on Kazakhstan to take immediate steps to amend its legislation accordingly.

In addition, the Criminal Code creates a new offence of "dissemination of false information", contains overbroad limitations on incitement to hatred, as well as illegitimate restrictions on freedom of peaceful assembly.

We highlight Kazakhstan's acceptance of Sweden's recommendation to "cease the practice of closing, suspending or blocking opposition print publication and online sources". However, the assertion that this recommendation has been implemented already does not reflect reality. Criticism is stifled through the blocking of opposition sources and closure of media outlets. On 24 December 2014, magazine *Adam bol* was closed by a court order, for allegedly publishing war propaganda in an article, entitled "Our [people] in an alien war."

We urge Member States to hold Kazakhstan accountable to the international standards it has ratified under the ICCPR and ask that Kazakhstan now urgently implement agreed recommendations,

Thank you.